

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: Arata, Martin, Spaulding, VanderWall, Mayor Hammond

Councilman Knoles arrived at 4:02 P.M.

Councilman Adams arrived at 4:10 P.M.

Absent: None

The pledge of allegiance^{to the flag}/was given by all those present.

Reverend Stanley Brown gave the invocation.

LETTER FROM GREATER MODESTO CHAMBER OF COMMERCE RE: CENTRAL
BUSINESS DISTRICT STUDY

Kennan H. Beard, retiring president of the Greater Modesto Chamber of Commerce, stated that much of the Chamber's success the past year can be attributed to the Council's cooperation.

Mr. Beard read to the Council his letter dated January 3, 1961, which expressed the Chamber's appreciation to the Council for initiating the downtown study by Frank Cox and Associates, and offered to assume the responsibility for forming a "nucleus" committee, as recommended in the report, to guide community study and organization of an action program for the downtown area. Steps are now being taken by the Chamber to appoint such a committee. When organization is completed, it was suggested that a meeting be held of the committee, the Council, officials of the Chamber, and others interested to review the program and to clarify spheres of operation.

The City Manager introduced Cleveland Stockton, attorney, the incoming president of the Chamber of Commerce.

LETTER FROM H. L. BROOKS, SECRETARY, MODESTO IRRIGATION DISTRICT
RE: SUPPLYING ELECTRICAL ENERGY IN EASEMENTS

The City Clerk read a letter from H. L. Brooks, Secretary, Modesto Irrigation District, dated January 3, 1961, and attached resolution adopted by the District, which set forth its position in regard to the subdivision ordinance recently enacted by the Council requiring that power lines be placed in easements in alleyless subdivisions. The resolution provided that the M.I.D. will place its power lines in easements in Skylane Park Unit No. 1 Subdivision, provided the proper easements and rights of way for anchorage and other purposes are provided, because it does not wish to cause hardships or detriment to the developers, and that the District will institute legal action to test the validity of the Municipal Code requirement that power poles must be placed in easements.

Mayor Hammond stated that he was informed by Mr. Jorgensen, a representative of Skylane Park Unit No. 1 Subdivision, that the easements and rights of way referred to in the M.I.D. resolution could be cleared satisfactorily.

The City Attorney stated that the matter is now back for Planning Commission consideration insofar as Skylane Park Unit No. 1 Subdivision is concerned. Defense of the litigation will arise when the complaint is filed.

CONSIDER AWARD OF BID FOR WATER MAIN - AULSTON MANOR SUBDIVISION
1-90

Director of Public Works Ray reported that two bids were received for the extension of water mains to serve Aulston Manor Subdivision. The low offer was submitted by George Reed in the amount of \$8,149.10, which exceeds the engineer's estimate for installation by city forces by approximately 48%. He recommended that the bids be rejected and installation made by city forces, in accordance with established Council policy.

RESOLUTION NO. 61-1

A RESOLUTION REJECTING ALL BIDS AND AUTHORIZING THE WORK TO BE PERFORMED BY THE CITY FOR THE EXTENSION OF WATER MAINS TO SERVE AULSTON MANOR SUBDIVISION

Introduced by VanderWall Seconded by Spaulding
Ayes: Arata, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: Adams

ADOPTION OF ORDINANCE NO. 428-C.S., REGULATION OF WATER USING HEAT
PUMPS 1-100

ORDINANCE NO. 428-C.S. entitled

"AN ORDINANCE AMENDING SECTIONS 11-1.05 AND 11-1.07 OF CHAPTER I OF TITLE XI OF THE MODESTO MUNICIPAL CODE, RELATING TO WATER RATES AND REGULATIONS"

introduced on December 28, 1960, and having been printed and published as required by the Charter, was moved and adopted.

Moved by Spaulding Seconded by Arata
Ayes: Arata, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: Adams

REPORT ON BUSINESS LICENSE MATTERS 1-105

(a) Request by Valley Tractor Co.

The City Clerk read a letter from Emmett Crandall, President, Valley Tractor Co., requesting that the Council correct the "apparent inequity imposed on us by the Business License Ordinance." The letter listed the license fees and personal property taxes paid to the City by that firm for the past seven years, and suggested two possible amendments to the business license ordinance.

The City Manager stated that at a previous discussion on business license taxes a report submitted to the Council indicating that Fresno was on a gross receipts basis was not correct.

Director of Finance Bird stated that a major portion of Valley Tractor Co. business is the sale of heavy farm equipment outside the city. Mr. Bird stated that granting an exception for this type of business might create similar problems involving other firms, since there are numerous other kinds of businesses which deal primarily with out-of-city customers.

(b) Branch establishments

City Attorney Grimes read a memorandum, subject, "Business License Regulations: Branch License Requirements (City of Modesto vs. Herbert E. Brooks, dba Campbell Real Estate) dated January 3, 1961, which he prepared at the request of the Council.

Robert Carter, attorney at law, representing Campbell Real Estate, spoke briefly in opposition to the application of the branch business license fee to real estate branch offices, on the grounds of denial of equal protection and denial of due process. He stated that the amended business license tax ordinance provides that all businesses and branch locations which are required to be licensed by the State of California shall be required to obtain a branch license, yet dry cleaning establishments and their branch locations, licensed by the State of California, are exempted from the City's branch business license fee. This is the basis of the litigation which is pending.

The City Attorney stated that he disagrees with Mr. Carter's legal analysis of the question and believes that the validity of existing city business license regulations would be upheld by the court.

Mayor Hammond stated that the intent of the business license ordinance revisions was to reduce inequities as much as possible, but it is impossible to remove them all. He said that under the new regulations revenue from business license taxes has been reduced, and cannot be reduced further. He directed that the staff prepare a report on how many branch establishments would be affected if the branch business license fee is removed and whether, in that event, consideration should be given to increasing the license fee of the main business establishment.

The City Manager stated that a report will be prepared indicating the number of branch offices and the revenue involved. This will be reviewed with the City Attorney and presented to the Council within thirty days. The trial date for the pending litigation is scheduled approximately two months away.

Councilman VanderWall requested that the staff prepare a report on the revenue derived from and the enforcement given to the licensing of wholesale trucks, based outside the City, which make deliveries in Modesto. It was his opinion that not all outside trucks were paying the license.

HEARING ON PROPOSED ANNEXATION OF THE KIRKPATRICK ADDITION, 4:30 P.M.
3-115

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

The City Clerk reported that the notice of hearing was published in the Modesto Bee and Turlock Daily Journal on December 7 and 14, 1960. Notices were mailed to owners of the property in the area, and other interested parties, on December 20, 1960. No written protests were received.

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

ORDINANCE NO. 429-C.S. entitled

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

was adopted and ordered published as required by the Charter.

Moved by Arata Seconded by Knoles

Ayes: Adams, Arata, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond

Noes: None Absent: None

CLEAR PLANS FOR GOLF COURSE CLUBHOUSE FACILITIES 3-122

Sketches of the proposed golf course clubhouse facilities, utilizing the four buildings recently purchased from the State, were shown to the Council. The City Manager summarized the findings of the Council Committee, Councilmen Knoles, Arata, and Martin. The Committee recommended that separate bids be obtained on the basic unit consisting of the restrooms, clubhouse (not including eating facilities) and storage unit; and separately on the overhead shelter and on the kitchen-lunch counter arrangement. When bids are received, the Council will be in a position to approve a plan falling within the limits of available funds. Installation of vending machines was proposed as an alternative if a kitchen-lunch counter arrangement proves too costly.

Councilman Arata stated that vending machines do not bring in much revenue, and if such installation is decided upon, some compensating adjustment in the golf professional's salary may need to be considered.

The City Manager suggested that he meet with the Council Golf Course Clubhouse Committee, and Andy Silva, the golf professional, to discuss the kitchen facilities of the proposed clubhouse.

MOTION

That the staff be authorized to prepare specifications and call for bids on the basis outlined by the City Manager.

Moved by Martin Seconded by Knoles Unanimously carried

REPORT BY COUNCIL COMMITTEE ON SELECTION OF ARCHITECT FOR AIRPORT CONTROL TOWER 4-80

The City Manager reported that the Council Committee appointed to select an architect for the Airport control tower has recommended that the firm of Bomberger & Abst be hired to perform the work.

MOTION

That the firm of Bomberger & Abst be employed as architect for the Modesto City-County Airport control tower and that the staff be directed to prepare the necessary agreement for Council approval.

Moved by Martin Seconded by Adams Unanimously carried

RESOLUTION TO AMEND SECTION 7 OF THE SALARY RESOLUTION TO PROVIDE FOR PAYMENT OF PARKING ENFORCEMENT OFFICERS WHO TAKE FIRE TRAINING AND REPORT TO FIRES, IN THE SALARY RANGE OF FIREMEN 4-100

RESOLUTION NO. 61-2

A RESOLUTION AMENDING RESOLUTION NO. 60-27 ENTITLED "A RESOLUTION ESTABLISHING SALARY SCHEDULES AND FIXING THE COMPENSATION FOR POSITIONS IN THE CITY SERVICE"

Introduced by Spaulding Seconded by Knoles
Ayes: Adams, Arata, Knoles, Martin, Spaulding, VanderWall,
Mayor Hammond
Noes: None Absent: None

REPORT ON PIGEON CONTROL PROBLEM 4-105

The City Manager summarized a report from Chief of Police Bowers, subject, Pigeon Control, dated December 30, 1960. Approximately 1,000 pigeons have been eliminated through services of a commercial pigeon trapper for a two-week period, plugging up roosting and nesting places of the birds, destruction of nesting places in various areas of the City, and trapping and shooting by the poundmaster. This will be a continuing program.

CONSIDER RESOLUTION FOR USE OF CITY OWNED PROPERTY AT 1415 SUTTER BY CITY EMPLOYEE 4-116

The City Attorney stated that the proposed resolution has been recommended by the Director of Finance in discussions with the Director of Public Works, and approved by the Manager. This property is located near the sewage treatment plant and it would be advantageous to the City, from the standpoint of emergency or standby purposes, to have a sewage treatment plant employee occupy the house. Floyd Huss, an employee, wishes to use the house. Since the City cannot lease the house to an employee because of conflict of interest, the resolution establishes a reasonable rental value of the use of the house at \$40 per month and provides that this amount be deducted from the employee's salary as a part of his compensation.

RESOLUTION NO. 61-3

A RESOLUTION ESTABLISHING THE REASONABLE RENTAL VALUE OF THE RESIDENCE OWNED BY THE CITY LOCATED AT 1415 SUTTER AVENUE, MODESTO, AND AUTHORIZING FLOYD HUSS, A CITY EMPLOYEE, TO OCCUPY THE PREMISES FOR RESIDENCE PURPOSES AS A PART OF HIS COMPENSATION IN CONNECTION WITH HIS EMPLOYMENT AT THE CITY SEWAGE TREATMENT PLANT

Introduced by VanderWall Seconded by Adams
Ayes: Adams, Arata, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: None

CLEAR PRESENTATION OF ADMINISTRATIVE REPORTS TO THE COUNCIL

The City Manager reported that the Charter requires that the City Manager make a report on city administrative activities each fiscal year. The Council has previously indicated that the departmental activity summaries submitted annually suffice for this purpose, and copies have been sent to the Council as they are prepared by the various departments.

MOTION

That the summary activity reports of the City Departments be accepted as constituting the annual administrative report of the City Manager to the City Council.

Moved by Spaulding Seconded by Knoles Unanimously carried

STATEMENT BY MAYOR HAMMOND ON 1961 PROGRAM 5-15

Mayor Hammond read the following statement:

January 4, 1961

"In 1951 the voters of the City of Modesto approved a new charter, adopting the Council-Manager form of government. Now in 1961, 10 vigorous years later, I believe it would be timely and wise to "take stock" of how far we have come--of what we have done and not done and what lies ahead. I would like to recommend that we do the following:

1. Make a Ten Year Review of the progress we have made and the projects and programs completed;
2. List the major community needs yet to be met; and
3. Work out together a logical program for meeting those needs.

"During these past ten years we have made major progress in some fields:

We have provided basic sewage disposal facilities;

Adjacent areas desiring to be a part of Modesto have been added to our city, doubling its population and its area;

A general plan for the area has been adopted to help guide development;

We have built the long-needed new city hall, a new 18-hole golf course, a new airport runway--in cooperation with the County; and a swimming pool at Downey High--in cooperation with the Schools;

We have improved McHenry Avenue--in cooperation with property owners and the State;

The first drainage district in many years has been completed, and engineering completed for others;

Many other improvements have been provided--new parks, new streets, new water lines and wells and traffic signals.

"In the urgency and pressure of doing many things, we have had to defer others which are also important--perhaps in the long run even more important--simply because we couldn't do them all at once. The Council has established the Deputy City Manager position to help free more of the Manager's time for such matters.

"Projects authorized or under way include:

A communications center;

A control tower at the airport;

Land for an adequate corporation yard;

A swimming pool at the Junior College (in cooperation with the Schools);

"Precise plans" for street trees, park and recreation facilities, streets and highways, to implement the General Plan;

Proposals for protecting and improving two neighborhoods, for improving the downtown business district, for removing the Tidewater Southern Railway tracks from 9th Street; and

Analysis of water service facilities.

"Still badly needed are:

A police building;

A community auditorium (a Chamber of Commerce Committee has submitted its report, and means of financing are being analyzed);

A review of our status in disaster and civil defense preparedness;

Clearance of the city's present and long-range water rights and water supply;

Railroad grade separations to handle freeway traffic desiring to enter Modesto's central area;

A check of the provisions of the City Charter, in the light of these first ten years, to see if there are areas where changes are indicated;

And, of course, more street improvements, more drainage, more water and sewer lines, and a program for extending city services to keep pace with growth.

"As we look forward to tackling these problems, we need to weigh again their relative values and urgency. And we need to recognize again the triple obligation of the city:

To provide facilities and services the city needs;

To provide them within the limits of what the people are willing to pay;

To provide them on an efficient and economical basis.

"To help us weigh these responsibilities and make the proper determinations, I believe we need to draw heavily upon citizen assistance--to avail ourselves of the strength and wisdom and community understanding of the people of Modesto. We need to bring up to date the recommendations of the Forward Modesto Committee, and take another comprehensive look ahead. We need to tie in our findings with the annual up-dating of this city's six-year Capital Improvement Program which is currently getting under way and which will be reviewed this spring by the Planning Commission and the City Council.

"Right now, besides the members who serve year-round on City Boards and Commissions, citizens' groups are actively at work on problems of sidewalks, zoning, and subdivisions. Other such groups are currently being organized to help work out improvements to the downtown business district and to Yosemite Boulevard. Modesto has gained national recognition in the field of citizen interest and participation, and with the help of many citizen groups has established a notable record for sound, efficient government. We need to continue to use to the fullest extent possible our "natural wealth" of individual willingness to serve.

"We need also to work closely with representatives of other public agencies--the County, the Schools, the Modesto and Turlock Irrigation Districts, and others--to plan ahead, to foresee wisely, and to take into account and give direction to the mushrooming problems of growth and change which lie ahead for all of us. The challenge of the future will take the very best we can muster in mind and spirit and in willingness to share the load,---and the sooner we get started the better."

MOTION

That the Mayor's report be accepted as a basis of action.

Moved by Adams Seconded by Martin Unanimously carried

REPORT ON DEPARTMENTAL IMPROVEMENT PROJECTS 5-75

Public Works Department

Director of Public Works Ray reported that an Associate Engineer has resigned from his department. The resignation coincides with the essential completion of plans and specifications for relocation of utilities in conjunction with 99 freeway construction, which entailed a considerable amount of work. In view of the above, the Public Works Department staff has been reorganized on the basis of only two associate engineers, one in charge of office design work and the other in charge of engineering field work. While it is possible that additional help will be needed in the future, an attempt will be made to operate with just two associate engineers as long as possible.

Councilman Spaulding commended Mr. Ray for reorganizing his staff in the interests of cutting costs.

Finance Department

Director of Finance Bird stated that his department is in the process of installing IBM equipment and procedures. Although not all the new equipment has been received, through the courtesy of

some local firms who are assisting by letting the city use their equipment, on January 5, 1961, the City's first payroll will be run on the IBM system. City Finance Department employees have received advance training in the new procedures by attending Junior College night courses, and taking specialized courses which the IBM Corporation provides. The next step will be the installation of a water billing system on punch cards.

CONSIDER RE-LEASING OF SMALL 12TH & I STREET PARKING LOTS 5-110

The City Manager reported that Title Insurance and Trust Co. (formerly Stanislaus County Title Company) has offered the City a one-year lease at \$75 per month for the 12th & I Streets parking lot. This lot has been used by the City on a month to month basis since September, 1958, and has the second highest income per meter in the City at \$160 per year. He recommended that the lease be approved.

RESOLUTION NO. 61-4

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND TITLE INSURANCE AND TRUST COMPANY FOR LEASE OF TWELFTH AND I STREET PARKING LOT

Introduced by Spaulding Seconded by Adams
 Ayes: Adams, Arata, Knoles, Martin, Spaulding, VanderWall, Mayor
 Hammond
 Noes: None Absent: None

CLEAR REQUEST OF MERCHANTS ASSOCIATION FOR CITY ASSISTANCE WITH CHRISTMAS DECORATIONS 5-125

The following requests made by John Sutton, President, Downtown Merchants Association, were considered by the Council:

- (1) The use of city equipment and an operator on January 8, 1961 to assist in the removal of Christmas decorations;
- (2) Storage facilities for the Christmas fixtures, formerly kept in Mancini Hall, which is no longer available.

The City Manager recommended that approval be granted for the use of the equipment and an operator on January 8, since the decorations are a community service. He stated that storage might be made available either at the old city hall, the Phoenix Avenue Fire Station, or in the City Hall under-sidewalk storage area, but only on the basis that the decorations might have to be moved.

MOTION

That the staff be authorized to furnish equipment and an operator on January 8, 1961 to assist in the removal of Christmas decorations, and that storage for the decorations be provided on the basis determined by the City Manager.

Moved by Martin Seconded by VanderWall Unanimously carried

CONSIDER REQUEST OF CITY EMPLOYEE FOR RECONSIDERATION OF CITY PARTICIPATION IN SOCIAL SECURITY COSTS RESULTING FROM THE INTEGRATION 6-35

Mrs. Bua stated that she was a part-time employee from

February 3, 1958, to August 18, 1959, and was ineligible to join the City retirement system. In June, 1959, all regular full-time city employees were eligible to vote to indicate their choice to remain under the retirement system only, or integrate with Social Security. Being at this time a part time employee, she was ineligible to vote, and, if allowed, would have chosen not to integrate. She was re-employed on a full time basis on September 21, 1959 and became a compulsory member of the integrated retirement system immediately, and was notified that \$177.06 was due for Social Security benefits retroactive to January 1, 1956. She said that presently neither Social Security nor retirement deductions are being made for employes working less than half-time or retroactively to cover their earlier part-time employment if they then become full-time employees of the City. She asked that the Council consider paying a portion of the \$177.06 due -- the portion she was required to pay covering her less than half-time employment. She based her request on the fact that she subsequently learned that had her services been terminated for one day and resumed the next, she would not have been required to make the retroactive payments. She felt that either the City or the State Retirement Board was at fault in not supplying her with this information.

The City Manager stated that there were a number of employees falling in Mrs. Bua's category, but that others had wished to become eligible for the retroactive benefits.

Director of Finance Bird stated that November 1, 1959, was set as the "cutoff" date by federal law, and anyone employed full time on that date and falling in Mrs. Bua's category, was required to take the retroactive benefits.

MOTION

That the request of Mrs. Bua that the City pay a portion of the \$177.06 due for retroactive social security payments be denied.

Moved by Spaulding Seconded by Martin Unanimously carried

APPROPRIATION TRANSFERS - None

REPORTS FROM THE PLANNING COMMISSION

Request of Planning Commission for joint meeting of City-County Planning Commissions, City Council and County Board of Supervisors

Director of Planning Smeath stated that a request for commercial zoning on a major highway was referred to the Planning Commission by the County at its last meeting, and additional commercial zoning problems of this nature will be presented to the Planning Commission at its next meeting. Mr. Smeath stated that these matters are referred to the City Planning Commission by the County Planning Commission on areas located within three miles of the city limits, and it is believed that proper action on them would be implemented by establishment, by the legislative bodies concerned, of a joint City-County policy regarding commercial zoning on major highways. The City Planning Commission has suggested a joint meeting of the City and County Planning Commissions, the City Council, and the County Board of Supervisors to review this general problem and to discuss the possible establishment of such a joint policy for guidance of the two Commissions.

MOTION

That the staff be authorized to check and work out a time and place for a meeting of the City and County Planning Commissions, the City Council, and County Board of Supervisors.

Moved by VanderWall Seconded by Adams Unanimously carried

MATTERS FOR THE GOOD OF THE COMMUNITY - NoneRECOMMENDATION OF MAYOR'S SIDEWALK COMMITTEE 8-65

The City Manager read to the Council recommendations made by the sidewalk committee for furthering sidewalk construction in the city. Copies of the report were previously furnished the Council.

Councilman Martin suggested that since this is a City-County project, a copy of the recommendations be forwarded to the County Board of Supervisors asking for their cooperation and participation and any suggestions they may wish to offer.

MOTION

That the staff be directed to send a copy of the recommendations to the County Board of Supervisors, the Schools, and other interested governmental agencies for their attention and action.

Moved by Martin Seconded by VanderWall Unanimously carried

REPORT ON REQUEST TO PURCHASE CITY-OWNED PROPERTY - W. J. MASCIORINI, 201 ALTURAS AVENUE 8-105

The City Manager recommended that this matter be held over pending clarification of certain matters. Unanimous approval was given by the Council.

APPOINTMENTS TO BOARDS AND COMMISSIONS

This matter was held over until the following week by order of the Chair.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned.

Moved by Spaulding Seconded by Knoles Unanimously carried

The meeting adjourned at 5:56 P.M.

ATTEST: 
REX E. GAILFUS, CITY CLERK

Modesto City Council
January 11, 1961

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: Adams, Arata, Knoles, Spaulding, VanderWall,
Mayor Hammond .

Absent: Councilmen: Martin

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

Reverend Dale Sherwood gave the invocation.

Mayor Hammond welcomed Mrs. Knutsen and her Government in Action class from Downey High School.

LETTER FROM JARED W. HAWKINS, JR., ATTORNEY, REQUESTING ACTION
ON BEARD BROOK DRAINAGE PROBLEM

A letter from Jared W. Hawkins, Jr., attorney, dated January 3, 1961, requesting Council action regarding drainage into Beard Brook was read by the City Clerk.

Mayor Hammond read the following statement in behalf of the Council:

"The Modesto City Council shares the common concern about the dangers of pollution of any of our streams or rivers. The problem of pollution is not limited to one stream or one drain line or area; although it is recognized that one drain line or area, due to situations peculiar to it alone, could be a greater source of pollution than others. We believe it is essential that the State, County, City, and property owners and citizens' groups should join forces to protect our streams for the various activities for which they may be used. If facts developed by a responsible agency indicate special problems of pollution, then the agency responsible for that pollution should take action to correct the situation. The City accepts its responsibility in this important field. It has spent over \$2,000,000 for sewage plant facilities to help clean up the Tuolumne River, and is currently building additional units which will make the total over \$2,500,000.

"Based on information presently available, summer drainage from the McHenry drain is not adding to the level of pollution in Beard Brook or the Tuolumne River. Until it is conclusively shown that this drainage is creating a special problem, we do not believe that we can justify the expenditure of public funds for the provision of remedial measures which may not be necessary."

Jared W. Hawkins, Jr., representing Frank Rossi and Mr. and Mrs. B. R. Fitch, stated that debris of various sorts, cigars, cigarettes, oil skim from service stations, detergents, etc. are being diverted into Dry Creek by the McHenry Avenue sewer drain placed into Dry Creek by the City of Modesto. He felt that the pollution of Beard Brook should not be allowed to continue to the point where remedial measures will require a large outlay of money. Mr. Hawkins pointed out the recreational assets of Beard Brook. He requested that action be taken within the next few months.

Councilman Spaulding stated that studies indicate that the sewer drain placed into Dry Creek by the City has not added to the pollution of Dry Creek or the Tuolumne River. Agricultural lands and other residential areas also drain into Dry Creek, many of which are not in the City and over which the City has no control. He stated that the Council would not be justified in spending the taxpayers money for removal of the drain when studies by the County Health Department indicate no increased pollution in Dry Creek as a result of the drain.

The City Manager stated that reports from the County Health Department indicate that the degree of pollution in Dry Creek is the same below as it is above the drain installed by the City. Many areas, including miles of country, drain into the creek. He said that as additional pollution tests are made by the County Health Department, they will be carefully reviewed and the results brought to the attention of the Council if special action is indicated.

Mr. Ray stated that in this case it would be a relatively simple and economical matter to divert the summer waste to sanitary sewers at this time, but this would not be true of the many other areas which drain into Dry Creek. Some sanitary sewer lines are presently overloaded and would not accommodate the large amount of waste water from over-irrigation which is now being diverted into Dry Creek. Mr. Ray said that he knew of no instance where drainage waters were treated for pollution reduction and if this practice should become universal, it would cost cities billions of dollars. He further stated that the Regional Water Pollution Control Board is set up for the express purpose of controlling pollution, and he believed that any action taken by the City should be based on decisions and requirements of that Board.

MOTION

That the statement read by Mayor Hammond be accepted as the policy of the Council.

Moved by Spaulding Seconded by Arata Unanimously carried

HEARING ON IMPROVEMENT DISTRICT NO. 10

Mayor Hammond announced that the hour of 8:00 P.M. had arrived, the time set for the hearing on Improvement District No. 10.

The Mayor was advised by the City Attorney that before the hearing was opened, consideration should be given to a matter relating to the Improvement District prior to the hearing.

Director of Public Works Ray stated that since preparation of the assessment roll, two changes of property ownership have occurred, and that it was advisable to make this correction on the assessment roll prior to its adoption to eliminate future problems.

The City Attorney read a proposed resolution containing amendments to the Assessment and Diagram in Local Improvement District No. 10.

RESOLUTION NO. 974-S.P.

RESOLUTION AMENDING ASSESSMENT AND DIAGRAM IN LOCAL IMPROVEMENT DISTRICT NO. 10 OF THE CITY OF MODESTO, CALIFORNIA

Introduced by Spaulding Seconded by Arata
Ayes: Adams, Arata, Knoles, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: Martin

Mayor Hammond declared the hearing opened.

The City Clerk reported that the notice of filing of the assessment and time of hearing was published in the Modesto Bee on December 27, 1960 and January 3, 1961. Notices were mailed to all property owners in the area on December 27, 1960, and posted on the councilroom door as required. Three letters regarding the assessment were received by the City Clerk. A letter was also filed with the City Clerk by Jared W. Hawkins, Jr., attorney. The following letters were read by the City Clerk:

Letter from George Haas, 2102 Sherwood Avenue

Mr. Haas objected to a deep place left in his driveway, and protested the cost of the assessment.

W. C. Winslow, 409 Emerson Avenue

Mr. Winslow's letter protested the condition of McHenry Avenue from Briggsmore to Bowen, stating that it should be improved to its original state and the white road marking restored. The rough condition of some streets in the area was mentioned.

Ruth Robbins, 2113 Enslin

Mrs. Robbins' letter asked if there was a possibility that drainage of the sewers into Dry Creek was polluting the stream and, if so, whether the drain would be blocked.

The City Clerk stated that the Public Works Department had information on these matters.

Referring to Mr. Haas's letter, Director of Public Works Ray stated that the condition of Mr. Haas's driveway had nothing to do with the Improvement District, and Mr. Haas was so informed by letter and contacted personally. This street work was done by city crews after the Improvement District work was completed and had no connection with the District. Mr. Ray stated that this matter will be worked out with Mr. Haas.

Referring to Mr. Winslow's letter, Mr. Ray stated that Mr. Winslow has been informed that McHenry Avenue was replaced to standards established by the State Division of Highways and the street is in as good condition as it was before. The same is true

of the other streets in this area affected by the storm drain construction. Mr. Ray stated that some of the streets referred to by Mr. Winslow are in a subdivision and not a part of the Improvement District, and one street mentioned is not within the city limits.

Mr. Ray stated that the white line on McHenry Avenue referred to in Mr. Winslow's letter was replaced on January 9, 1961. This was not one of the contractor's obligations.

Letter from Mr. and Mrs. Frank Rossi, Mr. and Mrs. B. R. Fitch, filed by Jared Hawkins, Jr.

This letter, signed by the above as taxpayers, protested the City of Modesto spending funds from the General Fund of the City, or other funds of the City, for work performed in Improvement District No. 10, stating that the expenditure is unwarranted, illegal and void. It was their contention that the City's contribution of \$40,505.46 to the program, designated for the area east of McHenry Avenue, is an unauthorized expenditure and not contemplated by Resolution of Intention No. 273, or by Resolution No. 964-S.P. and Resolution No. 963-S.P. The letter also stated that the Notice of Improvement led the taxpayers to believe that the State of California, Division of Highways, would participate in the payment of \$42,931; that the City of Modesto is spending taxpayers' money in excess of that contemplated by the Notice of Improvement, constituting a wrongful and illegal payment of taxpayers money to the detriment of the taxpayers of the City.

Ed Ness, attorney at law, a representative of the special bond counsel employed by the City, stated that the following paragraph contained in Resolution of Intention No. 273 covers the points raised in the letter filed by Mr. Hawkins:

"BE IT FURTHER RESOLVED that the City Council of the City of Modesto finds that the total estimated cost of the work and improvements, including all incidental expenses, is the sum of \$264,268.00, but that there will be contributions from the City of Modesto through its general fund and through participation in a portion of the storm drainage system in McHenry Avenue by the Division of Highways of the State of California in the estimated sum of \$42,931.00 so that the estimated total amount to be assessed against property within the boundaries of the district to be created by these proceedings is estimated to be the sum of \$221,337.00."

It was Mr. Ness's opinion that the Resolution of Intention clearly set forth the intention of the agencies named to contribute the amount of \$42,931, and not necessarily the Division of Highways alone, which name happens to immediately precede that figure. It also states that the contribution will be from the General Fund of the City of Modesto and does not state the specific amount to be contributed by the City of Modesto or the Division of Highways. He stated that if one agency agrees to contribute the entire amount, the Resolution of Intention contains legal provision and justification for the City to do so.

Answering a question asked by Mayor Hammond, the City Manager stated that the City's contribution of \$40,505.46 covered the difference between the costs which could properly be assessed to the people within the District and the total cost of the project.

The drainage system was designed and built to also serve areas to the east and when developed the amount advanced by the City will be repaid by these areas.

The City Attorney asked Mr. Ness, since his office handled the proceedings of Improvement District No. 10, if he considered the proceedings valid. Mr. Ness stated that he was prepared to say the proceedings are valid and to render such an opinion to anyone who wished to purchase the bonds.

Mike Boyce, representing the owner of property at 1806 Sherwood Avenue, located on the corner of Sherwood and Briggsmore Avenues, stated that the owner was assessed \$948 which seemed high. He asked if it was true that the city paid for part of the curbs and gutters on corner property.

Director of Public Works Ray stated that the City does participate in construction costs of curbs, gutters and sidewalks on corners in developed areas, but that storm drainage assessments are computed on an area basis, and are no higher for corner properties than for others.

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

RESOLUTION NO. 975-S.P.

RESOLUTION OVERRULING PROTESTS

Moved by Adams Seconded by Knoles
 Ayes: Adams, Arata, Knoles, Spaulding, VanderWall, Mayor Hammond
 Noes: None Absent: Martin

RESOLUTION NO. 976-S.P.

RESOLUTION CONFIRMING AMENDED ASSESSMENT

Moved by VanderWall Seconded by Arata
 Ayes: Adams, Arata, Knoles, Spaulding, VanderWall, Mayor Hammond
 Noes: None Absent: Martin

REQUEST BY THE MODESTO JUNIOR CHAMBER OF COMMERCE TO HAVE A STREET BANNER ON 10TH STREET

The City Manager stated that the request has been withdrawn.

CONSIDER AWARD OF BID FOR PURCHASE OF WATER PIPE 4-80

Director of Public Works Ray stated that the low bid was submitted by Pacific Pipe Company in the amount of \$2.05 per lineal foot, for 10,000 feet of 8" asbestos cement pipe. This company took an exception to the specifications, stating that the pipe would not be hydrostatically tested here, nor would the pipe be crated for transshipment. He recommended that the next lowest offer, submitted by Viking Supply Corporation in the total amount of \$20,600 be accepted, since it fully met the specifications.

RESOLUTION NO. 61-5

A RESOLUTION ACCEPTING THE BID OF \$20,600 FROM VIKING SUPPLY CORPORATION FOR FURNISHING PIPE

Moved by Spaulding Seconded by Knoles
 Ayes: Adams, Arata, Knoles, Spaulding, VanderWall, Mayor Hammond
 Noes: None Absent: Martin

MATTERS RELATING TO THE RIGGS BUILDING 4-107

The City Attorney stated that Mr. and Mrs. Stites, tenants of the Riggs Building, have requested cancellation of their lease effective February 28, 1961. Under the terms of the agreement, the lease expires March 31, 1961. Mr. Grimes stated that if the request is approved by the Council, it will be possible for the City to begin demolition proceedings approximately one month sooner.

The City Manager stated that the remaining leases are on a month to month basis and recommended that the request of Mr. and Mrs. Stites be granted.

RESOLUTION NO. 61-6

A RESOLUTION TERMINATING LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND JOHN C. AND WINNIE L. STITES FOR LEASE OF PREMISES AT 909½ EYE STREET IN THE CITY OF MODESTO (RIGGS BUILDING)

Moved by Arata Seconded by VanderWall
 Ayes: Adams, Arata, Knoles, Spaulding, VanderWall, Mayor Hammond
 Noes: None Absent: Martin

(b) Cancel insurance on building

The City Manager recommended that the insurance on the Riggs Building be canceled as of January 1, 1961.

MOTION

That the fire insurance policy and rental guarantee policy on the Riggs Building be canceled effective January 1, 1961.

Moved by Spaulding Seconded by VanderWall Unanimously carried

Request of Ernie Gerisch to leave equipment in Riggs Building

Director of Finance Bird stated that Ernie Gerisch has requested that he be allowed to leave some restaurant equipment in the Riggs Building beyond January 15, 1961, the termination date of his lease. A written statement has been given the City stating that he will not hold the city responsible for the equipment.

MOTION

That the request of Ernie Gerisch to leave certain restaurant equipment in the Riggs Building beyond January 15, 1961 be approved, the equipment to be moved prior to the demolition of the building.

Moved by Arata Seconded by Adams Unanimously carried

RESOLUTION CALLING FOR BIDS FOR REMOVAL OF RIGGS BUILDING
9TH STREET LOT 5-5

RESOLUTION NO. 61-7

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR REMOVAL OF RIGGS BUILDING (9th Street Lot)

Moved by Spaulding Seconded by Knoles
Ayes: Adams, Arata, Knoles, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: Martin

February 7, 1961, at 2:00 P.M. in the City Clerk's Office was set as the time and place for opening of bids.

CONSIDER INFORMAL BIDS FOR STREET SWEEPER 5-10

Director of Public Works Ray stated that informal bids have been received for Wayne, Elgin and Mobile street sweepers, which include a trade-in on an old Elgin sweeper no longer operative. Mr. Ray stated that only the Wayne and Elgin models should be considered because the street sweeping conditions in the central business district require a shorter turning radius than provided by the Mobile sweeper. The net offers are: Wayne, 520 sweeper, \$10,369.28; Wayne, 550 sweeper, \$11,050.48; Elgin White Wing, \$9,960; Elgin Street King, \$13,523.36. Sales tax is included in the above figures. Mr. Ray said that the City has operated Elgin and Wayne sweepers for several years. Records indicate that an Elgin conveyor belt (costing \$474) has had a life range of from 10,600 to 11,500 miles, whereas a Wayne conveyor belt (costing less) has had a life range of 33,000 miles. The gutter brooms of the Wayne sweeper are mounted in front of the front wheels, and records indicate that this arrangement saves the average replacement of one tire per year. Mr. Ray listed other advantages of the Wayne sweeper. He recommended that the Wayne No. 550 model be purchased. \$11,670 has been budgeted for this purpose.

MOTION

That the staff be authorized to purchase a Wayne No. 550 Model Street Sweeper at a cost of \$11,050.48.

Moved by Adams Seconded by Spaulding Unanimously carried

ORDINANCE AMENDING THE MUNICIPAL CODE RELATING TO SEWER AND WATER SERVICE TO CHURCHES

The City Attorney stated that the proposed ordinance amends present regulations to require that churches be charged for water and sewer service.

ORDINANCE NO. 430-C.S. entitled

"AN ORDINANCE AMENDING SECTION 5-6.206 OF ARTICLE 2 OF CHAPTER 6 OF TITLE V OF THE MODESTO MUNICIPAL CODE, ADDING SECTION 11-1.08.1 TO CHAPTER I OF TITLE XI, AND AMENDING SECTION 11-1.11 THEREOF RELATING TO WATER AND SEWER SERVICE CHARGES FOR CHURCHES AND PARSONAGES"

was introduced and ordered printed and published as required by the Charter.

Moved by VanderWall Seconded by Spaulding
 Ayes: Adams, Arata, Knoles, Spaulding, VanderWall, Mayor Hammond
 Noes: None Absent: Martin

CLEAR ADDITIONAL PAYMENTS DUE ON CITY HALL FURNISHINGS 5-78

The City Manager stated that at the time the last payment was made to the four dealers from whom the city hall furnishings were purchased, \$2,872.14 (20%) of the amount due was retained by the City until completion of deliveries and correction of discrepancies. Mr. Miller recommended that \$2,327.14 be paid to the four firms, and a balance of \$545 be retained to cover additional items not yet completed.

MOTION

That the sum of \$2,327.14 be paid the four firms for city hall furnishings, and the sum of \$545 retained to cover items not yet completed.

Moved by Spaulding Seconded by Knoles Unanimously carried

CONSIDER RESOLUTION APPOINTING PAULINE STANLEY ACTING CITY CLERK AND AUDITOR DURING THE ABSENCE OR DISABILITY OF THE CITY CLERK 5-85

RESOLUTION NO. 61-8

A RESOLUTION APPOINTING PAULINE P. STANLEY ACTING CITY CLERK AND AUDITOR OF THE CITY OF MODESTO DURING THE ABSENCE OR DISABILITY OF THE CITY CLERK AND AUDITOR

Moved by Spaulding Seconded by Knoles
 Ayes: Adams, Arata, Knoles, Spaulding, VanderWall, Mayor Hammond
 Noes: None Absent: Martin

REVIEW OF SUGGESTIONS MADE IN MAYOR'S STATEMENT PRESENTED
 JANUARY 4, 1961 5-95

Mayor Hammond read a letter written by him, addressed to Kennan Beard, Chairman, Executive Board, Greater Modesto Chamber of Commerce, dated January 11, 1961, expressing Council appreciation of the Chamber's interest in community development and its willingness to assume responsibility for forming a "nucleus" committee to guide community study and organization of an active program for strengthening the downtown area. The letter also expressed the Council's willingness to meet with the committee whenever it wishes.

MOTION

That the letter be approved and mailed to Mr. Beard.

Moved by Arata Seconded by Knoles Unanimously carried

Possible revision of Charter

Mayor Hammond stated that this appears to be an appropriate time for the Council to review City Charter provisions and to consider whether, in the light of these first ten years of operation, there are possible changes which the community may wish to consider.

The City Manager stated that any proposed amendments would have to be in final form by February 10, 1961, in order to be placed on the ballot for the April municipal election.

The following noncontroversial items were suggested as possible amendments which might be submitted on the April ballot:

- (1) Deletion of the office of "city judge", as the office no longer exists because of the Municipal Court Reorganization Act adopted in 1952.
- (2) Amendment of Section 905 relating to limitation on officers' financial interest in contracts, since the city charter restrictions are more severe than those of the state law. (The state law, according to the Attorney General, applies to all cities of the state whether or not this provision is covered in the city charter.)
- (3) Amendment of provisions requiring that any lease of city property for more than one year and any purchase of property by the city must be accomplished by ordinance.

The City Attorney stated that this provision causes undue delay.

- (4) Deletion of Article 15, Judicial System, since this entire article has been superseded by the Municipal Court Reorganization Act of 1952.

The City Attorney recommended that a citizens' committee be appointed to make a general review of the charter, and to hold public meetings to give the fullest opportunity for community presentation of ideas and suggestions. He suggested that such review should be made with full research and investigation and should not be hurried.

Councilman Spaulding concurred with Mr. Grimes' recommendation. He further suggested that a citizens' committee be appointed by the Mayor to work on the whole field of future development of the City. This would enable the Council to know what the people of the community want, and would also serve to inform the public of existing problems.

MOTION

That the staff be directed to prepare a list of noncontroversial charter amendments to be submitted on the April, 1961 General Municipal Election ballot.

Moved by Knoles Seconded by Adams Unanimously carried

Councilman Knoles stated that he liked the designation "Forward Modesto Committee" and wondered if it could be revitalized.

MOTION

That the Mayor be directed to appoint a citizens' committee to review the City Charter, to consider

future development of the City, and to bring back to the Council recommendations as to the number to be appointed, the problems involved, etc.

Moved by Adams Seconded by Knoles Unanimously carried

REPORT ON JAIL COST CONSIDERATION 6-112

Al Brink, Chairman, County Board of Supervisors, was present to discuss the jail costs with the Council.

A report by the City Manager, dated January 10, 1961, subject, "Report on Jail Costs Consideration -- Item 12, Council Agenda, January 11, 1961," copies of which were previously given to the Council, was briefly reviewed by the Manager. Copies of the report had also been furnished representatives of the Board of Supervisors and the County Administrator. He also reviewed his report previously submitted to the Council on November 18, 1960, subject, "Jail Costs," which contained a background of the circumstances which caused the increase of the per diem costs of city prisoners in the county jail. In June, 1960, the rate of \$3.12 was set by the County Board of Supervisors, to become effective July 1, 1960. The County was asked to reconsider the rate on the basis that San Joaquin County charged \$1.75 per day, and Merced County \$1.50 per day. The July, 1960 bill, totaling \$7,615.88 was paid by the City under protest, and the staff was directed by the Council to withhold payment of subsequent bills received from the County for care of city prisoners, pending further discussions with the County Board of Supervisors. The discussions were held and the Manager stated that the matter is again before the Council for review, and consideration of the unpaid bills.

Mr. Miller stated that several suggestions were made to the County: (1) That the Merced plan be used; (2) That the City pay on the basis of the additional cost incurred by the County for maintaining city prisoners.

Mr. Brink read two statements prepared by the County Administrative Department, subject, "Statement on Prisoners - Daily Rate Charges" and "Jail and Road Camp Prisoner Cost Study." He stated that the two statements were the basis of the County's decision in setting the rate at \$3.12 per day.

Mayor Hammond stated that San Joaquin and Merced Counties have recognized the substantial contribution already made by city taxpayers to the cost of county jail operations and have therefore reduced the per diem rate to what the Modesto City Council considers a more equitable rate than the one set by Stanislaus County.

MOTION

That the Public Relations Committee meet with a County Board of Supervisors Committee for further study of the rate charged by the County for the care of city prisoners.

Moved by VanderWall Seconded by Adams The motion carried

The report of the City Manager, subject "Jail Costs," dated November 18, 1960, which was reviewed at a previous meeting with representatives of the County Board of Supervisors and the County Administrator, was ordered filed.

The City Manager reported that primarily as a result of the "common drunk" law, the number of city prisoners has increased about 50 per cent. With the per diem rate increase for prisoner care, the cost to the City for prisoner care during the period July to November, 1960, was about \$47,000. The cost for a comparable number of prisoners at the old rate would be \$17,000.

REPORT ON PLANNING MATTERS

(d) Meeting on zoning policy - setting date for meeting

The City Manager briefly reviewed the request of the City Planning Commission that the County Board of Supervisors, the City Council, and the City and County Planning Commissions meet to discuss the possible establishment of a joint policy regarding commercial zoning on major highways. January 18, 1961 at 8:00 P.M. was set as the tentative date for the joint meeting, in the Multi-purpose room at the City Hall.

(a) Northern Boulevard - Briggsmore Avenue connection

The proposed design for the Briggsmore-Northern Boulevard-Prescott Road connection was displayed to the Council, and discussed by Director of Planning Smeath. The plan calls for a slight relocation of M.I.D. Lateral No. 3 and for swinging Briggsmore-Northern Boulevard, in a continuous curve, down to tie in with Prescott Road and on down into the 99 Freeway intersection.

The City Manager stated that this plan has been recommended by the City Planning Commission, approved in general principle by the County Planning Commission, referred to county engineers for cost data, and will go to the County Board of Supervisors for consideration. Mr. Miller recommended that the Council approve the plan in principle so that the proposed development of land in the area may proceed. He stated that this matter has also been discussed with the M.I.D.

MOTION

That the design for the Briggsmore-Northern Boulevard-Prescott Road connection be approved in principle, and authorizing the staff to proceed on this basis.

Moved by Spaulding Seconded by VanderWall Unanimously carried

(b) Whitmore Avenue Development

The City Manager reported that arrangements have been completed for the deeding of sufficient land to provide 50' to the center line of the street in connection with the California Vegetable Concentrates property fronting on Whitmore Avenue, in accordance with earlier Council approval.

Mr. Miller reported on the proposed expressway pattern for this area worked out between the City and County.

(c) Brighton Avenue Development

The City Manager stated that the City and County Planning Commissions, after studying the recommendations of a committee of engineers, school district officials, and representatives of County and City Planning Departments, have recommended the acquisition of a 90 foot right of way for Brighton Avenue wherever available and necessary. He displayed a map showing the proposed development of Brighton Avenue, and he pointed out the area which the Council has authorized be purchased for a park site (\$70,000 budgeted for this purpose). This development of Brighton Avenue is designed to divert heavy traffic from Coffee Road to the east of Downey High School, thus minimizing traffic in front of the school. The Manager recommended that the plan for the development of Brighton Avenue be approved in principle by the Council.

MOTION

That the plan for the development of Brighton Avenue be approved in principle, and authorizing acquisition of 90-foot rights of way on Brighton Avenue where available and necessary.

Moved by VanderWall Seconded by Arata Unanimously carried

(e) Senate Concurrent Resolution No. 26 relating to freeways and expressways

The City Manager displayed a map showing freeway and expressway routes recommended by the City and County for development in this area over a period of time in the future, and summarized briefly their status.

(f) Others - None

REPORT ON COSTS OF WATER LINE INSTALLATION 9-30

The costs of water line installations by city crews were reported by the City Manager and Director of Public Works as follows:

(a) Park Manor No. 1 Subdivision: Estimated cost, \$4,620.
Actual cost 4,535.58

(b) Downey Park, Strathmore No. 1 Subdivision and Rose Avenue: Director of Public Works Ray stated that the lowest bid received for this project was 39% above the estimate for installation by city forces. Resolution No. 59-391 was adopted authorizing that the work be done by city forces. 2,100 feet of the 10" cement asbestos pipe has not yet been installed, which would lower the estimate by \$2,940, leaving an estimate of \$8,698.53 for the work done so far. This work has been accomplished for \$6,071.46, 30% below the revised estimate for installation by city forces. A further report will be made to the Council when the work is completed.

(c) Park Manor 2A Subdivision

Estimated cost, \$1738; actual cost, \$1,762.

(d) Northgate No. 3 Subdivision

Estimated cost \$6,291.55; actual cost, \$5,147.34.

CONSIDER DETOUR ARRANGEMENTS FOR U. S. 99 FREEWAY 9-60

The Director of Parking & Traffic stated that the proposed detour arrangements cover the area from Tuolumne Boulevard on the south, to L Street on the north. Alternate overpasses for the freeway will be built originally, and when they are placed in use, the streets closed during construction of the first stage will be opened to carry traffic during the second. Each phase will encompass approximately 120 working days. Before the construction of the L Street crossing, it is proposed that the telephone line which is in L Street will be relocated in J Street. A ditch will be opened on J Street to lay the telephone line. Construction is expected to begin during the summer of 1961.

RESOLUTION NO. 61-9

A RESOLUTION APPROVING TEMPORARY STREET DETOUR ARRANGEMENTS AND TEMPORARY STREET CLOSINGS IN CONNECTION WITH THE CONSTRUCTION OF U. S. 99 FREEWAY THROUGH THE CITY OF MODESTO

Introduced by Knoles Seconded by VanderWall
Ayes: Adams, Arata, Knoles, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: Martin

CONSIDER INSTALLATION OF GUARD RAIL ON MORTON BOULEVARD AT LA LOMA BRIDGE 9-92

The City Manager reported that additional guard posts have been installed and no further action is required.

RECOMMENDATION FROM PLANNING COMMISSION ON PROPOSED ANNEXATION OF DEETER ADDITION

The City Attorney stated that the Planning Commission has recommended annexation of the Deeter Addition. There will be no change in school district boundaries although part of the territory is included within the Sylvan School District.

RESOLUTION NO. 61-10

A RESOLUTION GIVING NOTICE OF THE PROPOSED ANNEXATION TO THE CITY OF MODESTO OF UNINHABITED TERRITORY DESCRIBED HEREIN AND DESIGNATED AS DEETER ADDITION AND GIVING NOTICE OF TIME AND PLACE FOR HEARING PROTESTS THERETO

Introduced by Arata Seconded by Knoles
Ayes: Adams, Arata, Knoles, Spaulding, VanderWall, Mayor Hammond
Noes: None Absent: Martin

March 1, 1961 at 4:30 P.M. at the Council Chambers, 801 11th Street, was set as the time and place of hearing.

CONSIDER RESOLUTION REGARDING GOLF COURSE DISCRIMINATION 9-102

The City Attorney stated that the proposed resolution has been recommended by the Director of Parks and Recreation and the City Manager and is consistent with a letter from the Office of the Attorney General, which indicates that discrimination exists in some areas in connection with the administration of some golf courses by virtue of the fact that the Professional Golf Association has a racial membership restriction in its constitution. The resolution declares that the City desires to conduct and operate its public golf courses with no discrimination against citizens because of race, creed, color, or national origin.

RESOLUTION NO. 61-11

A RESOLUTION ESTABLISHING THE POLICY OF THE CITY IN THE ADMINISTRATION AND OPERATION OF CITY OWNED GOLF COURSES WITH RESPECT TO DISCRIMINATION AGAINST CITIZENS BECAUSE OF RACE, CREED, COLOR OR NATIONAL ORIGIN AND ESTABLISHING RULES IN CONNECTION THEREWITH

Introduced by Arata Seconded by Spaulding
 Ayes: Adams, Arata, Knoles, Spaulding, VanderWall, Mayor Hammond
 Noes: None Absent: Martin

APPROPRIATION TRANSFERS 9-110

The City Manager stated that an appropriation transfer of \$750 is needed to cover costs of completing the holiday pay audit being made by Mario Fovinci, the proposed transfer to be from the General Fund, General Reserve (101-600) to Miscellaneous Unclassified, Holiday Pay Litigation (65-234). This amount, together with \$175 on hand, should cover cost of completing the audit.

RESOLUTION NO. 61-12

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$750 FROM GENERAL FUND, GENERAL RESERVE (101-600) TO MISCELLANEOUS UNCLASSIFIED, HOLIDAY PAY LITIGATION (65-234) TO PROVIDE ADDITIONAL FUNDS FOR AUDIT OF HOLIDAY PAY CLAIMS

Introduced by Knoles Seconded by Arata
 Ayes: Adams, Arata, Knoles, Spaulding, VanderWall, Mayor Hammond
 Noes: None Absent: Martin

MATTERS FOR THE GOOD OF THE COMMUNITY - NoneREPORT ON STATE CHAMBER OF COMMERCE HIGHWAY COMMITTEE IN JACKSON HELD ON DECEMBER 20, 1960 9-120

The City Manager made a brief report on the State Chamber of Commerce Highway Committee meeting held in Jackson on December 20, 1960. He briefly summarized a report presented by Mr. Zettel, of the University of California Institute of Transportation and Traffic Engineering, who worked with the Collier Committee when the present program was developed. Mr. Miller briefly discussed the Breed and Mayo formulas for allocating state use tax funds for streets and highways in California. He stated that he will keep the Council informed of developments in this field.

PRESENTATION OF REPORTS 10-40(a) Files Management(b) Evaluation of insurance program

Copies of each report were distributed to the Council. The staff will review and submit a report and recommendations for action on each.

REPORT ON DEPARTMENTAL IMPROVEMENT PROJECTS 10-40

Chief of Police Bowers stated that one of the greatest causes of overtime in the Police Department has been the writing of police reports. Some police reports are required by law, others by good practice, and a substantial portion of Police Department time has been required for their preparation and handling. Chief Bowers reported that a new system has been instituted under which officers now prepare handwritten reports in the field instead of returning to the office to type them, and this is proving very satisfactory. He estimated that this system is saving the City approximately 75 to 100 hours overtime per month. Also, as of January 1, 1961, the department began using the IBM mechanical tabulation system for statistical reporting, which in the past has required the services of a full time clerk. It was his opinion that the time of this clerk can eventually be assigned to other duties. Chief Bowers said he will prepare and submit at a later date a comparison of the cost of time now spent by officers in typing required reports and the costs which would be involved in a centralized dictation system.

The City Manager stated that efforts are being made in all departments to improve methods of operation, and that additional reports will be made.

Departmental Activity Reports

The City Manager stated that some time ago the Council, at the suggestion of the staff, designated the Council Public Relations Committee to review departmental monthly activity reports with the staff with a view to their simplification. Mr. Miller said he had recently submitted for the Council's review a Police Department activity report consisting of a single page and containing only the highlights of departmental activity. He said he believes similar simplification wherever possible in all reports will eliminate much unnecessary work.

Mayor Hammond stated that he and Councilman Arata agreed that the Police Department activity report for October, 1960, established a desirable pattern for all departments to follow.

Mr. Miller stated that the basic data previously incorporated in the reports would be available when desired.

CONSIDER APPOINTMENTS TO BOARDS AND COMMISSIONS 10-108

At the request of Mayor Hammond, and with the unanimous consent of the Council, this matter was held over for one week.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned.

Moved by Arata Seconded by Knoles Unanimously carried

The meeting adjourned at 9:58 P.M.

ATTEST:



REX E. GAILFUS, CITY CLERK

Modesto City Council
January 18, 1961

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: Adams, Arata, VanderWall, Mayor Hammond
Councilman Martin arrived at 4:15 P.M.
Councilman Knoles arrived at 4:45 P.M.

Absent: Councilmen: Spaulding

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

Reverend John Becker gave the invocation.

Mayor Hammond welcomed Mrs. Knudsen and her Government in Action class from Downey High School.

INTRODUCTION OF DEPUTY CITY MANAGER, JOHN C. KEEFE

The City Manager introduced the newly appointed Deputy City Manager, John C. Keefe.

RESOLUTION NO. 61-25

A RESOLUTION APPOINTING JOHN C. KEEFE CITY MANAGER PRO TEMPORE DURING ABSENCE OR DISABILITY OF THE CITY MANAGER AND APPOINTING ALLEN GRIMES CITY MANAGER PRO TEMPORE DURING THE ABSENCE OR DISABILITY OF BOTH THE CITY MANAGER AND DEPUTY CITY MANAGER

Introduced by VanderWall Seconded by Arata
Ayes: Adams, Arata, VanderWall, Mayor Hammond
Noes: None Absent: Knoles, Martin, Spaulding

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

Council members having received copies of the minutes of the Council meetings of November 23, December 7 and 14, 1960, and the same being available for public inspection and there being no objections, the minutes were approved.

QUARTERLY REPORT OF THE GREATER MODESTO CHAMBER OF COMMERCE

A copy of the report was presented to each member of the Council. The report was ordered filed.

RESOLUTION AWARDED BID FOR PRINTING OF MUNICIPAL CODE SHEET CHANGES FOR THE YEAR 1961

The City Clerk recommended that the bid of Willey Printing Company, the only bid received, be accepted for printing revised code pages for the calendar year 1961, at a cost of \$10.82 per page.

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RESOLUTION NO. 61-13

A RESOLUTION ACCEPTING THE BID OF WILLEY PRINTING COMPANY IN THE SUM OF \$10.82 PER PAGE FOR THE PRINTING OF REVISED PAGES OF THE MODESTO MUNICIPAL CODE

Introduced by Arata Seconded by VanderWall
 Ayes: Adams, Arata, VanderWall, Mayor Hammond
 Noes: None Absent: Knoles, Martin, Spaulding

(Councilman Martin arrived at 4:15 P.M.)

RESOLUTION CALLING FOR BIDS FOR AUTOMOTIVE EQUIPMENT FOR FISCAL YEAR 1960-61 1-1

Director of Public Works Ray stated that specifications for the automotive equipment involving 6 police cars, 4 trucks, and 4 pickups have been prepared as in the past with the exception of the 1/2 Ton pickups. Specifications were prepared for American made compact 1/2 Ton Pickups for Council consideration. Mr. Ray said that consideration was also given to the possibility of retaining the old bed and hoist of one of the dump trucks, but with the cost of transfer the gain would be less than \$400 and over a period of ten years would be an insignificant gain, with the anticipated higher maintenance cost.

Mayor Hammond stated that he did not believe there was much difference in the initial cost of the standard size and compact pickups and it would be to the City's advantage to have the standard size pickup. He said he thought that although these are primarily used by foremen and supervisors, the nature of city activity is such that they also often carry loads, and over a period of time the standard size pickups would average lower maintenance costs, they would be more versatile, and would probably have a higher trade-in or salvage value.

With the unanimous consent of the Council, the matter was held over for one week to permit revision of the call for bids to include specifications for both standard size and compact pickups.

Purchase of Automobile for City Manager Use

Director of Public Works Ray stated that funds have been budgeted for the purchase of one additional car, since the one formerly assigned to the City Manager is now needed by the Deputy City Manager. Since only one car was involved, informal bids were obtained. Six bids were received, two companies submitting alternate bids. Mr. Ray listed the offers submitted, and said that the firms have indicated that they do not wish their bids publicized unless they are successful. Mr. Ray stated that the best offer appeared to be for a Chrysler Newport, with various accessories and presently in stock, for the sum of \$2873.16.

RESOLUTION NO. 61-14

A RESOLUTION APPROVING THE PURCHASE OF CHRYSLER NEWPORT FOUR DOOR SEDAN AT A COST OF \$2,873.16.

Introduced by Arata Seconded by VanderWall
 Ayes: Adams, Arata, Martin, VanderWall, Mayor Hammond
 Noes: None Absent: Knoles, Spaulding

ADOPTION OF ORDINANCE NO. 430-C.S. SETTING UP SEWER AND WATER SERVICE CHARGES FOR CHURCHES 1-105

The City Attorney stated that this ordinance establishes sewer and water service charges for churches and parsonages.

ORDINANCE NO. 430-C.S. entitled

"AN ORDINANCE AMENDING SECTION 5-6.206 OF ARTICLE 2 OF CHAPTER 6 OF TITLE V OF THE MODESTO MUNICIPAL CODE, ADDING SECTION 11-1.08.1 TO CHAPTER I OF TITLE XI, AND AMENDING SECTION 11-1.11 THEREOF RELATING TO WATER AND SEWER SERVICE CHARGES FOR CHURCHES AND PARSONAGES"

having been printed and published as required by the Charter, was moved and adopted.

Moved by Adams Seconded by VanderWall
Ayes: Adams, Arata, Martin, VanderWall, Mayor Hammond
Noes: None Absent: Knoles, Spaulding

CONSIDER MODESTO JUNIOR COLLEGE SWIMMING POOL 1-110

Director of Parks and Recreation Cowie stated that the estimated cost of an L-shape pool would be \$84,379.68, and on a 50-50 basis the City's share would be \$42,189.84, or \$7,189.84 more than the \$35,000 budgeted for this purpose. A two-pool design would cost \$92,159.20, and on the same basis the City's share would be \$46,079.60, or \$11,079.60 over the amount budgeted. In reply to Councilman Martin's question as to what kind of pool could be constructed for \$35,000, Mr. Cowie stated that a pool similar to the Downey High School pool could be constructed for \$70,000, but it would not conform to the newly changed code requirements for swimming pools.

Kenneth Kaestner, architect, stated that the present code covering swimming pool construction establishes definite depth requirements for all publicly used pools, whether privately or publicly owned. Mr. Kaestner said that a pool similar to the Downey High School pool could be built for \$70,000, but \$4,000 would have to be taken out somewhere, by reduction of area or otherwise, and in order to meet code requirements only a deck-level diving board could be used.

Mayor Hammond commented that the \$35,000 was budgeted on the basis of the cost of the Downey High School pool, which no longer meets present day requirements.

Availability of funds over the amount budgeted for the pool was discussed by the City Manager. As of December 31, \$37,211 remains in the Special Capital Outlay Fund.

Councilman VanderWall suggested that since the City uses the pool about three months of the year, and the Schools 9 months, perhaps the schools should share a larger percentage of the cost. Councilman VanderWall also pointed out that the Junior College serves students from outside the Modesto City School District.

Richard Eaton, representative of the Modesto City Schools, stated that the Board of Education has refrained from assuming any fixed percentage of City-School sharing while considering construction alternates, feeling that perhaps the Council might find a way to transfer funds and share equally in the cost of the pool decided upon.

He said that primary considerations of School representatives in recommending the two-pool design were the safety factor and the increased activities which would be made possible, such as water polo, etc.

Answering a question asked by Councilman Adams, Mayor Hammond stated that to transfer funds from other recreational projects would "short" other equally needed activities.

MOTION

That the City convey to the City Schools its willingness to share in the cost of the swimming pool at the Junior College to the extent of \$35,000.

Moved by Martin Seconded by Arata Unanimously carried

(Councilman Knoles arrived at 4:45 P.M.)

HEARING ON PROPOSED VACATION OF ALLEY IN BLOCK 925

Mayor Hammond announced that the hour of 4:30 P.M. had arrived, the time set for consideration of the hearing on the proposed vacation of alley in Block 925, and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Bee on January 6, 1961; notices were posted in the area on the same day. No written protests have been received.

Director of Planning Smeath stated that this alley is located in Block 925, north of Del Monte Avenue and west of Del Vale Avenue. No utility poles are located in the alley. There is a city sewer and water line in the alley. The owners whose properties abut on the alley have agreed to integrate the alley with their residential lots by landscaping, and construct a fence down the alley, separating their properties, at a mutually agreed upon location. The City would retain the easement rights over the alley. All utility companies have approved vacation of the alley except the M.I.D., which prefers that the alley be left open because its power lines lead across the alley into the next block. Mr. Smeath stated that the alley was approximately 110' long.

The Planning Commission recommended vacation and abandonment of the alley by Resolution No. 637 and amending Resolution No. 666.

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

RESOLUTION NO. 977-S.P.

A RESOLUTION VACATING AND ABANDONING ALLEY IN BLOCK 925 IN THE CITY OF MODESTO

Moved by Arata Seconded by VanderWall
 Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Hammond
 Noes: None Absent: Spaulding

REQUEST FOR VARIANCE TO RETAIN BLACKTOP SURFACING IN SIDEWALK
AREA AT 1320 LA LOMA - H. W. JORGENSEN 3-110

The request of H. W. Jorgensen for a variance permitting him to retain the blacktop surfacing he installed in the sidewalk area of his property at 1320 La Loma Avenue was presented to the Council by Director of Public Works Ray. Mr. Ray stated that the violation came to the attention of the Public Works Department on November 16, 1960, at which time Mr. Jorgensen was advised that the surfacing was in violation of the Municipal Code and he was given the choice of three courses of action to follow: (1) Remove the blacktopping; (2) Construct a concrete sidewalk; (3) Request a variance. The total curb and gutter frontage on this block is 735 feet; curb and gutter has been constructed along 274 feet of the frontage, and 135 feet of sidewalk constructed at the south end of the block. Mr. Ray recommended that the request for variance be denied, and that the property owner be required to remove the materials and either place the sidewalk area in satisfactory condition or install a concrete sidewalk in accordance with Municipal Code requirements. Approximately 80 feet of sidewalk area is involved.

Robert Graser, representing Mr. Jorgensen, explained to the Council the circumstances surrounding the installation of the blacktop material, pointing out the safety hazards involved if the blacktopping is removed. He stated that it was not clear to him who would be liable if someone is hurt in the sidewalk area because the City was not maintaining it. As an insurance agent and interested in safety factors, he could not see the advantage of digging out the blacktopping and filling in the holes with mud.

Mayor Hammond stated that the City is liable for claims resulting from accidents occurring in sidewalk areas, and in order to minimize the burden of expense to the community which this liability represents, certain construction requirements have been established by ordinance. Asphaltic materials, bricks, and other materials of this nature are not permitted in sidewalk areas.

The City Attorney stated that he did not want to hazard an opinion on the liability in this particular spot until he knew the exact status of the public right of way and other facts. He said that improperly constructed sidewalks could contribute to liability on the part of the City, and on the other hand it was possible that the same thing could occur with holes. It was his opinion that the basic question being considered by the Council was the requirements the City has established for sidewalk areas, and not the insurance factor.

Answering a question asked by Councilman Adams, Mr. Ray said that there was no specific sidewalk program set up for this street or area at this time.

MOTION

That the request of H. W. Jorgensen for sidewalk variance at 1320 La Loma Avenue be denied.

Moved by Mayor Hammond Seconded by Knoles Unanimously carried

INFORMATION CONCERNING POSSIBILITY OF DEVELOPING A HIGH QUALITY TRAILER COURT IN MODESTO 4-125

A copy of a report, subject, "Information Concerning Possibility of Developing a High-Quality Trailer Court in Modesto City," dated December 2, 1960, previously furnished the Council, was ordered filed.

CHANGES IN THE MODESTO INDUSTRIAL PARK GENERAL DEVELOPMENT PLAN

The City Attorney stated that when this matter was before the Council on November 23, 1960, the action taken at that time did not complete the changes necessary to meet the requests of the Tidewater Southern Railroad Company in connection with its sale of property to the California Vegetable Concentrates Co. It is now requested that two other proposed streets adjoining the new California Vegetable Concentrates property, be eliminated from the requirements of the Industrial Park Plan. The proposed resolution provides for elimination of three roads as a part of the sale of the property by Tidewater Southern Railroad Company to California Vegetable Concentrates Co., on the basis that the latter company will agree with the City as to the number and location of entrances to its property along Whitmore Avenue, and the Tidewater Southern Railroad Co. finds the north-south road unnecessary and agrees to develop the full east-west road on its own land, if and when such a road becomes necessary. Mr. Grimes said that the resolution also provides for amendment of the General Development Plan for the development of the Modesto Industrial Park.

RESOLUTION NO. 61-15

A RESOLUTION AMENDING MODESTO INDUSTRIAL PARK GENERAL DEVELOPMENT PLAN

Introduced by Knoles Seconded by Adams
Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Hammond
Noes: None Absent: Spaulding

RESOLUTION RELEASING IMPROVEMENT BOND FOR PARK MANOR NO. 2A SUBDIVISION

The City Manager reported that all work required under the Park Manor No. 2A Subdivision Agreement has been completed and all fees paid. He recommended that the Council accept the work as complete and the release of the improvement bond be authorized.

RESOLUTION NO. 61-16

A RESOLUTION AUTHORIZING THE RELEASE OF THE GREAT AMERICAN INSURANCE COMPANY CONTRACT BOND FILED TO GUARANTEE IMPROVEMENTS IN PARK MANOR NO. 2A SUBDIVISION

Introduced by Martin Seconded by Arata
Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Hammond
Noes: None Absent: Spaulding

RESOLUTION RELEASING IMPROVEMENT BOND FOR PARK MANOR NO. 1 SUBDIVISION

The City Manager reported that all work required under the

Park Manor No. 1 Subdivision Agreement has been completed and all fees paid. He recommended that the Council accept the work as complete and the release of the improvement bond be authorized.

RESOLUTION NO. 61-17

A RESOLUTION AUTHORIZING THE RELEASE OF THE GREAT AMERICAN INSURANCE COMPANY CONTRACT BOND FILED TO GUARANTEE IMPROVEMENTS IN PARK MANOR NO. 1 SUBDIVISION

Introduced by VanderWall Seconded by Knoles
Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Hammond
Noes: None Absent: Spaulding

RESOLUTION WITHDRAWING CERTAIN DESCRIBED TERRITORY FROM THE McHENRY-DRY CREEK FIRE PROTECTION DISTRICT - EL VECINO ADDITION

The City Attorney stated that annexation of the El Vecino Addition is now complete. The proposed resolution withdraws this addition from the McHenry-Dry Creek Fire District.

RESOLUTION NO. 61-18

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

Introduced by Knoles Seconded by Arata
Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Hammond
Noes: None Absent: Spaulding

RESOLUTION WITHDRAWING CERTAIN DESCRIBED TERRITORY FROM THE WOODLAND FIRE PROTECTION DISTRICT - CORNWELL ADDITION

The City Attorney stated that the annexation of the Cornwell Addition is now complete. The proposed resolution withdraws this addition from the Woodland Fire Protection District.

RESOLUTION NO. 61-19

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

Introduced by VanderWall Seconded by Arata
Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Hammond
Noes: None Absent: Spaulding

AGREEMENT BETWEEN CITY AND ROBERT BIENVENU FOR RENDERING OF LEGAL SERVICES TO THE CITY ON A HALF-TIME BASIS AT THE RATE OF \$500 PER MONTH 5-30

The City Attorney stated that he wished to file with the City Clerk a copy of his memorandum dated January 3, 1961, Subject, "Standards of work in the City Attorney's Office", which sets forth developments in the city attorney's office during the past ten years and the background for the matter now before the Council. The report contained three possible solutions for the Council to consider and the reasons for bringing the matter to the Council's attention. This matter was discussed at an executive session held on January 11, 1961, and possible alternatives considered. Mr. Grimes outlined an

agreement between the City and Robert Bienvenu for the rendering of legal services to the city on a half-time basis at a salary of \$500 per month, all of the work to be performed in the office of the City Attorney in the City Hall under the immediate supervision and direction of the City Attorney. The agreement may be terminated by either party by thirty-day prior written notice, and is to be effective February 1, 1961.

The City Attorney stated that during the past three years special and general contract legal assistance has been employed to help with the increased work load. Mr. Grimes felt that with this arrangement and with the addition of a secretary, his office would be in a position to handle all of the legal matters of the city and eliminate the necessity of hiring special counsel other than in those situations required by law, such as Improvement Districts.

RESOLUTION NO. 61-20

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND ROBERT BIENVENU FOR RENDERING OF LEGAL SERVICES TO THE CITY ON A HALF-TIME BASIS

Introduced by Adams Seconded by Knoles
Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Hammond
Noes: None Absent: Spaulding

(a) Appropriation transfers to provide extra personnel and equipment for City Attorney's Office

The City Attorney stated that a transfer of funds was necessary for the salaries for the services of Mr. Bienvenu and a secretary, and office furniture and fixtures; \$2625 from the Special Capital Outlay General Reserve (321-600) to City Hall Parking and Garage (502) and \$2995 from the General Fund, General Reserve (101-600) to Salaries and Wages, regular (110) and Services, Professional and Others (235).

RESOLUTION NO. 61-21

A RESOLUTION APPROVING APPROPRIATION TRANSFERS TO ACCOMMODATE EMPLOYMENT OF A PART TIME CITY ATTORNEY AND A FULL TIME SECRETARY

Introduced by Knoles Seconded by Arata
Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Hammond
Noes: None Absent: Spaulding

RESOLUTION AUTHORIZING AGREEMENT FOR PERIMETER STREET LIGHTS IN SHERWOOD MANOR SUBDIVISION 5-90

The City Manager stated that the letter agreement provides that the City pay for a portion of the installation of perimeter street lights in Sherwood Manor Subdivision in the amount of \$624.75. Mr. Miller said that a transfer of funds is also necessary.

RESOLUTION NO. 61-22

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND ROBERT P. BOMBERGER FOR PERIMETER STREET LIGHTS IN SHERWOOD MANOR SUBDIVISION

Introduced by VanderWall Seconded by Knoles
Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Hammond
Noes: None Absent: Spaulding

RESOLUTION NO. 61-23

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$625 FROM SPECIAL CAPITAL OUTLAY FUND, GENERAL RESERVE (600-321) TO SPECIAL CAPITAL OUTLAY, PERIMETER STREET LIGHTS (503-321) FOR PERIMETER STREET LIGHTS IN SHERWOOD MANOR SUBDIVISION

Introduced by VanderWall Seconded by Adams
Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Hammond
Noes: None Absent: Spaulding

APPROPRIATION TRANSFERS - None

MATTERS FOR THE GOOD OF THE COMMUNITY 5-110

RESIGNATION OF COUNCILMAN THOMAS SPAULDING

Mayor Hammond read a letter of resignation from Dr. Spaulding dated January 17, 1961.

MOTION

That the resignation of Councilman Spaulding from the City Council be accepted.

Moved by Arata Seconded by Adams Unanimously carried

RESOLUTION NO. 61-24

A RESOLUTION COMMENDING DR. THOMAS M. SPAULDING FOR OUTSTANDING SERVICES RENDERED TO THE CITY OF MODESTO

Moved by Martin Seconded by VanderWall
Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Hammond
Noes: None Absent: Spaulding

The City Attorney stated that the Charter requires the Council to appoint a replacement for Councilman Spaulding forthwith, and since the Charter does not provide for filling by appointment the unexpired term of a resigning Councilman, the person appointed will be obligated to run for office in the next General Municipal Election to be held in April if he desires to continue in office. Nominations for the coming election are open from January 26 to February 16, 1961.

CONSIDER REPORT ON SUBMISSION OF CHARTER AMENDMENTS 6-30

The City Attorney presented a report to the Council, cleared with the City Manager, recommending five specific Charter amendments to be placed on the April 11 General Municipal Election ballot, implementing a report submitted to the Council on January 13, 1961. The report listed proposed amendments to Sections 717, 900, 905, and 1312, and deletion of Article XV, Sections 1500 through 1510, inclusive. The proposed changes were reviewed by Mr. Grimes.

In reference to the proposed amendment to Section 905 pertaining to financial interest in contracts, Councilman Adams suggested that the proposal should contain a brief explanation of the existing state law proposed to be adopted. Mr. Grimes agreed that this would be helpful.

MOTION

That the staff be directed to prepare necessary documents to place the proposed Charter amendments on the April 11, 1961 General Municipal Election Ballot.

Moved by VanderWall Seconded by Adams Unanimously carried

PRESENTATION OF THE FINANCIAL STATEMENT FOR THE MONTH OF
DECEMBER, 1960 6-90

A copy of the Financial Statement for the month of December, 1960 was presented to the Council and ordered filed.

Councilman Martin suggested that a subtotal be carried on the "Summary of Expenditures by Departments and Funds", in order to set apart the final "Reserves" item and make percentage comparisons clearer and more accurate.

CONSIDER APPOINTMENTS TO BOARDS AND COMMISSIONS

At the request of Mayor Hammond, and with the unanimous consent of the Council, this matter was held over for one week.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned.

Moved by Arata Seconded by Knoles Unanimously carried

The meeting adjourned at 5:35 P.M.

ATTEST:


REX E. GAILFUS, CITY CLERK

Modesto City Council
January 25, 1961

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: Adams, Knoles, Martin, VanderWall, Mayor Hammond

Councilman Arata arrived at 7:39 P.M.

Absent: Councilmen: None

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

Reverend Halsted Gates gave the invocation.

APPROVAL OF MINUTES

Council members having received copies of the minutes of the Council meeting of December 28, 1960, and the same being available for public inspection and there being no objections, the minutes were approved.

LETTER FROM MRS. JANE NICHOLS, 1226 COLLEGE AVENUE, REGARDING HOUSING OF MENTAL PATIENTS IN THE RESIDENTIAL AREAS 1-18

A letter from Mrs. Jane Nichols requesting that zoning regulations be changed to exclude boarding of mental patients in residential areas was read by the City Clerk. Attached to the letter were recent newspaper clippings pertaining to criminal activities of former mental patients. The letter stated that residents in the area of College and Roseburg Avenues have been harassed by repeated petitions for a "family care home" to be located at College and Roseburg Avenues.

The letter was referred to the Planning Commission by order of the Chair.

LETTER FROM FRANK ANDREWS RE: VOTERS' RIGHTS 1-45

A letter from Frank Andrews dated January 17, 1961, regarding conflicting state laws that deny a voter the right to write in the name of his choice was summarized by the City Clerk. The letter was ordered filed.

LETTER FROM KAESTNER AND KAESTNER, INC., REGARDING ARCHITECTURAL SERVICES 1-50

A letter from Kaestner & Kaestner, Inc., Architects, requesting Council consideration of their services in future architectural projects, specifically mentioning the construction of police facilities building and auditorium, was read by the City Clerk. The letter was ordered filed.

LETTER FROM GEORGE S. REYNOLDS, MANAGER, TURNER HARDWARE CO.,
RE: PROPOSED PARKING LOT AT 10TH & H STREETS 1-55

A letter from George S. Reynolds, Manager, Turner Hardware Company, dated January 19, 1961, concerning the possibility of creating a city metered parking lot on the southwest corner of 10th and H Streets was read by the City Clerk. The letter reported that the Director of Parking and Traffic estimated the revenue from such a lot, based on 32 metered spaces, would be less than the rent. To make the lot self-supporting as far as operating expenses are concerned, commitments have been obtained from nearby tenants and property owners to make up the difference between the rent and meter revenue. Mr. Reynolds estimated that improvement costs would be \$3,500 and meter revenue and commitments would not be sufficient to amortize the investment during a 5-year lease period. Early Council approval was requested.

William Bair, Chairman of Parking Committee, Downtown Merchants Association, stated that Mr. Reynolds' letter was discussed at a meeting and full support of the Association promised with one reservation -- that either a longer term lease be arranged for so that the improvements can be amortized over the period of the lease, or larger private contributions be pledged ^{by} those interested to make possible amortization of the improvements within a five-year lease period.

By order of the Chair, the letter was referred to the staff for study and report to the Council within two weeks.

REQUEST OF JUNIOR COLLEGE FOR SERVICES OF CITY MANAGER TO TEACH
MUNICIPAL GOVERNMENT ADMINISTRATION CLASS

This matter was introduced with the unanimous consent of the Council. Les Pollard, Modesto Junior College, stated that the Junior College Adult Division, at the request of individuals within the County, will offer a course in municipal government administration for a two-hour period on Monday nights for a period of 15 weeks. Council approval was requested for the City Manager to teach the course. Mr. Pollard stated that 17 supervisory personnel from Modesto, and several from Turlock and Tracy have pre-registered for the course.

MOTION

That the request of Mr. Pollard that the City Manager teach the municipal government administration course at Modesto Junior College on Monday nights for a period of 15 weeks be approved.

Moved by VanderWall Seconded by Knoles Unanimously carried

The City Manager stated that arrangements have been made for a substitute to teach the class when there is a conflict of City interests.

RESOLUTION CALLING FOR BIDS FOR PURCHASE OF AUTOMOBILE EQUIPMENT
FOR FISCAL YEAR 1960-61 1-28

Director of Public Works Ray stated the specifications for the purchase of automotive equipment were rewritten at the request of the Council, to obtain alternate bids for both standard size and compact pickups.

RESOLUTION NO. 61-26

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR FURNISHING VARIOUS TYPES OF TRUCKS AND PASSENGER VEHICLES

Moved by Adams Seconded by Knoles
Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Hammond
Noes: None Absent: None

February 14, 1961 at 2:00 P.M. in the City Clerk's office was set as the time and place for opening of bids.

FURTHER BUSINESS LICENSE CONSIDERATION (a) (b) and (c) 2-1

With the unanimous consent of the Council, this matter was held over for one week. By order of the Chair, February 1, 1961 at 5:00 P.M. was set for the date of consideration.

RESOLUTION APPROVING LEASE AGREEMENT BETWEEN CITY AND FRED M. CAVAGNARO AT MODESTO CITY-COUNTY AIRPORT 2-30

The City Attorney stated that Mr. Cavagnaro wishes to lease approximately 18 acres of land at the Airport for a term beginning January 25, 1961 and ending June 30, 1961, for the purpose of raising oats. Proposed compensation to the City is \$2.50 per ton for the hay harvested on the leased premises, to be paid upon completion of harvest.

RESOLUTION NO. 61-27

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND FRED M. CAVAGNARO FOR LEASE OF PROPERTY AT MODESTO CITY-COUNTY AIRPORT

Introduced by Arata Seconded by Knoles
Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Hammond
Noes: None Absent: None

RESOLUTION APPROVING FINAL MAP OF BROOKDALE PARK NO. 1 SUBDIVISION

Assistant Director of Public Works Campbell stated that the final map has been filed with the City Clerk, the subdivision agreement has been signed, and a performance bond in the amount of \$55,000 posted to guarantee the improvements. He stated that it would be in order to approve the final map of Brookdale Park No. 1 Subdivision and authorize execution of agreement for the improvements.

RESOLUTION NO. 61-28

A RESOLUTION APPROVING THE FINAL MAP OF THE BROOKDALE PARK NO. 1 SUBDIVISION

Introduced by Knoles Seconded by Arata
Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Hammond
Noes: None Absent: None

RESOLUTION APPROVING FINAL MAP FOR SKYLANE PARK NO. 1 SUBDIVISION 2-50

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

FURTHER CONSIDERATION OF CHARTER AMENDMENTS 2-52

The City Attorney stated that the Council has been presented a report submitted jointly by the City Manager and City Attorney outlining five propositions for charter amendments which set forth specific proposed language for each of the amendments. A copy of a previous report was also presented indicating the basis and reasons for the proposed amendments. Direction was requested from the Council.

Councilman Adams stated that he felt some explanation was needed as to what was being deleted and what was being added, particularly the amendment relating to officers' financial interest in contracts. This could either be incorporated in the propositions or attached as explanatory literature to the ballot.

MOTION

That the draft of the proposed amendments be approved, and the City Attorney instructed to prepare the necessary resolutions to place the proposed amendments on the ballot, and to draft explanatory literature covering the proposed amendments, to accompany the ballot, and submit to Council for approval.

Moved by VanderWall Seconded by Adams Unanimously carried

HEARING ON PROPOSED ANNEXATION OF THE NEIGHBORHOOD CHURCH
ADDITION 8:00 P.M. 2-128

Mayor Hammond announced that the hour of 8:00 P.M. had arrived, the time set for consideration of hearing of the proposed annexation of the Neighborhood Church Addition, and opened the hearing.

The City Clerk reported that notice of hearing was published in the Modesto Bee and Turlock Daily Journal on December 23 and 30, 1960. Notices were mailed to all property owners in the area, and other interested parties on December 23, 1960. No written protests were filed with the City Clerk.

The City Attorney stated that the annexation has been recommended by the Planning Commission.

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

ORDINANCE NO. 431-C.S. entitled

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

was adopted and ordered printed and published as required by the Charter.

Moved by Knoles Seconded by VanderWall
Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Hammond
Noes: None Absent: None

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RESOLUTION SETTING DATE FOR HEARING ON PROPOSED REZONING OF
APPROXIMATELY 100' x 280' ON SOUTH SIDE OF ORANGEBURG AVENUE
EAST OF McHENRY AVENUE 3-19

The City Attorney reported that the Jeap Company has proposed building an apartment house on the south side of Orangeburg Avenue east of McHenry Avenue next to the Tropic Apartments. The Planning Commission has recommended that the request be granted to change the zoning from C-2 General Commercial to Multiple Family, R-3.

RESOLUTION NO. 61-29

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 (JEAP COMPANY)

Introduced by Knoles Seconded by VanderWall
Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Hammond
Noes: None Absent: None

February 15, 1961 at 4:30 P.M. in the Council Chambers was set as the time and place of hearing.

RESOLUTION SETTING DATE FOR HEARING ON PROPOSED REZONING OF BLOCK
36 BOUNDED BY K & L - 6TH AND 7TH STREETS 3-28

The City Attorney stated that Planning Commission Resolution No. 674 recommends rezoning of Block 36, bounded by K & L and 6th and 7th Streets from Multiple Family R-3 to Commercial Industrial C-M. This matter was initiated by the Planning Commission on its own behalf.

RESOLUTION NO. 61-30

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 29 OF THE ZONING MAP (BLOCK 36)

Introduced by Arata Seconded by VanderWall
Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Hammond
Noes: None Absent: None

February 15, 1961 at 4:35 P.M. in the Council Chambers was set as the time and place of hearing.

RESOLUTION OF INTENTION TO CLOSE AND SETTING DATE FOR HEARING ON
CLOSING TO VEHICULAR TRAFFIC OF LOUISE AVENUE AT ITS INTERSECTION
WITH KEARNEY AVENUE 3-35

The City Attorney stated that Planning Commission Resolution No. 668 recommends to the Council the closing to vehicular traffic of Louise Avenue at its intersection with Kearney Avenue. He explained that this is not a closing in the sense of abandoning the street, but blocking the end of Louise Avenue to prevent traffic from going through. The proposed resolution of intention set the time of hearing Thursday, February 23, 1961 at 8:00 P.M. in the Council Chambers.

RESOLUTION NO. 978-S.P.
RESOLUTION OF INTENTION NO. 276

A RESOLUTION OF INTENTION TO CLOSE LOUISE AVENUE TO VEHICULAR TRAFFIC NEAR ITS INTERSECTION WITH KEARNEY AVENUE, IN THE CITY OF MODESTO

Introduced by Adams Seconded by Arata
Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Hammond
Noes: None Absent: None

APPROPRIATION TRANSFERS -- None

MATTERS FOR THE GOOD OF THE COMMUNITY 3-60

APPROVAL OF AGREEMENT WITH BOMBERGER & ABST - CONTROL TOWER

With the unanimous consent of the Council, this matter was presented by the City Manager. Director of Public Works Ray stated that the agreement has been executed by Bomberger & Abst, and awaits the signature of an authorized City official.

The City Attorney stated that the agreement contains a provision similar to that contained in the City Hall agreement, which provides that the architect must come within a certain percentage of the estimate or the revision is at his expense rather than the City's.

RESOLUTION NO. 61-31

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND BOMBERGER AND ABST, ARCHITECTS, FOR ARCHITECTURAL AND ENGINEERING SERVICES FOR CONTROL TOWER

Introduced by Adams Seconded by Knoles
Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Hammond
Noes: None Absent: None

REPORT BY CITY MANAGER RE: CITY-COUNTY COMMITTEE MEETING - STATE FUNDS FOR CITY AND COUNTY STREETS

With the unanimous consent of the Council, the City Manager reported on discussion at the City-County Committee meeting of the question of joint support for proposed legislation to provide additional state funds for city and county streets. Action was taken indicating support of such a measure on the basis of SCR 62 data presented at the meeting by the City Manager, as chairman of the joint subcommittee appointed by the City-County Committee to submit a proposal in this matter. A copy of the supplemental data prepared by the City Manager indicating existing and anticipated area needs was presented to the Council and a copy ordered filed.

REPORT ON MEETING WITH BOARDS OF DIRECTORS OF MODESTO IRRIGATION DISTRICT AND TURLOCK IRRIGATION DISTRICT 3-82

The City Manager reported on the meeting held jointly by the Boards of Directors of the Modesto Irrigation District and the Turlock Irrigation District relative to the new Don Pedro dam project. Mr. Miller briefly mentioned the gradual lowering of the water table and stated that a water table study had been made in this area by Stanford University.

REPORT ON APPOINTMENTS TO COMMITTEES OF THE LEAGUE OF CALIFORNIA
CITIES 3-98

The City Manager stated that Modesto has again been honored by appointment of the following city officials to League Committees:

Harry Sham, Airport Manager----Committee on Aviation Problems;

Ross Miller, City Manager-----Committee on Fire Rating and Grading;

Mayor Don Hammond-----Committee on Streets and Highways.

REPORT ON JOINT CITY-COUNTY MEETING ON ZONING 3-105

Mayor Hammond stated that this meeting was requested by the City and County Planning Commissions in an effort to derive policy direction on the zoning of major streets in and near Modesto, from both the County Board of Supervisors and the Modesto City Council. After two hours of discussion agreement was reached on the following questions:

- (1) Is it agreed that commercial zoning is not needed for the full length of major streets?
- (2) When applications for new commercial zoning are received for locations which appear appropriate for commercial use, should it be strip or cluster type zoning?

Referring to question No. (3) submitted for discussion, "Should it be the general policy that commercial zoning be recommended only if there is a demonstrated need?," Mayor Hammond stated that there may have been some confusion on the part of the Board of Supervisors as to whether the need existed on the part of the community or the individual.

A copy of the minutes of the meeting is filed for the record with these minutes.

REPORT BY COUNCILMAN ARATA AS MEMBER OF THE CIVIC AUDITORIUM
COMMITTEE

Councilman Arata reported on the meeting held with the Chamber of Commerce committee on the civic auditorium. He stated that he learned at the meeting that areas annexed to the City of Modesto assume a proportionate cost of the City's bonded debt. He stated that this caused him to change his original stand that the entire school district should be included in any proposed bonding district if this method of financing is utilized.

MOTION

That the Council adjourn to executive session.

Moved by Mayor Hammond Seconded by Knoles Unanimously carried

The Council adjourned to executive session at 8:20 P.M. and reconvened to regular session at 8:55 P.M.

CONSIDER APPOINTMENTS TO BOARDS AND COMMISSIONS

RESOLUTION NO. 61-32

A RESOLUTION APPOINTING MEMBERS TO THE MODESTO CITY PLANNING COMMISSION

Moved by Martin Seconded by VanderWall

Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Hammond

Noes: None Absent: None

The following appointments were made:

Herbert D. Buxton, for a term of 4 years, to expire on January 1, 1965;

Robert W. Adams, for a term of 4 years, to expire on January 1, 1965;

Mrs. Heidi L. Warner, reappointed for a term of 4 years to expire on January 1, 1965.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned.

Moved by Arata Seconded by Knoles Unanimously carried

The meeting adjourned at 8:55 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 Hammond presiding.

The City Clerk called the roll and there were:

Present: Councilmen: Arata, Martin, VanderWall, Mayor Hammond
Councilman Knoles arrived at 4:02 P. M.
Councilman Adams arrived at 4:05 P. M.

Absent: None

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 Council meeting of December 21, 1960, and the same being available for public inspection and there being no objections, the minutes were approved.

LETTER OF APPRECIATION FROM JOHN SUTTON, PRESIDENT OF MODESTO RETAIL MERCHANTS' ASSOCIATION

John Sutton, outgoing President of Modesto Retail Merchants' Association, read a letter of appreciation to the Council for its cooperation and assistance during the past year, listing several specific instances.

The letter requested closer liaison between the City and the Association on matters which seriously concern its members, giving as an example, the sale of lost and found items at auction at a time when merchants have the greatest investment in similar new items to meet consumer demand. Mr. Sutton invited the Council to attend the Downtown Merchants' installation dinner to be held at 7:00 P. M. on February 6, 1961, to which Mayor Selland of Fresno has been invited to be the guest speaker.

Clark Smith, Manager of Kress's, newly appointed President of the Modesto Retail Merchants' Association, was introduced to the Council.

LETTER FROM FRANK ANDREWS, RE: PETITION TO ACQUIRE ELECTRIC SYSTEM IN THE CITY OF MODESTO BY THE CITY

A letter from Frank Andrews, dated January 23, 1961, subject, "Notice of Intent - Permission to Use Council Chambers for Several Meetings," was read by the City Clerk. The letter requested permission to use the Council Chambers for a number of public meetings to discuss possible acquisition of facilities for distribution of electrical power within the city by the City of Modesto.

The City Attorney stated that the latest statement of policy by the Council for the use of the Council Chambers was that it would determine by whom and for what use the Chambers would be used, and from a legal standpoint it could grant Mr. Andrews the use of the Chambers.

Mr. Andrews' letter also stated that it would be helpful if the City Attorney would prepare the petitions to be circulated.

Mr. Andrews' requests were discussed by the Council. It was the Council's decision that before acting on Mr. Andrews' request for use of the Council Chambers, the Council should establish a policy regarding the use of the Chambers by organizations other than City governmental groups. The staff was directed to submit a report in this regard.

MOTION

That the City Attorney's activities in connection with the petition suggested by Mr. Andrews be limited to a check for legality only.

Moved by VanderWall Seconded by Knoles Unanimously carried

RESOLUTION CALLING FOR BIDS FOR ALTERATION OF BUILDINGS TO BE USED AS AN INTERIM CLUBHOUSE AT DRYDEN PARK GOLF COURSE 2-100

Director of Public Works Ray stated that plans and specifications have been prepared for the alteration of structures moved from the freeway to Dryden Park Municipal Golf Course to be used as an interim clubhouse, in accordance with Council approval given January 4, 1961.

RESOLUTION NO. 61-33

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR CONSTRUCTION OF INTERIM CLUBHOUSE FACILITIES AT DRYDEN PARK MUNICIPAL GOLF COURSE

Introduced by Knoles Seconded by Arata

Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Hammond

Noes: None Absent: None

P.M.

February 14, 1961 at 2:45/in the City Clerk's Office was set as the time and place for opening of bids.

RESOLUTION CALLING FOR BIDS FOR PURCHASE OF CITY HALL DRAPERIES 2-112

The Deputy City Manager stated that specifications have been prepared for furnishing and installing draperies in the City Hall. The estimated cost is \$6,000.

RESOLUTION NO. 61-34

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR FURNISHING AND INSTALLING DRAPERIES IN THE CITY HALL, MODESTO, CALIFORNIA

Introduced by Knoles Seconded by Adams

Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Hammond

Noes: None Absent: None

February 16, 1961 at 2:30 P. M. in the City Clerk's office was set as the time and place for opening of bids.

RESOLUTION APPROVING SPECIFICATIONS AND CALLING FOR BIDS FOR PURCHASE OF GASOLINE AND DIESEL FUEL 2-120

Deputy City Manager Keefe stated that specifications and call for bids have been prepared for the purchase of gasoline and diesel fuel for the period March 1, 1961 to February 28, 1962. He said that the County, at the present time, is paying less for its gasoline and diesel fuel than the City, and asked the Council to give consideration to the possibility of negotiating with the County for purchase of these commodities through its contract if bids received by the City are higher than they should be.

Mayor Hammond stated that the bidders should be so notified.

RESOLUTION NO. 61-35

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR PURCHASE OF GASOLINE AND DIESEL FUEL

Introduced by VanderWall Seconded by Martin

Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Hammond

Noes: None Absent: None

February 17, 1961, at 2:30 P. M. in the City Clerk's office was set as the time and place for opening of bids.

RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR CONSTRUCTION OF WATER LINES IN AULSTON MANOR UNIT NO. 1 SUBDIVISION

RESOLUTION NO. 61-36

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR INSTALLATION OF WATER MAINS IN AULSTON MANOR UNIT NO. 1 SUBDIVISION

Introduced by Adams Seconded by Arata

Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Hammond

Noes: None Absent: None

February 14, 1961 at 2:30 P. M. in the City Clerk's office was set as the time and place for opening of bids.

RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR THE CONSTRUCTION OF WATER LINES IN BROOKDALE NO. 1 SUBDIVISION

Director of Public Works Ray stated that this subdivision is located south of Floyd Avenue and east of Montgomery Village No. 3 Subdivision.

RESOLUTION NO. 61-37

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR INSTALLATION OF WATER MAINS IN BROOKDALE PARK NO. 1 SUBDIVISION

Introduced by Martin Seconded by Arata

Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Hammond

Noes: None Absent: None

February 14, 1961 at 2:30 P. M. in the City Clerk's office was set as the time and place for opening of bids.

CONSIDER FURTHER PROPOSED PARKING LOT AT 10TH & H STREETS 3-20

The City Manager stated that pledges from tenants and property owners have been indicated which will make up the difference between the estimated revenue and the amount needed to cover the operating costs and amortization of the proposed parking lot over a five-year period. Mr. Miller stated that a point was raised in connection with pledges by tenants -- a participating tenant would pledge for the period of time that he leases the property and would not be obligated to pay beyond the termination of his lease if it expired before the end of the five-year amortization period. A suggestion was made that the staff work with property owners, whose building walls are uncovered by the removal of the existing structure on the proposed parking lot to make them as presentable as possible. Mr. Miller stated that a representative of Turner Hardware Company has indicated that this firm will do so. The other property owner involved will be contacted.

George Reynolds, Manager of Turner Hardware Company, stated that the owner of the proposed parking site is anxious to sign the lease and get the improvements started, and authority is now needed to "go ahead." Mr. Reynolds said that rental of the property and cost of the fill is higher than was anticipated, but enough money has been raised to amortize the cost of the lot.

The Manager stated that authorization was needed from the Council to prepare agreements for the lease of the land and with firms who have indicated willingness to participate in financing the project.

Answering a question by Councilman Adams, the City Attorney stated that refacing of the exposed buildings could be incorporated into the agreements if the owners of the property are contributing parties and there is mutual consideration.

The City Manager stated that the inclusion of this provision in the agreements could be done in the future, but in this particular project he believed the refacing of the exposed buildings should not be made a legal requirement.

MOTION

That the staff be authorized to proceed on the basis outlined by the City Manager.

Moved by Knoles Seconded by VanderWall Unanimously carried

RESOLUTION PROPOSING CHARTER AMENDMENTS AND CALLING A SPECIAL ELECTION
3-85

The City Attorney read proposed Resolution No. 61-38 setting forth proposed charter amendments and calling for a special election for the purpose of submitting to the electors of the City proposals to amend the Charter, and consolidating the special municipal charter amendment election with the General Municipal Election to be held on April 11, 1961.

RESOLUTION NO. 61-38

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 PROPOSALS TO AMEND THE CHARTER OF SAID CITY BY AMENDING SECTION 717 OF ARTICLE VII RELATING TO ORDINANCES; AMENDING SECTION 900 OF ARTICLE IX RELATING TO OFFICERS AND EMPLOYEES; AMENDING SECTION 905 OF ARTICLE IX RELATING TO LEGAL CONTRACTS, FINANCIAL INTEREST; AMENDING SECTION 1312 OF ARTICLE XIII RELATING TO ACTIONS AGAINST THE CITY; AND DELETING ARTICLE XV RELATING TO JUDICIAL SYSTEM; 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 11, 1961.

Introduced by VanderWall Seconded by Knoles

Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Hammond

Noes: None Absent: None

The City Attorney distributed to the Council, for their approval, copies of a proposed charter amendment information pamphlet to accompany the sample ballots in the forthcoming general municipal election. The pamphlet was prepared jointly by the City Attorney and City Clerk. With the unanimous consent of the Council, the City Attorney's request to place consideration of the pamphlet on next week's agenda was approved.

SALVATION ARMY'S QUARTERLY REPORT OF EXPENDITURES FOR THE QUARTER ENDING DECEMBER 31, 1960 3-100

The City Manager stated that the Salvation Army's report for the quarter ending December 31, 1960 was submitted in accordance with an agreement between the City and the Salvation Army. The report was ordered filed.

CONSIDER PURCHASE OF PARCEL OF EXCESS LAND LOCATED ON THE SOUTH BANK OF THE TUOLUMNE RIVER IN VICINITY OF HIGHWAY 99 3-105

Deputy City Manager Keefe indicated on a map the location of a State-owned parcel of land which has been offered to the City for approximately \$300. Purchase of the property was approved by the Planning Commission on November 9, 1960. Mr. Keefe said that the City has no immediate use for the property, but he recommended that the parcel be purchased for possible future use. This parcel ties in with one already owned by the City.

MOTION

That the staff be authorized to prepare an agreement covering the purchase of the property.

Moved by Knoles Seconded by Martin Unanimously carried

RESOLUTION ACCEPTING GEORGE REED'S CONTRACT FOR THE CONSTRUCTION OF A SANITARY SUBTRUNK SEWER AND SEWAGE LIFT STATION - GRACE DAVIS HIGH SCHOOL AREA 3-120

The City Manager reported that this work has been completed. He recommended that the work be accepted, notice of completion recorded, and payments made according to the contract.

RESOLUTION NO. 61-39

A RESOLUTION ACCEPTING THE CONSTRUCTION OF SANITARY SUBTRUNK SEWER AND SEWAGE LIFT STATION IN THE GRACE DAVIS HIGH SCHOOL AREA BY GEORGE REED, AUTHORIZING PAYMENT OF AMOUNTS DUE, AND RECORDATION OF NOTICE OF COMPLETION WITH THE COUNTRY RECORDER

Introduced by Knoles Seconded by Martin

Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Hammond

Noes: None Absent: None

RESOLUTION APPROVING FINAL PAYMENT TO CITY HALL ARCHITECT 3-124

The City Manager stated that \$20,776.04 is the balance due Mr. Milton Pfleuger for architectural services in designing the City Hall. Mr. Miller recommended that this be paid. Funds have been budgeted for this purpose.

MOTION

That the final payment of \$20,776.04 be paid to Milton Pfleuger, Architect, for architectural services in designing the City Hall.

Moved by Adams Seconded by VanderWall Unanimously carried

REQUEST FOR DRIVEWAY VARIANCE ON McHENRY AVENUE BY RAY GORDO 3-128

Director of Public Works Ray stated that a letter was received from Ray Gordo requesting a variance to widen an existing 18-foot curb cut to 27 feet at 207 McHenry Avenue to permit more rapid exit from the travel lanes of McHenry Avenue into a driveway leading to a parking area at the rear of his property. Mr. Ray stated that while the proposed curb cut is less than the 30-foot maximum permitted by the Municipal Code, the 27-foot curb cut is more than the 40% frontage limitation permitted by the Code. Mr. Ray stated that the additional 9 feet of curb cut will not affect on-street parking spaces, and in the interest of traffic safety and convenience, he recommended that the request be approved.

RESOLUTION NO. 61-40

A RESOLUTION GRANTING A DRIVEWAY VARIANCE TO RAY GORDO AT 207 McHENRY AVENUE

Introduced by VanderWall Seconded by Martin

Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Hammond

Noes: None Absent: None

APPROPRIATION TRANSFERS

CONTROL TOWER - AIRPORT

Director of Finance Bird stated that an appropriation transfer transferring \$92,400 from the Airport Development General Reserve Fund to the specific City-County Airport Development Fund, is necessary to allow the City to proceed with the construction of the City-County Airport control tower. Mr. Bird stated that the estimated cost of the total

project is \$120,000--the City's share will be \$27,600, the County's share \$27,600, and the Federal Government will contribute \$64,800. These two agencies will reimburse the City for funds advanced.

RESOLUTION NO. 61-41

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$92,400 FROM AIRPORT DEVELOPMENT, GENERAL RESERVE (322-600) TO CITY-COUNTY AIRPORT DEVELOPMENT (503) FOR CONTROL TOWER CONSTRUCTION

Introduced by Adams Seconded by Arata

Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Hammond

Noes: None Absent: None

REPORTS FROM THE PLANNING COMMISSION - None

MATTERS FOR THE GOOD OF THE COMMUNITY 4-42

FRANK ANDREWS - Condition of city storm sewers and 7th Street Bridge

Mr. Andrews spoke briefly on the inadequacy of the City's storm sewers and the lack of maintenance of the 7th Street Bridge.

PROPOSAL OF CITY MANAGER TO ESTABLISH LOAN FUND AT MODESTO JUNIOR COLLEGE

The City Manager suggested to the Council that the City establish a loan fund at the Modesto Junior College, to be called something like "The City of Modesto Loan Scholarship Fund," to which he would contribute, as a "starting donation" his semester salary for teaching a Junior College evening class in management techniques.

Councilman Knoles stated that the Junior College has funds of this type in operation, the present trend seeming to be for students to go into debt as an investment in their education. He thought Mr. Miller's plan a fine one.

Councilman Martin asked the City Manager to prepare a statement outlining the proposal.

REQUEST OF MODESTO RACQUET CLUB TO CONSTRUCT TEMPORARY STORAGE ROOM ON PROPERTY DEDICATED TO CITY FOR RIGHT OF WAY PURPOSES

With the unanimous consent of the Council, Mayor Hammond read a letter from Fred A. Earle, Jr., President, Modesto Racquet Club, which requested that the Council grant the Club an encroachment permit to construct a temporary storage room, 12 feet by 24 feet, south of the present pump house building, on property dedicated to the City of Modesto by the Modesto Racquet Club for right of way purposes for the improvement of Briggsmore Avenue.

Director of Public Works Ray recommended that the request be granted on a revocable basis by giving thirty days notice. He stated that the right of way is not developed and is not likely to be for some time.

RESOLUTION NO. 61-42

A RESOLUTION GRANTING ENCROACHMENT PERMIT TO MODESTO RACQUET CLUB TO CONSTRUCT TEMPORARY STORAGE ROOM ON PROPERTY DEDICATED TO CITY OF MODESTO FOR RIGHT OF WAY PURPOSES

Introduced by VanderWall Seconded by Arata

Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Hammond

Noes: None Absent: None

WATER SUPPLY IN AREA SOUTH OF MODESTO

With the unanimous consent of the Council, this matter was presented by Councilman Martin. He requested that the staff prepare a report giving detailed information on the availability of water in the South Modesto area, specifically mentioning the area where the meat plants are located.

INFORMAL HEARING ON BUSINESS LICENSE MATTERS 5:00 P.M. 4-125

(a) Branch Establishments

A memorandum, subject, "Further Report on Branch Establishments," dated January 23, 1961, prepared by the Finance Department, was distributed to the Council and briefly reviewed by the City Manager. The report indicated that there are sixty-seven licensed business firms in Modesto operating in more than one location, having a total of 144 places of business. There are 13 laundry and dry cleaning branch establishments from which no revenue is received for business license fees. In addition to the mill tax, each of the 67 firms pays a \$25 license fee for its main location, and a \$25 license fee for the 77 additional locations. Five alternatives were listed in the report for Council consideration. The Director of Finance recommended that the Council consider eliminating from the ordinance the provision that pick-up and delivery outlets used in connection with and incidental to a licensed business not be required to pay the license fee.

Answering a question asked by Mayor Hammond, Director of Finance Bird stated that the decision to exempt laundry and dry cleaning establishments from paying branch license fees was made by the Council during a business license hearing held in 1958, and Section 6-1.109 was established to include pick-up and delivery outlets in the definition of those establishments that would not be considered branch establishments.

The matter was generally discussed by the Council.

MOTION

That the City Attorney be instructed to amend Section 6-1.109 of the Code to eliminate the pick-up and delivery outlet exception relating to laundry and dry cleaning branch establishments.

Moved by Mayor Hammond Seconded by Adams Unanimously carried

The matter of licensing subdivision tract offices which are open on Sunday only was raised by Mr. H. E. Brooks, Campbell Real Estate. These offices are licensed by the State. He said that to his knowledge the City has never collected a license fee from tract offices in subdivisions.

The Director of Finance stated that license fees for subdivision tract offices have been required in the past and will be required in the future.

(b) Business License Enforcement - Outside Trucks 5-97

A report on business license enforcement for outside trucks requested by the Council at the January 4, 1961 meeting was submitted to the Council prior to this meeting.

The City Attorney stated that he had discussed this matter with Chief of Police Bowers, who plans to institute a procedure whereby citations, similar to traffic citations, will be issued when trucks are found in the City without business license stickers applied to their windshields. Mr. Grimes said that it behooves all merchants operating trucks in the City to see that stickers are applied to the windshields of their trucks to avoid receiving citations. This cooperation is necessary so that the City can enforce the code section properly. The citation procedure will facilitate enforcement by eliminating the necessity of preparing individual complaints or issuing warrants for arrest with booking, and may be left on the vehicle similar to a traffic citation.

(c) Further Report on Valley Tractor Company Request

Emmett Crandall, Valley Tractor Company, recommended that a committee be appointed comprised of business men, the Director of Finance, and a member of the Council to study possible changes in the present business license ordinance with a view to reducing inequities in the ordinance adversely affecting various firms in the City who transact business mainly outside the City. He stated that since a citizens' committee was appointed to make recommendations when the ordinance was proposed, a citizens' committee should be appointed to check the discriminations imposed by the ordinance. He felt that there must be a proper classification for his type of business that is located within the City but does all its business outside the City.

Answering a question asked by the City Manager, Mr. Crandall stated that he felt there would be less discrimination if wholesalers were placed on a volume basis rather than a flat rate basis, as is presently the case.

Councilmen Martin and VanderWall both stated that they did not wish to be a member of the committee because of a possible conflict of interest.

MOTION

That Mayor Hammond be authorized to appoint a citizens' committee to study the business license regulations, and that the staff prepare a report outlining the area of activity to be considered.

Moved by Adams Seconded by VanderWall Unanimously carried

REPORT ON AUDITORIUM FINANCING

Copies of a report entitled "Report on Auditorium Financing and Procedure for Further Consideration of a City Auditorium," prepared by the Director of Finance, dated January 27, 1961, were distributed to the Council for their review. The City Manager stated that the project will be considered in connection with the Capital Improvement Program.

REPORT ON STATE LEGISLATIVE MATTERS 6-60

The City Manager reported that this matter will be placed on the agenda each week for a time, and matters which develop concerning the City will be reported to the Council.

REPORT ON DEPARTMENTAL IMPROVEMENT PROJECTS 6-65

Bernice Mitchel, Personnel Technician, reported that the personnel office, by changing its procedure in taking applications for positions, has eliminated 84% of the paper work formerly involved in this operation. Instead of filling out an application blank when applying for a position, an applicant now completes a card addressed to himself, which card later becomes his invitation to the test. He also signs a statement indicating that he has seen and meets the minimum requirements. The invitation is turned in by the applicants when the test is taken and the same card is remailed with the result of the written test. Application forms are filled out only by applicants who have successfully passed the test and are available for appointment.

SUPREME COURT'S DECISION RELATING TO LIABILITY OF GOVERNMENTAL AGENCIES FOR NEGLIGENCE OF EMPLOYEES

With the unanimous consent of the Council, the City Attorney reported that the California Supreme Court has ruled that governmental agencies shall be liable to suit for the negligence of their officers and employees. Mr. Grimes stated that the historical principle that "The King Can Do No Wrong," exempting the Government from suit, has applied to the Federal Government in many instances, and in California has applied basically to all governmental activities, except for liability imposed in instances involving vehicles and dangerous and defective condition of public property. He said that the new State Supreme Court ruling might greatly increase the cost of administration.

MOTION

That the staff be authorized to ask the League of California Cities for a statement of its position in connection with the Supreme Court's decision.

Moved by Knoles Seconded by VanderWall Unanimously carried

REPORT ON BUDGET PREPARATION 6-126

The City Manager reported that work on the preliminary budget for the next fiscal year is progressing according to schedule, and again invited members of the Council and the public to attend any of the hearings. As in the past, the budget is being prepared on the basis of the current level of activities, with special items on a supplementary basis.

CONSIDERATION OF CHANGE IN COUNCIL MEETING TIME 6-125

Councilman Martin asked the Council to consider changing the day of Council meetings from Wednesday to Monday. It was his opinion that Monday would be advantageous to the staff as well as the Council.

MOTION

That the City Attorney be directed to prepare an ordinance amending the code to effect a change in the time of Council meetings from Wednesday to Monday.

Moved by Martin Seconded by VanderWall Unanimously carried

CONSIDER APPOINTMENT OF PLANNING COMMISSION MEMBER TO THE BOARD OF ZONING ADJUSTMENT 7-30

MOTION

That the meeting adjourn to executive session

Moved by Knoles Seconded by VanderWall Unanimously carried

The meeting adjourned to executive session at 5:35 P. M. and reconvened to regular session at 5:44 P. M.

RESOLUTION NO. 61-43

A RESOLUTION APPOINTING MEMBER OF THE BOARD OF ZONING ADJUSTMENT - ROBERT W. ADAMS

Introduced by Adams Seconded by Knoles

Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Hammond

Noes: None Absent: None

Mr. Adams was appointed for a four year term to expire on January 1, 1965.

APPOINTMENT OF PETER W. JOHANSEN AS COUNCILMAN

RESOLUTION NO. 61-44

A RESOLUTION APPOINTING PETER W. JOHANSEN TO THE VACANCY EXISTING IN THE OFFICE OF COUNCILMAN OF THE CITY OF MODESTO

Introduced by VanderWall Seconded by Arata

Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Hammond

Noes: None Absent: None

Mr. Johansen was appointed to fill the vacancy occasioned by the resignation of Thomas M. Spaulding to serve until the general municipal election to be held April 11, 1961.

APPOINTMENT TO BOARD OF PLUMBER EXAMINERS

RESOLUTION NO. 61-45

A RESOLUTION REAPPOINTING MEMBER OF THE BOARD OF PLUMBER EXAMINERS - ALBERT E. OHANIS

Introduced by Adams Seconded by Knoles

Ayes: Adams, Arata, Knoles, Martin, VanderWall, Mayor Hammond

Noes: None Absent: None

Mr. Ohanis was reappointed to the Board of Plumber Examiners for a four year term expiring January 1, 1965.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned.

Moved by VanderWall Seconded by Arata Unanimously carried

The meeting adjourned at 5:55 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: Adams, Johansen, Knoles, VanderWall,
Mayor Hammond
Councilman Arata arrived at 7:32 P.M.

Absent: Councilman Martin

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

Reverend Darrell Thomas gave the invocation.

MRS. FRANK DAMRELL, REPRESENTING FEDERATED WOMEN'S CLUBS, RE: PROPOSED CULTURAL BUILDING

Mrs. Frank Damrell, representing the Federated Women's Clubs, stated that the various women's clubs in the City are interested in erecting a building to be used by the various clubs as a cultural center. She cited numerous community activities for which the center would be used, pointing out that Modesto has no building suitable for this purpose. Mrs. Damrell said that the proposed building would be considered a community project for the betterment of the city, and, as such, would permit the club to enter a national contest which would make Modesto eligible for a \$10,000 award to be applied to the project. To be eligible for the award, the project must also be completed within two years. She stated that if the City would provide the site, the women's clubs would construct the building and maintain it, and would give title to the City.

Councilman Knoles suggested that if Mrs. Damrell's proposal was turned over to the staff for study, consideration should be given to a site which would include space for both the proposed cultural center and civic auditorium.

MOTION

That the matter of the proposed cultural building be turned over to the staff for study, with consideration being given to a site to include space for both the proposed cultural center and civic auditorium.

Moved by Knoles Seconded by Adams Unanimously carried

Mrs. Fred Johnson, member of the Garden Club, stated that a great deal of enthusiasm exists among members of the various Women's Clubs in Modesto for a cultural building.

William E. Rudhman, representative of the Central California Art League, stated that the proposed cultural building would be very welcome to his organization for art lectures, art displays, etc. The Council was invited to attend the Central California Art League show at 1022 I Street, which is open from 9:00 to 5:00 P.M. daily, and open to 9:00 P.M. on Thursday.

LETTER FROM LOIS L. LANE, OWNER OF RED TOP TAXI, RE: PHYSICAL EXAMINATION FOR TAXI DRIVERS 2-40

A letter from Lois Lane, subject, "Physical Examination for Taxi Drivers," dated January 23, 1961 was read by the City Clerk. The letter requested that the Council consider an ordinance making a physical examination mandatory for all taxicab drivers in the City of Modesto.

Director of Traffic Carmody stated that if physical examinations are considered for taxi drivers, consideration would also have to be given to physical examinations for bus and ambulance drivers. He suggested that perhaps Mrs. Lane should require such an examination as a condition of employment.

MOTION

That the City take no action on the request of Lois L. Lane that all taxicab drivers require a physical examination.

Moved by Knoles Seconded by Arata Unanimously carried

LETTER FROM MRS. VIVIAN MUHEIM, 415 REDWOOD AVENUE, MODESTO, RE: ILLEGAL PARKING ON REDWOOD AVENUE AT CORNER OF HIGH STREET 2-80

The City Clerk read a letter from Mrs. Vivian Muheim which protested the illegal parking of cars and trucks in the 400 block of Redwood Avenue in front of the home of Lee A. Rogers, doing business as Rogers Tree Service.

Chief of Police Bowers stated that the Police Department has given special attention to this area for some time. The area has been checked during the past two weeks and reports indicate that no trucks or building materials have been left on the street for the past six days. Chief Bowers stated that the only answer to the problem is continued enforcement.

The City Clerk was directed to inform Mrs. Muheim of the action being taken by the Police Department.

CONSIDER AWARD OF BID FOR DEMOLITION OF THE RIGGS BUILDING 2-104

The City Manager reported that the low bid for the demolition of the Riggs Building was received from Dorrity & Son, in which they agree to pay the City \$1.00 for the privilege of removing the building. The Manager recommended that the bid be accepted.

RESOLUTION NO. 61-46

A RESOLUTION ACCEPTING THE BID OF DORRITY & SONS FOR DEMOLITION OF THE RIGGS BUILDING

Moved by VanderWall Seconded by Knoles

Ayes: Adams, Arata, Johansen, Knoles, VanderWall, Mayor Hammond

Noes: None Absent: Martin

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR TRAFFIC SIGNALS, LIGHTING AND CHANNELIZATION AT 12TH & NEEDHAM STREETS 2- 110

RESOLUTION NO. 61-47

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR CONSTRUCTION OF TRAFFIC SIGNALS AND STREET LIGHTING AT TWELFTH, NEEDHAM, VIRGINIA, AND N STREETS

Moved by Arata Seconded by Knoles

Ayes: Adams, Arata, Johansen, Knoles, VanderWall, Mayor Hammond

Noes: None Absent: Martin

March 7, 1961 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 6-1.109 OF ARTICLE 1 OF CHAPTER 1 OF TITLE VI OF THE MODESTO MUNICIPAL CODE, RELATING TO BUSINESS LICENSE REGULATIONS 2-115

The City Attorney stated that the proposed ordinance amends Section 6-1.109 of the Municipal Code, removing the provision that laundry and dry cleaning branch establishments are exempted from paying branch license fees. Mr. Grimes said that the ordinance has been drafted to go into effect July 1, 1961 in order to coordinate the change with the beginning of the new fiscal year.

ORDINANCE NO. 433-C.S. entitled

"AN ORDINANCE AMENDING SECTION 6-1.109 OF ARTICLE 1 OF CHAPTER 1 OF TITLE VI OF THE MODESTO MUNICIPAL CODE, RELATING TO BUSINESS LICENSE REGULATIONS"

was introduced and ordered printed and published as required by the Charter

Moved by Knoles Seconded by VanderWall

Ayes: Adams, Arata, Johansen, Knoles, VanderWall, Mayor Hammond

Noes: None Absent: Martin

ORDINANCE AMENDING SECTION 2-1.01 OF CHAPTER 1 OF TITLE II OF THE MODESTO MUNICIPAL CODE RELATING TO COUNCIL MEETINGS 2-124

The City Attorney stated that the proposed ordinance changed the regular council meeting day from Wednesday to Monday.

By Council direction, the first council meeting in March will be held Wednesday March 1, 1961, the change in day to go into effect at the next meeting to be held on Monday, March 6, 1961.

ORDINANCE NO. 432-C.S. entitled

"AN ORDINANCE AMENDING SECTION 2-1.01 OF CHAPTER 1 OF TITLE II OF THE MODESTO MUNICIPAL CODE, RELATING TO COUNCIL MEETINGS"

was introduced and ordered printed and published as required by the Charter.

Moved by Adams Seconded by Arata

Ayes: Adams, Arata, Johansen, Knoles, VanderWall, Mayor Hammond

Noes: None Absent: Martin

At the direction of the Council, the staff was requested to submit a report in connection with a change in the closing day of the agenda.

ORDINANCE REPEALING SECTION 4-7.109 OF ARTICLE 1 OF CHAPTER 7 OF TITLE IV OF THE MODESTO MUNICIPAL CODE RELATING TO ADVERTISING MATTER 3-20

The City Attorney stated that the sections listed above are obsolete and have never been used or enforced. One of these sections requires that distributors of handbills wear a special cap bearing the words "licensed handbill distributor," the color, shape and design to be approved by the Chief of Police, and the other section requires a card printed in a special manner. Licensing provisions and other regulations are not affected.

ORDINANCE NO. 434-C.S. entitled

"AN ORDINANCE REPEALING SECTIONS 4-7.109 and 4-7.110 OF ARTICLE 1 OF CHAPTER 7 OF TITLE IV OF THE MODESTO MUNICIPAL CODE, RELATING TO ADVERTISING MATTER"

was introduced and ordered printed and published as required by the Charter.

Moved by VanderWall Seconded by Arata

Ayes: Adams, Arata, Johansen, Knoles, VanderWall, Mayor Hammond

Noes: None Absent: Martin

CONSIDER USE OF COUNCIL CHAMBERS BY OUTSIDE INTERESTS

The City Manager stated that at a meeting of the Council on April 13, 1960, the council established a policy that until further notice, requests from any groups for the use of the Council Chambers for other than official city purposes should be brought to the Council for decision. The City Manager listed the following alternatives for use of the council chambers for council consideration:

(1) That the use of the Council Chambers be limited to specified community groups;

(2) That the Council specify limitations for which the chambers may be used--committees working on city projects, matters relating to an election, or similar-type actions;

(3) Continue the present policy of referring groups to the facilities available at the McHenry Library.

It was Mayor Hammond's opinion that since facilities are available for public meetings at McHenry Library, the public should be encouraged to utilize them. This would eliminate possible conflicts with city governmental groups using the Council Chambers at regularly scheduled periods, and for special meetings.

Frank Andrews, who has requested use of the Council Chambers for public meetings to discuss possible acquisition of facilities for distribution of electrical power within the city by the City of Modesto, stated that the facilities at McHenry Library are not suitable for the meetings he wishes to conduct because the ceilings are too low, and there are no adequate facilities for projecting slides satisfactorily.

MOTION

That the request of Frank Andrews for the use of the Council Chambers for the purpose of conducting public meetings be denied.

Moved by Adams Seconded by Arata Unanimously carried

RESOLUTION ACCEPTING THE IMPROVEMENTS IN HILLVIEW ACRES SUBDIVISION AS COMPLETE AND AUTHORIZE THE CITY CLERK TO RELEASE IMPROVEMENT BOND 3-125

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

RESOLUTION APPROVING FINAL MAP OF AULSTON MANOR UNIT NO. 2 SUBDIVISION 3-126

Assistant Director of Public Works Campbell stated that the final map of Aulston Manor Unit No. 2 Subdivision has been checked and found correct from an engineering standpoint, and the agreement relating to the improvements and the improvement bond are in the hands of the City Attorney. Approval of the final map was recommended.

RESOLUTION NO. 61-48

A RESOLUTION APPROVING THE FINAL MAP OF THE AULSTON MANOR UNIT NO. 2 SUBDIVISION

Introduced by Knoles Seconded by VanderWall

Ayes: Adams, Arata, Johansen, Knoles, VanderWall, Mayor Hammond

Noes: None Absent: Martin

RESOLUTION APPROVING PAYMENT TO STOCKTON CONSTRUCTION COMPANY AS TRUSTEE FOR LUDWIG ERICKSON AND CHURCH OF JESUS CHRIST FOR ERRONEOUS ASSESSMENT IN IMPROVEMENT DISTRICT NO. 10 4-10

The City Attorney stated that, through error, an assessment was made against a right of way dedicated to the City by Ludwig Erickson and Church of Jesus Christ for the widening of Briggsmore Avenue in connection with Improvement District No. 10. The City Manager recommended that the erroneous assessment in the amount of \$72.32 be

refunded to Stockton Construction Company, as trustee for Ludwig Erickson and Church of Jesus Christ, as a matter of fairness and equity.

RESOLUTION NO. 61-49

A RESOLUTION APPROVING PAYMENT TO STOCKTON CONSTRUCTION COMPANY AS TRUSTEE FOR LUDWIG ERICKSON AND CHURCH OF JESUS CHRIST, FOR TWO ERRONEOUS ASSESSMENTS ON PROPERTY DEDICATED TO THE CITY FOR STREET PURPOSES

Introduced by VanderWall Seconded by Johansen

Ayes: Adams, Arata, Johansen, Knoles, VanderWall, Mayor Hammond

Noes: None Absent: Martin

RESOLUTION AUTHORIZING INSTALLATION OF PARKING METERS ON "H" STREET BETWEEN 13TH & 14TH STREETS; "I" STREET BETWEEN 14TH & 15TH STREETS; 14TH STREET, STARTING AT "J" STREET AND CONTINUING ONE-HALF WAY TO "K" STREET

Director of Traffic Carmody stated that the areas proposed for installation of parking meters are presently two-hour parking zones, and studies indicate that all-day parking is high. He stated that a letter questionnaire was distributed to all of the people fronting on these streets and a 30 per cent reply was unanimously in favor of meter installation. Mr. Carmody emphasized that the intent of the proposed meter installation is to improve parking turnover and not for the monetary return. Installation of the meters would also provide greater conformance to the two-hour limit without necessitating a disproportionate amount of enforcement.

Councilman Arata pointed out that a large free parking lot is located in the vicinity to take care of all-day parking.

RESOLUTION NO. 61-50

A RESOLUTION AMENDING SECTION 1 OF 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", RELATING TO PARKING METER ZONES, AND RESCINDING RESOLUTION NO. 60-66

Introduced by Arata Seconded by Knoles

Ayes: Adams, Arata, Knoles, Johansen, VanderWall, Mayor Hammond

Noes: None Absent: Martin

CONSIDER APPROVAL OF INFORMATION SHEET TO BE DISTRIBUTED TO THE VOTERS ON CHARTER AMENDMENTS 4-70

MOTION

That the information sheet explaining the proposed Charter amendments appearing on the April 11, 1961 ballot be approved.

Moved by VanderWall Seconded by Arata Unanimously carried

MOTION AUTHORIZING FINAL PAYMENT OF \$1,001.35 TO GRIFFENHAGEN-KROEGER FOR FILES MANAGEMENT REPORT 4-78

The City Manager reported that the amount of \$1,001.35 is due Griffenhagen-Kroeger for services rendered in reorganization of the filing system.

MOTION

That the staff be authorized to make final payment of \$1,001.35 to Griffenhagen-Kroeger for files management report.

Moved by Arata Seconded by Adams Unanimously carried

RESOLUTION SETTING DATE FOR HEARING ON APPEAL OF WALTER H. FIELD FROM DECISION OF THE PLANNING COMMISSION 4-85

RESOLUTION NO. 61-51

A RESOLUTION SETTING THE TIME AND PLACE FOR THE HEARING ON THE APPEAL TO THE DECISION OF THE MODESTO CITY PLANNING COMMISSION FILED BY WALTER H. FIELD ON THE REZONING OF PROPERTY LOCATED IN BLOCK 534

Introduced by VanderWall Seconded by Johansen

Ayes: Adams, Arata, Johansen, Knoles, VanderWall, Mayor Hammond

Noes: None Absent: Martin

March 1, 1961 at 4:30 P.M. in the Council Chambers was set as the time and place of hearing.

RESOLUTION APPROVING FINAL MAP OF SKYLANE PARK NO. 1 SUBDIVISION

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

RESOLUTION AUTHORIZING CHARLES BIRD OR HIS DULY AUTHORIZED DEPUTY TO EXAMINE ALL OF THE SALES AND USE TAX RECORDS OF THE BOARD OF EQUALIZATION

Deputy City Manager Keefe stated that it has been the practice in the past to have an accountant review the books of firms that may not be meeting their business license fee obligations. Section 7056 of the California Revenue and Taxation Code provides that when requested by resolution of the legislative body, the Board of Equalization will permit the tax collector of the city or county, or any duly authorized deputy or employee, to examine all of the sales and use tax records of the Board pertaining to sales and use taxes collected for the city and county. Mr. Keefe said that adoption of the proposed resolution would save some of the City's expense in auditing the books of firms whose reports are questioned.

RESOLUTION NO. 61-52

A RESOLUTION REQUESTING PERMISSION OF THE STATE BOARD OF EQUALIZATION FOR THE TAX COLLECTOR OR HIS DULY AUTHORIZED DEPUTY TO EXAMINE THE SALE AND USE TAX RECORDS OF THE STATE BOARD OF EQUALIZATION

Moved by Knoles Seconded by VanderWall

Ayes: Adams, Arata, Johansen, Knoles, VanderWall, Mayor Hammond

Noes: None Absent: Martin

RESOLUTION DETERMINING THE GENERAL PREVAILING RATES OF PER DIEM WAGES

The City Attorney stated that Section 1773.3 of the Labor Code of the State of California requires that the City submit an annual determination of prevailing per diem wage rates in the locality of the City of Modesto. The proposed resolution sets forth the prevailing rates as indicated by data gathered, prepared and submitted by the Director of Public Works.

RESOLUTION NO. 61-53

A RESOLUTION DETERMINING THE GENERAL PREVAILING RATES OF PER DIEM WAGES

Introduced by VanderWall Seconded by Mayor Hammond

Ayes: Adams, Arata, Johansen, Knoles, VanderWall, Mayor Hammond

Noes: None Absent: Martin

RESOLUTION APPROVING LETTER AGREEMENT BETWEEN THE CITY AND JOHN KIRKPATRICK FOR CONSTRUCTION OF SUBTRUNK SEWER IN VILLAGE MANOR SUB-DIVISION 4-115

The Director of Public Works stated that the proposed letter agreement between the City and John Kirkpatrick, developer of Village Manor Subdivision, covered construction of a subtrunk sewer larger than that required for Village Manor Subdivision. The Department of Public Works has approved the sum of \$622.40 as the City's share of the construction cost. Mr. Ray recommended that the City Manager be authorized to approve the letter agreement and that payment of \$622.40 from City funds be authorized.

RESOLUTION NO. 61-54

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND JOHN KIRKPATRICK FOR CONSTRUCTION OF SUBTRUNK SEWER IN VILLAGE MANOR SUB-DIVISION

Introduced by Adams Seconded by Arata

Ayes: Adams, Arata, Johansen, Knoles, VanderWall, Mayor Hammond

Noes: None Absent: Martin

APPROPRIATION TRANSFERS - None

REPORTS FROM THE PLANNING COMMISSION - None

REPORT ON LEGISLATIVE MATTERS

The City Manager reported briefly of a recent visit to Sacramento where he met with League officers and legislators. He stated that he has asked the League for information concerning the status of existing legislation relating to park improvement districts. A report will be

made to the Council when this information is received. Mr. Miller stated that the League is preparing a report on the recent Supreme Court ruling that governmental agencies shall be liable for the negligence of their officers and employees.

MATTERS FOR THE GOOD OF THE COMMUNITY

Decision of Councilman Adams not to run for re-election as Councilman

Councilman Adams stated that he will not run for re-election as Councilman. He stated that he would prepare a statement shortly giving his reasons.

Resignation of Peter Johansen as member of Planning Commission

Mayor Hammond read a letter from Peter Johansen which submitted his resignation as a member of the Planning Commission.

MOTION

That the resignation of Peter Johansen as a member of the Planning Commission be accepted.

Moved by Mayor Hammond Seconded by VanderWall Unanimously carried

Resolutions commending outgoing members of Planning Commission

RESOLUTION NO. 61-55

A RESOLUTION COMMENDING PETER W. JOHANSEN FOR OUTSTANDING SERVICES RENDERED TO THE CITY OF MODESTO

Introduced by Adams Seconded by VanderWall

Ayes: Adams, Arata, Knoles, VanderWall, Mayor Hammond

Noes: None Absent: Martin

Councilman Johansen did not vote.

RESOLUTION NO. 61-56

A RESOLUTION COMMENDING CECIL JONES AND DR. RAYMOND S. SHEARN FOR OUTSTANDING SERVICES RENDERED TO THE CITY OF MODESTO

Introduced by Arata Seconded by Adams

Ayes: Adams, Arata, Johansen, Knoles, VanderWall, Mayor Hammond

Noes: None Absent: Martin

Legislative Matters

With the unanimous consent of the Council, the City Manager reported that while in Sacramento last week, he checked on the possibility that the City might be able to borrow money from the State Retirement Fund for financing the construction of the police building. He stated that he did not think it possible to obtain funds from this source, since the building is for a purpose other than purely administrative. Mr. Miller said that he was checking the availability of federal funds for the construction of the police building and, if information obtained so indicated, he would make a further report to the Council.

LETTER FROM ROYAL E. GRANT RE: SANITARY SEWER LINE, NORTH CENTRAL AREA

The City Manager read a letter from Royal E. Grant, 816 Hackberry Avenue, relating to the drainage of storm waters into sanitary sewers in his neighborhood, which render plumbing facilities useless. Mr. Grant's letter stated that it was his understanding that the storm drains could be plugged so that storm water would not drain into the sanitary sewers. The letter requested that this be done.

The City Manager stated that this matter had been previously reviewed by the Council.

Director of Public Works Ray stated that the sanitary sewer line in this area is not adequate to accomodate storm waters. The storm drains were connected to the sanitary sewers prior to the present administration, presumably upon request of the City Council at that time, and he felt that Council action was needed before disconnections are made. He said that there are about nine connections to the sanitary sewer in this area, beginning as far east as the Geer Court Area just west of McHenry. To solve the problem, all of these would have to be disconnected. Mr. Ray said that the area west of Virginia Avenue is also affected by storm waters draining into the sanitary sewer. This area is pumped into the same line by a small lift station located on Coldwell, and it is necessary to lower the pumping rate because of the storm waters draining into the sanitary sewer line from the various points.

Mr. Ray stated that no action was taken two years ago when this matter was presented to the Council because the City was then completing plans and preparing to set a date for hearing of proposed Improvement District No. 8. Action was withheld at this time pending the outcome of this proposed district. Mr. Ray said that a check during the last rains showed the sewer line filled to the top of the manholes. In some places, particularly in front of the Enslin School, the water was above the level of the manholes, not only creating trouble with plumbing in the area, but forcing raw sewage into the streets.

Answering a question asked by Councilman Knoles, Mr. Ray stated that disconnecting the storm drains from the sanitary sewer would create a greater flooding problem on the Coldwell Avenue side of Enslin School. The water would be deeper and drain off more slowly, but would be advantageous from the standpoint that the flooded area would be more sanitary.

The possibility that this area might again consider formation of a drainage district was discussed by the Council.

City Attorney Grimes stated that he lived across the street from Mr. Grant and was familiar with the problem presented. He hoped that the Council would give the residents in that area an opportunity to again aggressively sponsor a drainage district. He stated that he did not participate in sponsoring formation of the last district because of his official position, but, with the Council's approval, would like to take an active part in encouraging sponsorship of another drainage district. He thought that the people in this area could now see the advantages to be derived from a drainage district after seeing the results of a drainage district in the Northgate Area.

The City Manager suggested that the Council consider the possibility of allowing all interested city employees to take part in sponsoring projects of this type, including annexations, as citizens in their area of residence. He also suggested that the staff be allowed to determine the degree of interest for the formation of a drainage district in the North Central Area and report its findings to the Council.

MOTION

That wherever city employees are property owners or residents in an area where improvement districts, or similar activities or annexations, are proposed, that they follow their own conscience as to participation.

Moved by Knoles Seconded by VanderWall Unanimously carried

MOTION

That the staff be authorized to check and work with people in the area to determine the people's degree of interest in formation of a drainage area.

Moved by VanderWall Seconded by Knoles Unanimously carried

MOTION

That the staff be authorized to take whatever measures necessary to prevent the overflow of sanitary sewers in the North Central Area.

Moved by Knoles Seconded by Arata Unanimously carried

The City Manager requested a little time to check the problems involved, and an opportunity to clear with the Council problems that may arise. There were no objections by the Council.

REPORT ON EXPIRATION OF LEASE FOR DEL WEBB FIELD BY MODESTO COMMUNITY ATHLETIC ASSOCIATION 7-10

The City Manager reported that the lease for Del Webb Field expired on January 31, 1961. A proposal for a new lease is being considered and further report will be made to the Council.

CLEAR PROPOSAL TO USE PORTION OF OLD CITY HALL FOR STORAGE OF PARKING METERS AND TRAFFIC SIGNS 7-17

The City Manager reported that parking meters and traffic signs have been stored in the Riggs Building, which is being demolished. Council approval was requested to store these in the old City Hall until a more suitable place can be found.

Mayor Hammond stated that the Council should be considering the disposition of the old City Hall. The City Manager stated that a report will be presented to the Council.

MOTION

That the staff be authorized to store parking meters and traffic signs in the old City Hall.

Moved by Adams Seconded by Johansen Unanimously carried

CLEAR MATTER OF ATTENDANCE AT CITY MANAGERS' SPRING MEETING IN FRESNO - (FEBRUARY 15, 16, and 17)

The City Manager stated that he planned to attend a Fire Grading Committee Meeting to be held in Fresno on February 15, 1961, the first day of the City Managers' Spring Meeting. This would necessitate his absence from the Council Meeting on that day. He said that he hoped Mr. Keefe could also attend some of the sessions. There were no objections by the Council.

REPORT ON AIRPORT CONTROL TOWER

With the unanimous consent of the Council, Director of Public Works Ray reported that some time ago application was made for \$120,000, the estimated total cost for construction of the airport control tower. Services of an architect were obtained, and a limitation of \$100,000 placed on that firm for construction costs, with a leeway of up to \$110,000, which would leave sufficient funds to pay for the architectural fees and engineering services. The architectural firm has informed the staff that the F.A.A. has adopted a new technical service order, effective October 3, 1960, seven days before the F.A.A. notified the City that funds were available for the control tower. The architectural firm has indicated that on the basis of the new technical service order, construction costs are now estimated at \$150,000, which does not cover the other incidental costs. Mr. Ray stated that he has not as yet been able to contact a representative of the F.A.A. to discuss the matter.

Answering a question asked by Councilman Adams, Mr. Ray stated that the new technical service order requires new room space requirements for different uses, particularly in the technological field; one additional

floor, actually, for a connection room for all of the various circuits in the building, including an elevator or dumb waiter, insulating requirements, airconditioning requirements, and auxiliary airconditioning requirements.

ADJOURNMENT


MOTION

That the meeting now in session be adjourned.

Moved by Knoles Seconded by Arata Unanimously carried

The meeting adjourned at 9:08 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: Arata, Johansen, Knoles, Martin, VanderWall,
Mayor Hammond
Councilman Adams arrived at 4:05 P.M.)

Absent: None

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

Rev. J. E. Haine gave the invocation.

APPROVAL OF MINUTES

Council members having received copies of the minutes of the Council meetings of January 4, 11 and 25, 1961, and the same being available for public inspection and there being no objections, the minutes were approved.

LETTER FROM LEE H. DAVIES, MANAGER, PACIFIC TELEPHONE CO., RE: PUBLICITY IN POPULAR SCIENCE MAGAZINE

A letter from Lee H. Davies, District Manager, Pacific Telephone, dated February 6, 1961, was read by the City Clerk. The letter called to the attention of the Council pictures appearing in "Popular Science" magazine pertaining to an "out of this world telephone booth" at the Children's Park, Modesto. The letter was ordered filed.

RESOLUTION AWARDING BID FOR AUTOMOTIVE EQUIPMENT 1-38

Director of Public Works Ray stated that bids covering 6 police cars, 4 pickups and 4 trucks were submitted by six firms. He recommended that the following awards be made: Items 1, 3, 4, 5 and 6, four-door sedans, to Dean Jones, Inc.; Item 10A, standard pickup, to Dean Jones, Inc.; Item 2, four-door sedan to Helm Chevrolet; Items 7A, 8A and 9A, 1/2 T. standard pickups, to Helm Chevrolet; Item 11, 2 T. dump truck, Helm Chevrolet; Item 12, 2T. flatbed dump truck, Helm Chevrolet; Item 13, 2T. dump truck, Dean Jones, Inc. (gross bid); Item 14, 2T. truck cab and chassis only, Griswold & Wight (gross bid); Mr. Ray recommended that cash offers for the two trucks offered as trade-ins on Items 13 and 14 in the amount of \$175 and \$75, respectively, received from LaBrucherie Truck Service, Stockton, be accepted, since both offers were higher than the trade-in allowances offered by the successful low bidders. Mr. Ray stated that, in general, alternate bids received for compact 1/2 ton pickups were higher than the bids received for the standard size pickups, and recommended that the standard size pickups be purchased because of this fact, plus versatility and probable better trade-in allowance. All of the bids accepted include sales tax, but do not include federal excise tax, and are well below the amounts budgeted for the purchase of this equipment.

Answering a question asked by Councilman Martin, Mr. Ray stated that very little information was received on the comparative costs of operating the compact and standard size pickups; information from one source indicated a savings of two cents per mile on the operation of the compact size pickup.

Mayor Hammond recommended that the standard size pickups be purchased because they were lower in cost, were more versatile, and would probably have a better trade-in value. After general discussion by the Council, it was the Council's decision that the recommendations outlined by the Director of Public Works for the purchase of equipment be approved.

RESOLUTION NO. 61-69

A RESOLUTION ACCEPTING BIDS FOR AUTOMOTIVE EQUIPMENT FOR THE CITY OF MODESTO

Moved by Mayor Hammond Seconded by Adams
 Ayes: Adams, Arata, Johansen, Knoles, Martin, VanderWall,
 Mayor Hammond
 Noes: None Absent: None

RESOLUTION AWARING BID FOR ALTERATION OF GOLF COURSE CLUBHOUSE

Deputy City Manager Keefe stated that bids for the alteration of interim clubhouse facilities at Dryden Park Municipal Golf Course were opened on February 14 at 2:45 P.M. Three bids were received, William Mineni submitting the low bid of \$5,286 for the basic remodeling of existing structures, the redwood open roofing, and kitchen facilities. Mr. Keefe stated that if acceptance of this bid is approved by the Council an appropriation transfer of \$186 will be needed later to cover. The engineer's estimate for this work was \$5,250, \$36 under the low bid.

Councilman Martin, Chairman of the Golf Course Committee, stated that this matter was discussed at a meeting, the only issue being the question of whether kitchen facilities should be added. In view of the relatively small investment, the desire of the golf pro to have the kitchen facilities, and the obvious advantages to the city, he recommended that the kitchen facilities be added, and the bid awarded to William Mineni.

RESOLUTION NO. 61-57

A RESOLUTION ACCEPTING THE BID OF WILLIAM M. MINENI IN THE SUM OF \$5286 FOR CONSTRUCTION OF INTERIM CLUBHOUSE FACILITIES - DRYDEN PARK MUNICIPAL GOLF COURSE

Moved by Martin Seconded by Arata
 Ayes: Adams, Arata, Johansen, Knoles, Martin, VanderWall,
 Mayor Hammond
 Noes: None Absent: None

RESOLUTION AWARING BID FOR WATER LINE, AULSTON MANOR SUBDIVISION 2-60

Deputy City Manager Keefe stated that no bids were received for installation of a water line in Aulston Manor Subdivision.

Director of Public Works Ray stated that the estimated cost of installation is \$1,384.15. Since no bids were received, he recommended that the work be performed by city forces.

RESOLUTION NO. 61-58

A RESOLUTION AUTHORIZING WORK TO BE PERFORMED BY CITY FORCES FOR INSTALLATION OF WATER MAINS IN AULSTON MANOR NO. 1 SUBDIVISION

Introduced by Arata Seconded by VanderWall
Ayes: Adams, Arata, Johansen, Knoles, Martin, VanderWall,
Mayor Hammond
Noes: None Absent: None

RESOLUTION AWARING BID FOR WATER LINE, BROOKDALE PARK NO. 1 SUBDIVISION

The Deputy City Manager stated that no bids were received for the installation of a water line in Brookdale Park No. 1 Subdivision.

Director of Public Works Ray stated that the estimated cost of installation is \$2,299.56. Since no bids were received, he recommended that the work be performed by city forces.

RESOLUTION NO. 61-59

A RESOLUTION AUTHORIZING WORK TO BE PERFORMED BY CITY FORCES FOR INSTALLATION OF WATER MAINS IN BROOKDALE PARK NO. 1 SUBDIVISION

Introduced by Adams Seconded by VanderWall
Ayes: Adams, Arata, Johansen, Knoles, Martin, VanderWall,
Mayor Hammond
Noes: None Absent: None

ADOPTION OF ORDINANCE NO. 433-C.S. RELATING TO BUSINESS LICENSE REGULATIONS - BRANCH ESTABLISHMENTS

ORDINANCE NO. 433-C.S. entitled

"AN ORDINANCE AMENDING SECTION 6-1.109 OF ARTICLE I OF CHAPTER I OF TITLE VI OF THE MODESTO MUNICIPAL CODE, RELATING TO BUSINESS LICENSE REGULATIONS"

having been printed and published as required by the Charter, was moved and adopted.

Moved by Knoles Seconded by Martin
Ayes: Adams, Arata, Johansen, Knoles, Martin, VanderWall,
Mayor Hammond
Noes: None Absent: None

ADOPTION OF ORDINANCE NO. 432-C.S. CHANGING COUNCIL MEETING DAY TO MONDAY

ORDINANCE NO. 432-C.S. entitled

"AN ORDINANCE AMENDING SECTION 2-1.01 OF CHAPTER I OF TITLE II OF THE MODESTO MUNICIPAL CODE, RELATING TO COUNCIL MEETINGS"

having been printed and published as required by the Charter, was moved and adopted.

Moved by Knoles Seconded by Martin
Ayes: Adams, Arata, Johansen, Knoles, Martin, VanderWall,
Mayor Hammond
Noes: None Absent: None

CLOSING DAY FOR PREPARATION OF AGENDA

After Council discussion, this matter was held over until the following week for further consideration during the presence of City Manager Miller.

ADOPTION OF ORDINANCE NO. 434-C.S. RELATING TO ADVERTISING MATTER

ORDINANCE NO. 434-C.S. entitled

"AN ORDINANCE REPEALING SECTIONS 4-7.109 AND 4-7.110 OF ARTICLE I OF CHAPTER 7 OF TITLE IV OF THE MODESTO MUNICIPAL CODE, RELATING TO ADVERTISING MATTER"

having been printed and published as required by the Charter, was moved and adopted.

Moved by Knoles Seconded by VanderWall
Ayes: Adams, Arata, Johansen, Knoles, Martin, VanderWall,
Mayor Hammond
Noes: None Absent: None

MOTION AUTHORIZING FINAL PAYMENT OF \$985 TO GRIFFENHAGEN-KROEGER FOR INSURANCE STUDY 2-120

Deputy City Manager Keefe stated that a final payment of \$985 was due Griffenhagen-Kroeger for an insurance study. He recommended that payment be approved.

MOTION

That the staff be authorized to make final payment of \$985 to Griffenhagen-Kroeger for insurance study.

Moved by VanderWall Seconded by Johansen Unanimously carried

RESOLUTION AUTHORIZING DESTRUCTION OF CERTAIN CITY RECORDS FIVE YEARS OLD AND OLDER

At the request of the Deputy City Manager, this matter was held over.

RESOLUTION ACCEPTING THE IMPROVEMENTS IN HILLVIEW ACRES SUBDIVISION AS COMPLETE AND AUTHORIZE THE CITY CLERK TO RELEASE THE IMPROVEMENT BOND 2-125

Director of Public Works Ray stated that all improvements in this subdivision have been completed, and all inspection fees paid. Mr. Ray recommended that the Council accept the work as complete, and authorize release of the performance bond posted by the subdivider.

RESOLUTION NO. 61-60

A RESOLUTION AUTHORIZING THE RELEASE OF SUBDIVISION BOND TO LOUIS AND LUCILLE GREMP TO GUARANTEE IMPROVEMENTS IN HILLVIEW ACRES SUBDIVISION

Introduced by Arata Seconded by VanderWall
 Ayes: Adams, Arata, Johansen, Knoles, Martin, VanderWall,
 Mayor Hammond
 Noes: None Absent: None

HEARING ON PROPOSED REZONING OF PROPERTY ON ORANGEBURG AVENUE
 EAST OF MCHENRY 2-127

Mayor Hammond announced that the hour of 4:30 P.M. had arrived, the time set for consideration of the proposed rezoning of property on Orangeburg Avenue east of McHenry Avenue, and opened the hearing.

The City Clerk reported that the notice of hearing was published in the Modesto Bee on February 1, and notices were posted and distributed in the area on February 3, 1961. No written protests were received by the City Clerk.

The City Attorney stated that the change in zoning was recommended by the Planning Commission on January 17, 1961 by Resolution No. 676 on file with the City Clerk.

The Deputy City Manager stated that the property under consideration for rezoning is located on the south side of Orangeburg Avenue about 400 feet east of McHenry Avenue. Application for an amendment to Section 21 of the Zoning Map was filed by the Jeap Company on December 20, 1960, to reclassify the property from General-Commercial Zone, C-2, to Multiple-Family Zone, R-3.

Director of Planning Smeath stated that the proposed change was non-controversial and in harmony with the area immediately to the east where the Tropic Apartments are located. It is proposed to build an apartment house on this property. Curbs, gutters and sidewalks will be installed and property has been dedicated for the widening of the street.

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

ORDINANCE NO. 435-C.S. entitled

"AN ORDINANCE AMENDING SECTION MAP 21 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (JEAP COMPANY)"

was introduced and ordered printed and published as required by the Charter.

Moved by VanderWall Seconded by Adams
 Ayes: Adams, Arata, Johansen, Knoles, Martin, VanderWall,
 Mayor Hammond
 Noes: None Absent: None

RESOLUTION APPROVING THE FINAL MAP OF SKYLANE PARK NO. 1
SUBDIVISION

At the recommendation of the Director of Public Works, and with the unanimous consent of the Council, this matter was dropped from the agenda until papers have been filed by the subdividers of Skylane Park No. 1 Subdivision.

ORDINANCE APPROVING LEASE AND CONTRIBUTION AGREEMENTS FOR 10TH
AND H STREET PARKING LOT 3-35

Deputy City Manager Keefe stated that this matter had been discussed at two previous council meetings at which time it was agreed that the tenants and owners in the immediate area would attempt to raise \$360 per month to contribute towards the operating expenses of the proposed parking lot at the southwest corner of 10th and H Streets. So far, total pledges of \$275 per month have been received.

George Reynolds, Manager of Turner Hardware Co., stated he was sure that pledges would be obtained for at least \$300. He said that the owner of the property was anxious to get the lease signed at once.

Councilman Martin asked if the haste in getting the lease signed was due to a strong demand for the property.

Carter Harrison, real estate agent representing the owner, stated that if the property is not leased by the City, the property can be leased out for some other type of business.

It was Mayor Hammond's opinion that the proposed parking lot would be a hub of the downtown renewal program, if such a program develops. Future plans could be developed more easily from open ground than if the property was cluttered with an undesirable use. He felt that the efforts of the property owners and tenants to contribute to the parking lot were well worth the community moving ahead on the project.

The City Attorney stated that if the ordinance approving the lease agreement was introduced at the present meeting, it would not be finally adopted until the February 23rd meeting, which would give property owners and tenants another week to secure additional pledges.

ORDINANCE NO. 437-C.S. entitled

"AN ORDINANCE APPROVING THE LEASING OF CERTAIN REAL PROPERTY FROM MRS. DOROTHY M. WAHLGREN FOR PARKING PURPOSES AND AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT IN CONNECTION THEREWITH"

was introduced and ordered printed and published as required by the Charter.

Moved by VanderWall Seconded by Johansen
Ayes: Adams, Arata, Johansen, Knoles, Martin, VanderWall,
Mayor Hammond
Noes: None Absent: None

HEARING ON PROPOSED REZONING OF BLOCK 36, BOUNDED BY K & L STREETS
AND 6TH AND 7TH STREETS - 4:35 P.M. 3-105

Mayor Hammond announced that the hour of 4:35 P.M. had arrived, the time set for consideration of the proposed rezoning of Block 36, bounded by K & L Streets and 6th and 7th Streets, and opened the hearing.

The City Clerk reported that notice of hearing was published in the Modesto Bee on February 1st, and notices were posted and distributed in the area on February 3, 1961. No written protests were received by the City Clerk.

Director of Planning Smeath stated that the Planning Commission has recommended that Block 36, bounded by K & L Streets and 6th and 7th Streets, be rezoned from its present R-3, Multiple Family zone, to C-M, Commercial Industrial zoning. After construction of the freeway, the property will lie between the freeway and the railroad tracks and will be a difficult living area. Mr. Smeath indicated on a map the present zoning of the area; the block is now occupied by single, two-family uses, multiple family apartments, with several vacant areas. He stated that the Planning Commission received protests from colored people living in the area who feared that rezoning would force them to relocate, which would be difficult. No one else in the block has protested the rezoning. Mr. Smeath said that in spite of the existing general problems, it was felt by the Planning Commission that the quality of the housing and the vacancies existing in the block, made rezoning a step in the right direction at this time.

Answering questions submitted by Councilmen Martin and VanderWall, Mr. Smeath stated that the blocks north and south of Block 36 have not been considered for rezoning because they are solidly built with homes and there have been no applications for rezoning.

Answering a question by Mayor Hammond, Mr. Smeath stated that C-M, Commercial Zoning, would permit light industrial types of uses, such as warehousing, bottling plants, public garages, and similar uses.

Walter E. Brockett, 1101 7th Street, stated that he owned property in the area proposed for rezoning. Answering a question by Mr. Brockett, Mr. Smeath stated that if the area is rezoned to C-M, all of the residential structures become nonconforming uses and all applications for enlargement or other changes would be denied under regular process, and since the structures become nonconforming, an eventual elimination program takes place if the ordinance is followed. Repairs and maintenance only are permitted to the existing properties.

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

ORDINANCE NO. 436-C.S. entitled

"AN ORDINANCE AMENDING SECTION MAP 29 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (BLOCK 36, BOUNDED BY K & L STREETS AND 6TH & 7TH STREETS)"

was introduced and ordered printed and published as required by the Charter.

Moved by Adams Seconded by Johansen
 Ayes: Adams, Arata, Johansen, Knoles, Martin, VanderWall,
 Mayor Hammond
 Noes: None Absent: None

RESOLUTION APPROVING JOINT EXERCISE OF POWERS AGREEMENT NO. 10-627
 BETWEEN THE CITY AND STATE 4-110

Deputy City Manager Keefe stated that the State is acquiring certain utility easements in the name of the City of Modesto to accommodate the City's facilities which are to be relocated outside the limits of the freeway, in connection with the State's freeway project. It will be necessary that the City quitclaim to the State its existing easement areas which are to be used for highway purposes. He stated that approval of the Joint Exercise of Powers Agreement No. 10-627 is necessary.

Director of Public Works Ray stated that the agreement provides that the City join in any condemnation suits necessary to obtain the easements, with no expense to the City.

RESOLUTION NO. 61-61

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND STATE OF CALIFORNIA, DEPARTMENT OF PUBLIC WORKS, DIVISION OF HIGHWAYS FOR THE JOINT EXERCISE OF POWERS NO. 10-627

Introduced by VanderWall Seconded by Martin
 Ayes: Adams, Arata, Johansen, Knoles, Martin, VanderWall,
 Mayor Hammond
 Noes: None Absent: None

CONSIDER REQUEST FOR SEWER SERVICE TO PROPERTY OF U. Z. BRANNON
 ON NORTH SIDE OF SCENIC DRIVE 450 FEET WEST OF ROSE AVENUE 4-130

Deputy City Manager Keefe stated that Mr. Brannon has requested sewer service for a dwelling proposed to be constructed on the north side of Scenic Drive, 450 feet west of Rose Avenue. Mr. Brannon has agreed to comply with the usual conditions required by the City.

Answering a question by Councilman Martin, Mr. Ray stated that the sewer line runs on Scenic Drive west of Rose Avenue and it is presently a trunk sewer. This would be connected into a manhole, which is not the normal procedure. He said that there is no definite development proposal for this particular property at this time, and approval of Mr. Brannon's request would permit service until development plans are provided.

RESOLUTION NO. 61-62

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND U. Z. BRANNON FOR SEWER SERVICE TO PROPERTY LOCATED 400 FEET WEST OF ROSE AVENUE ON SCENIC DRIVE

Introduced by Adams Seconded by Knoles
 Ayes: Adams, Arata, Johansen, Knoles, Martin, VanderWall,
 Mayor Hammond
 Noes: None Absent: None

RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR RECONSTRUCTION OF DRIVEWAYS ON McHENRY AVENUE BETWEEN NEEDHAM AND M.I.D. LATERAL NO. 4

Deputy City Manager Keefe stated that because of complaints received relating to the scraping of bumpers on McHenry Avenue, the State has agreed to reconstruct fourteen driveways on McHenry Avenue, the State to pay the construction costs and the City to provide the necessary engineering and inspection.

RESOLUTION NO. 61-63

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR RECONSTRUCTION OF DRIVEWAYS - McHENRY AVENUE

Introduced by Arata Seconded by VanderWall
 Ayes: Adams, Arata, Johansen, Knoles, Martin, VanderWall,
 Mayor Hammond
 Noes: None Absent: None

CONSIDER AUTHORIZATION OF TRAFFIC ASSISTANCE TO CITY OF SANTA CRUZ 5-20

Deputy City Manager Keefe read a memorandum from Director of Traffic Carmody addressed to the City Manager, Subject, "Traffic Engineering Assistance to Santa Cruz", dated February 14, 1961, copies of which were previously furnished the Council. Mr. Carmody requested permission to assist the City of Santa Cruz in planning traffic movement in and around its central business district, the work to be done almost entirely on weekends and at home in the evenings, and about 60 hours of the report writing to be done during his three weeks' vacation which has already been approved. Mr. Keefe stated that the City Manager has no objections to Mr. Carmody accepting the assignment, but administrative policy requires Council approval.

Mayor Hammond stated that the purpose of a vacation was a complete divorce from activities normally followed. He stated that in his own business employees are not permitted to follow the same line of activity during vacations. He questioned the advisability of making vacation time available for pursuit of outside activities related to normal city business.

The matter was generally discussed by the Council.

MOTION

That the request of Director of Traffic Carmody to assist the City of Santa Cruz in planning traffic movement be approved.

Moved by Adams Seconded by Knoles The motion carried.

Mayor Hammond stated that he cast a dissenting vote because he felt that the work was such that a leave of absence should be taken to complete the work at one time.

Councilman Martin stated that he cast an affirmative vote because the experience would contribute to Mr. Carmody's effectiveness to the City and he felt that this was enough to offset the undesirable practice of an employee assuming outside activities in addition to his regular duties.

APPROPRIATION TRANSFERS

The Deputy City Manager stated that an appropriation transfer of \$4,000 from the Special Gas Tax Street Improvement Fund Reserve (207) to Reconstruction (14) Driveways on McHenry Avenue (503-207) was necessary for the reconstruction of the fourteen driveways on McHenry Avenue.

RESOLUTION NO. 61-64

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$4,000 FROM SPECIAL GAS TAX STREET IMPROVEMENT FUND RESERVE (207) TO RECONSTRUCTION (14) DRIVEWAYS ON McHENRY AVENUE (503-207)

Introduced by Adams Seconded by Johansen
 Ayes: Adams, Arata, Johansen, Knoles, Martin, VanderWall,
 Mayor Hammond
 Noes: None Absent: None

REPORTS FROM THE PLANNING COMMISSION

RESOLUTION SETTING DATE FOR PUBLIC HEARING ON PROPOSED AMENDMENT TO SECTION 19 OF ZONING MAP (LOWE) 5-100

Director of Planning Smeath stated that the Planning Commission held hearings on application of Lowe et al to rezone an area at Roseburg and Carver Avenues to Planned Development Zone, P-D, for commercial uses. The matter is now ready to be set for hearing before the Council.

RESOLUTION NO. 61-65

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 (LOWE)

Introduced by VanderWall Seconded by Johansen
 Ayes: Adams, Arata, Johansen, Knoles, Martin, VanderWall,
 Mayor Hammond
 Noes: None Absent: None

March 13, 1961 at 7:35 P.M. in the Council Chambers of the City of Modesto was set as the time and place of hearing.

RESOLUTION SETTING DATE FOR PUBLIC HEARING ON PROPOSED AMENDMENT TO SECTION 16 OF THE ZONING MAP (OVERHOLTZER AND MAY)

RESOLUTION NO. 61-66

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 16 OF THE ZONING MAP (OVERHOLTZER AND MAY)

March 13, 1961 at 7:40 P.M. in the Council Chambers of the City of Modesto was set as the time and place of hearing.

CONSIDER REQUIREMENT OF STREET LIGHTS IN MONTGOMERY VILLAGE PARK SUBDIVISION 5-115

Director of Planning Smeath stated that the Planning Commission has approved a tentative map for Montgomery Village Park Subdivision, and displayed the map to the Council. He stated that this land is divided into many parcels, which were difficult to acquire. The subdivider has acquired options on the back ends of properties and has prepared a plan which meets City requirements. The Planning Commission granted exceptions to two of the cul-de-sacs in the subdivision, permitting them to be slightly longer than the 500 feet provided in the subdivision regulations. Mr. Smeath stated that the Planning Commission felt that it would be highly desirable to have street lights in the cul-de-sacs on the turnarounds, and made this requirement a condition in the approval of the tentative map. Three lights are required at an approximate cost of \$600 each. Mr. Smeath stated that the Code requires that lights in subdivisions be provided not more than 630 feet apart; therefore except for the specific Planning Commission requirement, in this instance the subdivider would not be required to put street lights in these cul-de-sacs. He said that because of these circumstances the Planning Commission had asked that the matter be presented to the Council for consideration of whether or not the City should share in the cost of installation.

Mayor Hammond stated that subdivision regulations are to be used as guides and tempered by needs, and it was his opinion that a need for lights in the cul-de-sacs was indicated, and he could see no justification for city participation.

MOTION

That the City not share the cost of street lights in Montgomery Village Park Subdivision.

Moved by VanderWall Seconded by Martin Unanimously carried

RESOLUTION RECOMMENDING EXTENSION OF TIME FOR FILING OF FINAL MAP OF YORKSHIRE MANOR SUBDIVISION 6-65

Director of Planning Smeath recommended that the time for the filing of final map of Yorkshire Manor Subdivision be extended to August 16, 1961.

RESOLUTION NO. 61-67

A RESOLUTION GRANTING AN EXTENSION OF TIME FOR FILING FINAL MAP OF YORKSHIRE MANOR SUBDIVISION

Moved by Johansen Seconded by Martin
Ayes: Adams, Arata, Johansen, Knoles, Martin, VanderWall,
Mayor Hammond
Noes: None Absent: None

REQUEST OF DIRECTOR OF PLANNING TO ATTEND WASHINGTON CONFERENCE
ON PLANNING LEGISLATION MARCH 3-4, 1961 6-100

Deputy City Manager Keefe read a memorandum from the Planning Director, subject, "Washington Conference on National Planning Legislation, March 3-4, 1961", dated February 15, 1961, requesting authorization to attend a conference of the American Institute of Planners in Washington, D. C. The Institute will pay \$150 toward Mr. Smeath's expenses; the memorandum requested that the City pay the \$172 balance needed for the trip.

Mayor Hammond stated that the invitation was an honor to Mr. Smeath and to the City.

MOTION

That the Director of Planning be authorized to attend the Washington Conference on National Planning Legislation to be held in Washington, D.C. March 3-4, 1961, and that payment of \$172 be authorized.

Moved by Martin Seconded by Knoles Unanimously carried

REPORT ON LEGISLATIVE MATTERS 6-120

City Attorney Grimes reported that AB-127 was before the Assembly Committee on Governmental Efficiency and Economy on February 14, 1961, which, if enacted, will require meetings of local legislative bodies to be open, even if held solely for the purpose of discussion and no action taken, and no decision to be made on the subject under consideration. The bill also requires open meetings to discuss pending, proposed or anticipated litigation with the city attorney or special counsel, notwithstanding the fact that public discussion of the subject to be considered would result in an advantage to the adversary of the people or in detriment to the public. The bill also provides that any member of a local legislative body who attends a meeting held in violation of the proposed act is guilty of a misdemeanor. Mr. Grimes stated that he and Mr. Miller concurred in the opinion of the League that the bill is an entirely unwarranted extension of the Brown Act and would completely reverse the recent and reasonable interpretation of that Act by the California Appellate Court. The following wire was sent to the Committee: "We support in principle and practice open public meetings of public bodies both state and local, but we object to the proposed requirements in AB-127 that such matters as attorney-client discussions of city litigation be held publicly giving every advantage to those opposing the city in court to the detriment of the public."

Mr. Grimes stated that action on the bill was withheld for two weeks.

RESOLUTION NO. 61-68

A RESOLUTION OPPOSING ASSEMBLY BILL 127 PROPOSING TO AMEND THE BROWN ACT RELATING TO MEETINGS OF LOCAL LEGISLATIVE BODIES

Introduced by VanderWall Seconded by Arata
Ayes: Adams, Arata, Johansen, Knoles, Martin, VanderWall, Mayor Hammond

Noes: None Absent: None

REPORT OF HEARING ON C.A.B. AIRLINE SERVICE TO MODESTO 7-32

The Deputy City Manager briefly reviewed a memorandum from Director of Parking and Traffic Carmody, subject, "Airlines Service to Modesto", dated February 10, 1961. A decision of the C.A.B. Examiner which becomes final on February 16, 1961 indicates that all applications to serve Modesto were denied, and United Airlines therefore remains as the City's only carrier. The matter of schedules and flight frequency were not a part of the decision, and are left entirely to the certificated carrier to determine.

It was Mr. Keefe's belief, after a discussion with the Director of Parking & Traffic, that there was not enough business to warrant an additional airline carrier in Modesto. No action was taken by the Council.

FURTHER REPORT ON AIRPORT CONTROL TOWER

With the unanimous consent of the Council, this matter was held over pending a meeting with F.A.A. representatives.

Director of Public Works Ray suggested that members of the Council be present at the meeting, which will deal with the cost factors involved. He said that members of the Board of Supervisors plan to be present.

REPORT ON PROCEDURE FOR FIRE TRAINING FOR PARKING ENFORCEMENT OFFICERS 7-40

Deputy City Manager Keefe reported that copies of a report of a meeting with the Police Chief, Fire Chief, Personnel Technician and the Deputy City Manager, Subject, "Report on Procedure for Fire Training for Parking Enforcement Officers," dated February 10, 1961, were furnished each member of the Council prior to the meeting. At the same time, a letter proposed to be sent to all present city firemen inviting their application for the job of Parking and Enforcement Officer was sent for Council approval. Mr. Keefe stated that if the procedural method outlined was approved by the Council, the letter would be mailed to the present city firemen.

Mayor Hammond stated that he had checked the documents and had no objections. There were no objections by the Council.

PRESENTATION OF FINANCIAL STATEMENT FOR THE MONTH OF JANUARY, 1961 7-55

Councilman Martin stated that the change made by the Director of Finance in the summary of expenditures of the financial statement has greatly improved the clarity of the report.

MISCELLANEOUSInvitation to Council to Attend Engineers' Meeting

The City Clerk stated that the Society of Professional Engineers has invited the Council to attend a Washington's birthday

meeting to be held on February 21, 1961 at Stanislaus County Center No. 3. A suggestion was made that Councilman Adams be appointed official delegate to attend the meeting.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned.

Moved by Knoles Seconded by Arata Unanimously carried

The meeting adjourned at 5:40 P.M.

ATTEST:


CITY CLERK

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

The City Clerk called the roll and there were:

Present: Councilmen: Arata, Johansen, Knoles, Martin, VanderWall,
Mayor Hammond
(Councilman Adams arrived at 7:38 P.M.)

Absent: None

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

Reverend Charles Edwards gave the invocation.

APPROVAL OF MINUTES

Council members having received copies of the minutes of the Council meeting of January 18, 1961, and the same being available for public inspection and there being no objections, the minutes were approved.

LETTER FROM WILLIS M. KLEINENBROICH, OWNER OF MODESTO MOTOR BUS SERVICE RE: PROPOSED DISCONTINUANCE OF SOME SCHEDULES 1-35

A letter from Mr. Kleinenbroich, owner of Modesto Motor Bus Service, written to the Public Utilities Commission, requesting approval to eliminate bus service in certain areas of the City and adjacent areas for lack of sufficient patronage, to be effective February 27, 1961, was read by the City Clerk. The schedules proposed for discontinuance are: The 6:15 A.M. trip on Route No. 1, west side; the 6:45 A.M. trip on Route No. 2, east side; all Saturday trips scheduled before 8:15 A.M. on all four routes. The letter stated that less than an average of two passengers were picked up daily on the 6:15 A.M. Route No. 1, westside trip, and less than an average of four passengers on the 6:45 A.M. east side trip; there has been less than an average of five passengers on the Saturday, before 8:15 A.M. trips.

(Councilman Adams arrived at 7:38 P.M.)

Director of Traffic Carmody stated that the local bus service is operating under a 1927 ordinance and is not under the jurisdiction of the Public Utilities Commission; therefore, the authority to change schedules or routes rests with the City Council. Mr. Carmody stated that the Council, in making a decision, should consider not only the fact that Mr. Kleinenbroich is losing money on these runs, but should also consider the hardships which will be incurred by the individuals using the buses on these runs. He said that some cities take into consideration the overall profits of a bus service, instead of individual runs, in making a decision as to whether runs operating at a loss should be eliminated. He pointed out that the City bus service is not a profitable one, grossing approximately \$70,000 per year, netting Mr. Kleinenbroich approximately \$3,000 per year. He also pointed out that most bus systems in the United States are losing propositions.

Mayor Hammond stated that it was important that the bus operation be financially healthy so that proper equipment replacements can be made which, in turn, will encourage patronage.

The City Manager suggested that discontinuance of the routes requested by Mr. Kleinenbroich be granted, and that the staff prepare a report on the overall bus situation. He stressed the importance of the service to the community.

MOTION

That the request of Mr. Kleinenbroich for discontinuance of bus schedules as outlined above be approved, and that the staff prepare a report on the overall bus situation.

Moved by Arata Seconded by Knoles Unanimously carried

LETTER FROM ROBERT ALFORD, CHAIRMAN OF PERSONNEL COMMISSION 1-120

Robert Alford, Chairman, Personnel Commission, read a letter addressed to the Council, containing the Personnel Commission's recommendations on salary and fringe benefits for city employees, a copy of which is on file in the office of the City Clerk.

Mr. Alford stated that in arriving at the recommendations, the Personnel Commission inadvertently included "Traffic Painters" with Heavy Equipment Operators for a one-range increase. No range increase was intended for traffic painters, and this should be stricken from the report.

Mayor Hammond and members of the Council complimented Mr. Alford and members of the Personnel Commission for their conscientious work in reviewing the City's salary structure.

Jerry Whitney, Attorney at Law, affiliated with the firm of Short, Short and Whitney, Stockton, distributed a report and a resolution signed by 45 members of the Fire Department. He directed the Council's attention to page 8 of the report, which indicated that the firemen of the City of Modesto were among the lowest paid on the list. He questioned the survey used by the Personnel Commission, stating that surveys generally used are based on cities of comparable size. It was his opinion that the Modesto firemen were entitled to more than a 2½% increase in salary.

Letter from Stanislaus - Tuolumne County Central Labor Council

Mayor Hammond read a letter from the Stanislaus-Tuolumne County Central Labor Council signed by C. C. Krakow, Secretary, relative to the low wages paid Modesto fire fighters in comparison to cities of comparable size. The letter indicated that various surveys indicate that Modesto firemen's wages are from \$78 to \$38 below average. Since the time these surveys were made, most of the cities have received a five per cent raise. Surveys also indicate that Modesto firemen work more hours per week than firemen in most cities. A 12½% wage increase was asked for the firemen.

Letter from Modesto City Fire Fighter's Association signed by Robert W. Jamison, President

Mayor Hammond read a letter from Modesto City Fire Fighters' Association signed by Robert Jamison, which stated that due to the complexity of work schedules and related assignments involving the day to day work plan of department personnel, the Association recommended a policy of granting compensating time off for holidays worked, rather than pay for holidays worked. Listed as reasons were that the system is more beneficial to the City from a financial standpoint and it also helps to occasionally shorten the firemen's long work week. The letter asked that the loss of four holidays be considered by the Council in the final salary determination.

The City Manager submitted a report to the Council entitled "Report to City Council on Salaries and Fringe Benefits -- City Employees," dated February 22, 1961. Mr. Miller briefly reviewed the report. He stated that the staff agreed in general with the "Findings" of the Personnel Commission; however, he pointed out that during the past year the consumers' price index has increased more than 1½%, and although this was reflected to some extent in the salary survey data, he believed that in considering the classes for which salary data is not available, the price index increase should be given appropriate weight. The staff agreed with the following recommendations made by the Personnel Commission: Change in the vacation schedule; change in holiday schedule; change in car mileage; and method for payment of uniform allowance. He suggested that the Council withhold action on the matter of pay for holiday work until additional information can be compiled and presented. Mr. Miller reminded the Council of the importance of proper internal salary relationships. The salary changes recommended by the Personnel Commission provided increases for approximately 290 employees, out of a total of 370. He read from his report the paragraph requesting consideration of a 2½% salary increase for approximately 60 employees in the classes not covered in the Personnel Commission's recommendation, and, if the Council did not see its way clear to make the adjustments for this group at this time, that the entire matter be reviewed at mid year.

Mr. Miller's report stated that he joined with the Personnel Commission in commending Bernice Mitchel, Personnel Technician, for her "help, patience and courtesy during the lengthy salary study;" that Mrs. Mitchel has assumed more and more direct responsibility for the City's personnel operation, doing an outstanding job; and that he had discussed with the Personnel Commission the desirability of considering this among other special classification problems.

Mr. Miller stated that it was probable because of salary savings realized so far this fiscal year, that all of the costs of the proposed increases could be made without an increase in the amount already allocated for salaries in the current budget.

MOTION

That the holiday pay recommendation be referred to the staff for study and report, and review by the Personnel Commission.

Moved by Martin Seconded by VanderWall Unanimously carried

Mel Jones, Vice President, City Employees' Association, requested that final action on the Personnel Commission recommendations be postponed for one week.

Mayor Hammond stated that he preferred action being taken at once, since he would be absent the following week, at which time any final changes desired by the Council could be made.

The recommendations presented by the Personnel Commission were reviewed by the Council, and no changes made.

MOTION

That suitable documents be drawn to implement the recommendations outlined by the Personnel Commission, excepting the holiday pay recommendation.

Moved by Martin Seconded by VanderWall Unanimously carried

Mayor Hammond stated that he recognized the inequities of salary ranges between cities. In making their recommendations, the Personnel Commission and the Council acted on the matter not to keep the salaries down, but to keep them in balance with the City's ability to pay and still provide money to furnish the capital improvements necessary to provide jobs for the employees to perform.

(Councilman Knoles left the meeting at 8:15 P.M.)

HEARING ON PROPOSED CLOSING OF LOUISE AVENUE 5-108

Mayor Hammond announced that the hour of 8:00 P.M. had arrived, the time set for consideration of the proposed closing of Louise Avenue, and opened the hearing.

The City Clerk reported that the notice of hearing was published in the Modesto Bee on February 2, 1961 and notices posted and delivered in the area on February 7, 1961. No written protests were filed with the City Clerk.

Ernie Darpinian, 1417 Louise Avenue, spoke briefly in favor of closing Louise Avenue.

Alfred M. Tell, 1434 Princeton, spoke in opposition to the closing, stating that if the street remained open it would absorb some of the traffic which will result from the construction of the new post office.

Arnold Fosnaugh, 1438 Louise Avenue, requested that the street be closed to preserve the present value of the homes on Louise Avenue.

J. P. Amstutz, 1426 Louise, stated that when many of the owners purchased their property on Louise Avenue, they were told that Louise Avenue would be a continuation of the area of fine residences, namely, Princeton, Yale and Fordham Avenues. The property owners now find themselves engulfed by industry with a promise of more in the future. It was his opinion that if Louise Avenue was blocked at the west end with barriers erected to screen out the industrial area, this would insure property values and give incentive for future improvements. He said that the original proposal called for closing the street at the west end on the city easement parallel to Kearney, and if the plan has been altered, it has been done so

at the request of the two property owners at the west end of the street. Mr. Amstutz requested that the Council pass Resolution Of Intention No. 276.

Art Dutcher, 1412 Louise, stated that if the area east of Louise Avenue is developed with a proposed apartment house, a more serious traffic problem will exist on Louise Avenue if it is not closed.

Eugene F. Lane, 1401 Louise, spoke briefly in support of closing the street.

The City Clerk reported that he had nine letters requesting that the street be closed, and a petition signed by 30 people in the area guaranteeing proper care of the area where the street is proposed to be closed.

Director of Planning Smeath stated that the Planning Commission approved and recommended the closing of Louise Avenue on the basis of Alternate No. 6, which shows the closing one lot from Kearney Avenue, because two property owners at the west end opposed the closing. Mr. Smeath said that most of the property owners prefer, and the staff believes that it would be best, to close the street on the basis of Alternate No. 5, which closes the street at Kearney Avenue. Mr. Smeath pointed out that the present hearing was based on Alternate No. 6, closing the street one lot up from Kearney. He stated that the City Attorney's office was asked to make the closing flexible so that the Council could determine where the closing should be, and was informed that the hearing would have to be based on one alternative or the other.

Acting City Attorney Bienvenu read a memorandum prepared by City Attorney Grimes which stated that alternative proposals were submitted at the Planning Commission meeting; however, the closing was based upon a specific proposal as set forth in a drawing prepared by the Public Works Department attached to the Resolution of Intention, and that it was not possible for the Council to modify the closing unless a new Resolution of Intention is adopted. This would require that the matter be referred back to the staff.

Ernie Darpinian, 1417 Louise, stated that he was under the impression that the hearing was based on Alternate No. 5, the plan blocking the street at the City easement line, and taking in all of the houses, rather than isolating the two houses on the end.

Mayor Hammond suggested that the matter be held over pending clarification.

MOTION

That the Council expresses its intention to close Louise Avenue, the staff to study the matter and report further to the Council.

Moved by Martin Seconded by Adams Unanimously carried

CONSIDER RESOLUTION AWARDING BID FOR DRAPERIES FOR THE CITY HALL
7-125

Deputy City Manager Keefe reported that four bids were received for City Hall draperies, the low bid submitted by Gordo's Draperies for \$4,318, which includes sales tax. He recommended that the bid be awarded to Gordo's Draperies.

RESOLUTION NO. 61-70

A RESOLUTION ACCEPTING THE BID OF GORDO'S DRAPERIES FOR FURNISHING AND INSTALLING DRAPERIES IN THE CITY HALL, MODESTO, CALIFORNIA

Introduced by VanderWall Seconded by Johansen
Ayes: Adams, Arata, Johansen, Martin, VanderWall, Mayor Hammond
Noes: None Absent: Knoles

CONSIDER RESOLUTION AWARDING BID FOR PURCHASE OF GASOLINE AND
DIESEL FUEL 8-20

Deputy City Manager Keefe stated that six bids were received for gasoline and diesel fuel. He recommended that the low bid of Richfield Oil Company for gasoline, and the low bid of Union Oil Company for diesel fuel be accepted.

Mr. Keefe stated that he had checked with the County on the matter of purchasing gasoline and diesel fuel through its contract; however, the present county contract contains a clause which does not apply to the City of Modesto. He requested consent from the Council to negotiate with the County for cooperative bidding for next year's needs.

There were no objections by the Council.

RESOLUTION NO. 61-71

A RESOLUTION ACCEPTING THE BID OF RICHFIELD OIL COMPANY FOR GASOLINE FOR THE PERIOD MARCH 1, 1961 TO FEBRUARY 28, 1962

Introduced by Martin Seconded by Johansen
Ayes: Adams, Arata, Johansen, Martin, VanderWall, Mayor Hammond
Noes: None Absent: Knoles

RESOLUTION NO. 61-72

A RESOLUTION ACCEPTING THE BID OF UNION OIL COMPANY FOR DIESEL FUEL FOR THE PERIOD MARCH 1, 1961 TO FEBRUARY 28, 1962

Introduced by Martin Seconded by Arata
Ayes: Adams, Arata, Johansen, Martin, VanderWall, Mayor Hammond
Noes: None Absent: Knoles

ADOPTION OF ORDINANCE NO. 435-C.S., REZONING OF PROPERTY ON
ORANGEBURG AVENUE EAST OF McHENRY AVENUE

ORDINANCE NO. 435-C.S. entitled

"AN ORDINANCE AMENDING SECTION MAP 21 OF THE ZONING MAP OF THE

CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (JEAP COMPANY)"

having been printed and published as required by the Charter, was moved and adopted.

Moved by VanderWall Seconded by Martin
Ayes: Adams, Arata, Johansen, Martin, VanderWall, Mayor Hammond
Noes: None Absent: Knoles

ADOPTION OF ORDINANCE NO. 436-C.S., REZONING OF PROPERTY (BLOCK 36) BOUNDED BY K & L - 6TH & H STREETS 8-45

With the unanimous consent of the Council, the adoption of Ordinance No. 436-C.S. was held over.

ADOPTION OF ORDINANCE NO. 437-C.S., APPROVING LEASE OF PROPERTY FOR PARKING LOT AT 10TH & H STREETS

ORDINANCE NO. 437-C.S. entitled

"AN ORDINANCE APPROVING THE LEASING OF CERTAIN REAL PROPERTY FROM MRS. DOROTHY M. WAHLGREN FOR PARKING PURPOSES AND AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT IN CONNECTION THEREWITH"

having been printed and published as required by the Charter, was moved and adopted.

Moved by Adams Seconded by Arata
Ayes: Adams, Arata, Johansen, Martin, VanderWall, Mayor Hammond
Noes: None Absent: Knoles

CONSIDER MATTER OF CLOSING TIME FOR ITEMS FOR COUNCIL AGENDA AND DELIVERY TO COUNCILMEN 8-50

MOTION

That the closing time for items for the Council agenda be changed to Thursday at 12:00 noon.

Moved by Johansen Seconded by Arata Unanimously carried

The City Manager stated that an ordinance was necessary to effect the change.

RESOLUTION ACCEPTING CONTRIBUTIONS FROM PROPERTY OWNERS OR TENANTS AS A PORTION OF THE COST OF OPERATING AND MAINTAINING A CITY PARKING LOT AT THE SOUTHWEST CORNER OF 10TH & H STREETS

Director of Traffic Carmody reported that contribution pledges in the sum of \$340 per month have been received from property owners and tenants for the cost of operating and maintaining the proposed city parking lot at the southwest corner of 10th and H Streets. Mr. Carmody pointed out to the Council that the agreements with the property owners and tenants are subject to cancellation should a tenant move out or a property owner sell his property. The agreements are drawn so that the pledges are the maximum amount they will be required to pay, and will vary in accordance with the revenue received.

The City Manager suggested that the tenants and property owners be authorized to place a sign in the parking lot bearing the names of the contributors and indicating that they are contributing to the support of the lot. He felt that this would be an inducement to attract other donors.

RESOLUTION NO. 61-73

A RESOLUTION APPROVING AGREEMENTS BETWEEN THE CITY OF MODESTO AND VARIOUS TENANTS AND PROPERTY OWNERS, ACCEPTING CONTRIBUTIONS AS A PORTION OF THE COST OF OPERATING AND MAINTAINING A CITY PARKING LOT AT THE SOUTHWEST CORNER OF 10TH AND H STREETS

Introduced by Johansen Seconded by Arata
 Ayes: Adams, Arata, Johansen, Martin, VanderWall, Mayor Hammond
 Noes: None Absent: Knoles

MOTION

That the tenants and property owners be authorized to place a sign in the parking lot bearing their names and indicating their support of the parking lot.

Moved by Adams Seconded by VanderWall Unanimously carried

FURTHER REPORT ON AIRPORT CONTROL TOWER 8-88

A report prepared by the Public Works Department entitled "Airport Control Tower", dated February 20, 1961, was previously distributed to the Council.

Director of Public Works Ray briefly reviewed the report. He stated that the original total estimated cost for the construction of the airport control tower was \$120,000, and on the basis of this estimate, the federal share was set at \$64,944, and the share of the City and County \$55,056. Due to new specifications issued by the federal government, the City's architects have informed the City that it should plan on a construction cost in the order of \$150,000. Mr. Ray listed the five major changes effecting the increased cost. He said that an unsuccessful attempt was made to obtain permission from the F.A.A. to use the old specifications. The matter has been discussed with the Board of Supervisors and will be taken up by them at their next meeting. A decision is needed as to whether the City will proceed with the construction of the control tower, which means that the City must either submit an application for a grant agreement for the project, or a letter requesting an extension of time, by March 1, 1961, and also asking for an additional allocation of federal funds. The F.A.A. has assured the City that funds are available. The other alternative would be to drop the project. If the project is dropped, preliminary architectural fees will have to be paid.

MOTION

That the City Manager be authorized to direct a letter to the F.A.A. requesting an extension of time, and requesting allocation of additional federal funds for the airport control tower, dependent upon the approval of the County Board of Supervisors.

Moved by Arata Seconded by Johansen Unanimously carried

CONSIDER REPORT ON GARBAGE AND GARDEN REFUSE COLLECTION AND DISPOSAL

A report subject, "Garbage and Garden Refuse Collection and Disposal in the City of Modesto" dated February, 1961, prepared by the Public Works Department was distributed to the Council for study prior to the meeting.

Director of Public Works Ray stated that the Public Works Department had secured extensive information to insure that the findings presented in the report were valid. He stated he regretted that one of the alternatives in the report might eliminate sixteen members of the City work force. He asked that direction be given to the staff regarding the various alternatives.

The first matter considered was whether the City should require the use of packer type collection vehicles, except for collection of salvageable materials, for both garbage and garden refuse.

Mr. Ray stated that packer type collection vehicles could be used only if present regulations regarding refuse are revised to require that tree limbs are cut into small sizes, bounded and placed in containers.

Attorney A. E. Friedman, representing three garbage collectors, stated that his clients were in agreement that packer-type trucks should be used if the garbage and garden refuse collections are combined, provided that most of the recommendations listed in the report are carried out. He said that preliminary studies made by their accountant has indicated that a five-year contract would not be sufficient to properly amortize the type of equipment necessary for a joint operation - that a ten-year period would be preferable.

Councilman Martin questioned the order of presentation, asking if the use of packer-type equipment should be considered before an indication was made as to whether the garbage and garden refuse operation would be combined and whether it would be a city or private operation.

Mayor Hammond stated that disposal of the garden refuse should also be discussed -- whether an incinerator or a cut and fill operation was to be used for the garden refuse.

City Manager Miller stated that although the items would need to be considered in proper order, it was necessary that they be cleared -- a combined pickup would require the use of packers, and City purchase of additional land would be guided by whether or not the operations are to be combined.

Answering a question by Mayor Hammond, Mr. Ray stated that the City does not now have land for cut and fill operation for garbage alone for the next ten-year period, that acquisition of land is necessary whichever method of operation is selected.

Mayor Hammond stated that as a starting point, the Council should decide whether there should be a cut and fill operation for both garbage and garden refuse, if the staff felt that necessary land could be purchased.

It was Councilman Adams's opinion that "it all falls in a package."

Councilman Martin stated that the biggest disadvantage in combining the garbage and garden refuse operation was to foreclose the possibility of free disposal of garden refuse if such an opportunity arose.

Mayor Hammond felt that this disadvantage was offset by the economies of a joint pickup.

Mr. Ray stated that it was proposed that leaves falling in the the street would still be picked up by city crews, since this is an entirely different operation.

Answering a question by Councilman VanderWall, Attorney Friedman stated that if a few leaves are mixed in with lawn clippings, they would be considered as garden refuse.

The following indications were made by the Council to guide the staff in necessary negotiations and preparation of further reports for additional consideration.

MOTION

That the City continue the sanitary land fill type of operation for both garden refuse and garbage collections.

Moved by Adams Seconded by VanderWall Unanimously carried

MOTION

That the collection and disposal of garbage and garden refuse be combined.

Moved by Adams Seconded by Johansen Unanimously carried

MOTION

That the combined collection and disposal of garbage and garden refuse be performed by private operation.

Moved by Arata Seconded by Martin Unanimously carried

Councilman Martin stated that he voted affirmatively on this motion on the basis of the wording set forth in the Director of Public Works report -- that the combined collection be performed by private operation "if reasonable rates can be obtained," so that the City would not be committed to the private operation if rates that subsequently develop are out of line.

Mr. Ray stated that it will be necessary for the staff to prepare another report setting forth actions necessary to implement the Council's indications, one of which will be a study of operating costs of the garbage companies, before any recommendations can be made regarding rates.

MOTION

That an amendment to the ordinance relating to garbage disposal be prepared for consideration to include disposal of garden refuse.

Moved by Adams Seconded by VanderWall Unanimously carried

MOTION

That the use of packer type collection vehicles be required in the joint collection of garbage and garden refuse.

Moved by Adams Seconded by Johansen Unanimously carried

MOTION

That a single direct charge be made for the combined collection of garbage and garden refuse.

Moved by Martin Seconded by VanderWall Unanimously carried

MOTION

That the contracts for garbage and garden refuse collection be for a ten-year period, with proper protective clauses.

Moved by Adams Seconded by Arata Unanimously carried

MOTION

That the staff be authorized to commence hauling garden refuse to the City's present land disposal site, the sum of 62½ cents per load to be paid the operators of the sanitary fill to cover the materials.

Moved by VanderWall Seconded by Adams Unanimously carried

CONSIDER PROBLEM OF STORM DRAINAGE - NORTHWEST AREA OF CITY

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

APPROVAL OF GRANT DEED AND RIGHT OF WAY CONTRACT FOR SALE OF PROPERTY AT THE SOUTHWEST CORNER OF TUOLUMNE AND NEECE DRIVE 11-25

The City Manager stated that the State wishes to purchase a small parcel of property off the edge of the 9-hole golf course for freeway construction, on the southwest corner of Tuolumne and Neece Drive, for \$2,113.36.

Deputy City Manager stated that the staff feels that the price is fair. The State has agreed to construct a sidewalk and curb along the portion of the property that they will acquire. He recommended sale of the parcel of land to the State.

RESOLUTION NO. 61-74

A RESOLUTION AUTHORIZING THE SALE OF CERTAIN REAL PROPERTY BELONGING TO THE CITY OF MODESTO TO THE STATE OF CALIFORNIA (SOUTHWEST CORNER OF TUOLUMNE AND NEECE DRIVE)

Introduced by Arata Seconded by Adams
Ayes: Adams, Arata, Johansen, Martin, VanderWall, Mayor Hammond
Noes: None Absent: Knoles

RESOLUTION NO. 61-75

A RESOLUTION RESCINDING RESOLUTION NO. 61-74 ENTITLED "A RESOLUTION AUTHORIZING THE SALE OF CERTAIN REAL PROPERTY BELONGING TO THE CITY OF MODESTO TO THE STATE OF CALIFORNIA"

Introduced by VanderWall Seconded by Adams
 Ayes: Adams, Arata, Johansen, Martin, VanderWall, Mayor Hammond
 Noes: None Absent: Knoles

ORDINANCE NO. 438-C.S. entitled

"AN ORDINANCE AUTHORIZING THE SALE OF CERTAIN REAL PROPERTY BELONGING TO THE CITY OF MODESTO TO THE STATE OF CALIFORNIA"

was introduced and ordered printed and published as required by the Charter.

Moved by VanderWall Seconded by Arata
 Ayes: Adams, Arata, Johansen, Martin, VanderWall, Mayor Hammond
 Noes: None Absent: Knoles

PRELIMINARY REVIEW OF FACTORS PROPOSED TO BE CONSIDERED IN LONG RANGE WATER SUPPLY ANALYSIS

The City Manager distributed copies of two drawings pertaining to water table studies of the Modesto area, based on 1957 data. One of the drawings indicated the water table, and Mr. Miller pointed out the substantial dip in the area pumped by the City. As a result of the lowering water table, it has been necessary to lower a number of pumps, the most recent one at 10th and Needham Streets. The second drawing indicated the chloride content of water from depths of 50 to 150 feet. The Manager cited the following major factors to be considered in long range water supply analysis: The underground water supply - past, present and future; water rights of the City and conditions under which these might be utilized, as they relate to the Modesto and Turlock Irrigation Districts; other water rights which the City might have or acquire in the Tuolumne River and adjacent water sheds; finally, additional water rights which the City may have or might acquire under the State water plan. Mr. Miller said that these appear to be the sources from which water can be obtained. Further reports will be made to the Council.

RESOLUTION APPROVING FINAL MAP OF SKYLANE PARK NO. 1 SUBDIVISION

Assistant Director of Public Works Campbell stated that this 10-acre subdivision is divided into 46 lots and is located just north of M.I.D. Lateral No. 3 on the west side of Carver Road. The final map has been found to be in agreement with the resolution approved by the Planning Commission, the technical portion of the map has been checked by Mr. Campbell and found correct, and all documents and sums required in the hands of the City Attorney. He recommended that the final map of Skyline Park No. 1 Subdivision be approved.

RESOLUTION NO. 61-76

A RESOLUTION APPROVING THE FINAL MAP OF THE SKYLANE PARK UNIT NO. 1 SUBDIVISION OF THE CITY OF MODESTO

Introduced by Johansen Seconded by Arata
 Ayes: Adams, Arata, Johansen, Martin, VanderWall, Mayor Hammond
 Noes: None Absent: Knoles

Mr. Campbell submitted for Council approval a subtrunk sewer agreement providing for the construction of a 10" line along the westerly portion of the subdivision for approximately \$8,500, requiring an advance of \$4,500 from city funds.

RESOLUTION NO. 61-77

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND BEECH DEVELOPMENT COMPANY FOR SUBTRUNK SEWER THROUGH SKYLANE PARK SUBDIVISION

Introduced by VanderWall Seconded by Arata
 Ayes: Adams, Arata, Johansen, Martin, VanderWall, Mayor Hammond
 Noes: None Absent: Knoles

APPROPRIATION TRANSFER

The City Manager stated that an appropriation transfer was necessary transferring \$11,328 from the Special Fund for Capital Outlays, Special Capital Outlay General Reserve (321-600) to Special Capital Outlay, Subtrunks and Perimeter Sewers (321-503) in the sum of \$7,000 for the extension of the subtrunk sewer in Skylane Park Subdivision and to Special Capital Outlay, City Hall and Parking Garage (321-502) in the sum of \$4,328 for the purchase and installation of the city hall draperies from Gordo's Draperies. He recommended that the transfer be approved.

RESOLUTION NO. 61-78

A RESOLUTION APPROVING APPROPRIATION TRANSFER - CITY HALL DRAPERIES AND EXTENSION OF SUBTRUNK SEWER, SKYLANE PARK SUBDIVISION

Introduced by Arata Seconded by Johansen
 Ayes: Adams, Arata, Johansen, Martin, VanderWall, Mayor Hammond
 Noes: None Absent: Knoles

AUTHORIZE PREPARATION OF PLANS AND SPECIFICATIONS FOR CONSTRUCTION OF CHLORINATION STATION AND CONTACT BASIN - SEWAGE TREATMENT PLANT

Director of Public Works Ray stated that it was necessary to construct a chlorination station and contact basin at the Sewage Treatment Plant in order to meet the requirements of the State Water Pollution Control Board in chlorination of the effluent discharge to the Tuolumne River from the sewer plant units soon to be completed. This was not included in the present contract due to the shortage of time in preparation of plans and because at that time it was not known exactly what would be needed in the way of facilities. This construction must be completed before effluent is discharged from the secondary clarifier directly to the river. The City now has a temporary chlorination station at the far end of the percolation ponds. He requested authorization to proceed with the plans and specifications and to proceed with the purchase

of a chlorinator. A rough estimate of the costs, including the equipment, is \$20,000. Mr. Ray briefly described the proposed construction.

MOTION

That the staff be authorized to proceed with the purchase of a chlorinator and to prepare plans and specifications for construction of chlorination station and contact basin - Sewage Treatment Plant.

Moved by Adams Seconded by VanderWall Unanimously carried

REPORTS FROM THE PLANNING COMMISSION 11-128 - None

REPORT ON LEGISLATIVE MATTERS

The City Manager briefly reviewed AB 354, set for hearing by the Assembly Committee on Industrial Relations, which will add Section 1773.2 to the Labor Code to authorize cities to make an annual publication of the schedule of generally prevailing wage rates required to be paid under city public works contracts, instead of requiring that the schedule of prevailing wages be published as a part of each notice inviting bids. This will result in a substantial savings in publication costs. He recommended that the Council indicate approval of this measure.

The City Manager reviewed AB 485 and 486, which amend the Improvement Act of 1911 and the Street Improvement Act of 1913, respectively, to authorize the "cost of relocating or altering any public ^{utility} facilities" as an "incidental expense" to be charged the property owners in an improvement district as a part of their costs of improvements. This would transfer the costs now payable by privately-owned public utilities which now have the legal duty to relocate at their own expense. He recommended that the Council indicate opposition to these measures.

The City Manager stated that AB 385 by Senator Murdy, will authorize governing boards of school districts to employ crossing guards to assist pupils across streets near schools. Mr. Miller stated that he could check this bill with the Schools and report further to the Council, if this were indicated.

MOTION

That the Council indicates its approval of AB 354 relating to annual publication of schedule of prevailing wage rates, and opposition to AB 485 and 486, which amend the Improvement Act of 1911 and the Street Improvement Act of 1913.

Moved by Arata Seconded by Johansen Unanimously carried

APPROPRIATION TRANSFERS - None

MATTERS FOR THE GOOD OF THE COMMUNITY - None

REPORT ON CITY MANAGERS' MEETING IN FRESNO 12-30

The City Manager reported that this was one of the best meetings he has ever attended, a considerable time being spent in checking urban renewal and city redevelopment plans with other Managers. Mr. Miller stated that he and Mr. Quinn, Chairman of the Downtown Committee, were taken on a tour of the City of Tulare by City Manager Noland who explained the background of the redevelopment project in that City which was sparked by a proposal of church groups that the skid row area be cleaned up. Mr. Miller reviewed a report prepared by Mr. Quinn entitled "Report to Modesto City Council and Downtown Improvement Committee - February 23, 1961" which sets forth the redevelopment program of Tulare. The report was ordered filed and made a part of the minutes. Pictures of some of the Tulare redevelopment areas were shown the Council members.

INSURANCE REPORT

With the unanimous consent of the Council, Councilman Martin requested that the report of the insurance study recently made by Griffenhagen-Kroeger be turned over to the Modesto Insurance Agents Association for detailed comments on the report, and a report made to the Council by the staff.

MOTION

That the Council adjourn to executive session to consider appointment of Vice Mayor.

Moved by Martin Seconded by Adams Unanimously carried

The Council adjourned to executive session at 10:25 P.M. and reconvened in regular session at 10:35 P.M.

CONSIDER APPOINTMENT OF VICE MAYOR

MOTION

That Councilman Richard VanderWall be appointed Vice Mayor.

Moved by Martin Seconded by Adams Unanimously carried

CONSIDER APPOINTMENT TO PLANNING COMMISSION

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

ADJOURNMENT

MOTION

That the meeting now in session be adjourned.

Moved by Martin Seconded by VanderWall Unanimously carried

The meeting adjourned at 10:37 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 pro tempore VanderWall presiding.

The City Clerk called the roll and there were:

Present: Councilmen: Arata, Johansen, Martin, Mayor pro tempore VanderWall
Councilman Adams arrived at 4:05 P.M.
Councilman Knoles arrived at 4:01 P.M.

Absent: Mayor Hammond

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

Reverend Sherwood Daly gave the invocation.

LETTER FROM REV. CHARLES L. EDWARDS, FIRST PRESBYTERIAN CHURCH RE:
USE OF MANCINI BOWL BY CHURCH GROUP

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

LETTER FROM MICHAEL URSINI REQUESTING VARIANCE TO CURB CUT
REGULATIONS 1-20

The City Clerk read a letter from Michael Ursini requesting permission to construct a driveway 36 feet in width on Needham Avenue at the corner of Needham and McHenry Avenues. (The Code provides that the width of any driveway shall not be more than 30 feet without Council approval). If granted, the letter stated that a proposed 18-foot driveway on the McHenry Avenue side of the lot for which a permit has been issued, will not be constructed. A five-day notice requirement was waived by Mr. Ursini.

Director of Public Works Ray stated that the property was located at the northwest corner of the intersection of McHenry and Needham. There is now a 30-foot driveway, and a permit has just been issued for a driveway on the McHenry Avenue side of the property. He recommended that Mr. Ursini's request for a 36-foot driveway on Needham be approved. On-street parking spaces will not be affected, and a wider driveway will facilitate cars getting in and out of the lot. Mr. Ray said that the recommendation for approval was contingent upon elimination of the proposed driveway for which a permit has been issued on the McHenry Avenue side of the property.

RESOLUTION NO. 61-79

A RESOLUTION GRANTING A DRIVEWAY VARIANCE TO MICHAEL URSINI ON
NEEDHAM AVENUE

Introduced by Arata Seconded by Knoles
Ayes: Arata, Johansen, Knoles, Martin, Mayor pro tempore VanderWall
Noes: None Absent: Adams, Mayor Hammond

LETTER FROM JOHN KIRKPATRICK, PRESIDENT OF HOME BUILDERS
ASSOCIATION OF CENTRAL CALIFORNIA, INC., RE: OFFER OF HELP IN
CIVIC MATTERS 1-38

A letter from John Kirkpatrick, President of Home Builders Association of Central California, Inc., was read by the City Clerk. The letter stated that this association has affiliated with the National Association of Home Builders, represents 71 general and subcontractors of the home building industries of the Modesto Area, and offered to help the Council on civic matters, bond issues and any other matters pertaining to the advancement and improvement of the Modesto Area.

MOTION

That the City Clerk be authorized to write a letter of thanks to Mr. Kirkpatrick, and that the letter from Mr. Kirkpatrick be referred to Mayor Hammond.

Moved by Arata Seconded by Knoles Unanimously carried

COMMUNICATION FROM CITY-COUNTY HEALTH DEPARTMENT REGARDING CONTROL
OF FLIES IN THE COUNTY 1-50

A memorandum from the Fly Control Committee relating to fly control in Stanislaus County dated February 15, 1961 was briefly summarized by the City Clerk, copies of the memorandum having been distributed to the Council prior to the meeting.

The City Clerk was directed to write a letter to the Committee thanking them for their efforts in the control of this problem.

The memorandum was ordered filed.

RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR INSTALLATION
OF WATER LINES IN SKYLANE PARK UNIT NO. 1 SUBDIVISION 1-62

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

RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR INSTALLATION
OF SEWERS IN SKYLANE PARK UNIT NO. 1 SUBDIVISION 1-65

Director of Public Works Ray stated that the agreement for the construction of the subtrunk sewer was approved at the last meeting. Construction of 750 lineal feet of 10" sewer line is involved, and since it is over the \$1,500 limitation it is necessary to call for bids.

RESOLUTION NO. 61-80

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
THE CALLING FOR BIDS FOR SUBTRUNK SEWER IN SKYLANE PARK UNIT NO. 1
SUBDIVISION

Introduced by Adams Seconded by Arata

Ayes: Adams, Arata, Knoles, Johansen, Martin, Mayor pro tempore
VanderWall

Noes: None Absent: Mayor Hammond

March 16, 1961 at 2:00 P.M. in the City Clerk's Office was set as the time and place for opening of bids.

RESOLUTION AWARDING BID FOR CURB CUT RECONSTRUCTION ON
McHENRY AVENUE 1-72

Director of Public Works Ray stated that two bids were received, the low bid being \$4,177.05, well over the engineer's estimate of \$3,381. Since this project will be paid for by the State, Mr. Ray recommended that action by the Council be withheld until the State's wishes can be ascertained.

MOTION

That this matter be held over until the wishes of the State can be ascertained.

Moved by Knoles Seconded by Johansen Unanimously carried

RESOLUTION APPROVING PLANS AND CALL FOR BIDS ON 10TH & H STREET
PARKING LOT 1-88

Deputy City Manager Keefe stated that a schedule submitted by the Director of Parking and Traffic indicates that if plans and call for bids for the construction of the 10th & H Street parking lot are approved by the Council, bids will be opened in the City Clerk's office on March 17, 1961 at 2:00 P.M., the contract will be awarded on March 20, work will commence on April 1, and the lot ready for use on May 1, 1961.

City Manager Miller stated that an appropriation transfer will be required. He also stated that Mr. Carmody has requested a curb cut variance for the proposed parking lot, but it was his opinion that since the Municipal Code provided (except in special cases) for a maximum 30 foot curb cut that this should be sufficient for the city lot. He noted that 10th Street is a one-way street with ample lanes. He recommended that the request for the curb cut variance not be approved. No action was taken on the request for the variance.

RESOLUTION NO. 61-81

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR CONSTRUCTION OF 10TH & H STREET PARKING LOT

Introduced by Arata Seconded by Adams
Ayes: Adams, Arata, Johansen, Knoles, Martin, Mayor pro tempore
VanderWall
Noes: None Absent: Mayor Hammond

RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR INSTALLATION OF
WATER LINE IN AULSTON MANOR UNIT NO. 2 SUBDIVISION 1-110

RESOLUTION NO. 61-82

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR INSTALLATION OF WATER LINE IN AULSTON MANOR UNIT NO. 2 SUBDIVISION

Introduced by Adams Seconded by Arata
Ayes: Adams, Arata, Johansen, Knoles, Martin, Mayor pro tempore
VanderWall
Noes: None Absent: Mayor Hammond

March 16, 1961 at 2:45 P.M. in the City Clerk's Office was set as the time and place for opening of bids.

CONSIDER ORDINANCE AMENDING THE MUNICIPAL CODE RELATING TO MOVING OF BUILDINGS 1-120

The City Manager stated that the proposed ordinance will amend the Municipal Code relating to the moving of buildings to require that the permittee furnish a corporate surety bond or cash deposit to guarantee compliance with the city's building regulations after the building is moved. The proposed ordinance also would decrease the amount of the permit fee from \$12.50 to \$5.00 and would provide for an inspection fee of \$7.50 to reimburse the City for the cost of investigation and inspection.

Director of Public Works Ray added that the proposed change will mean a slight increase in revenue. Under present regulations, inspections are made on buildings to determine whether they can be moved, and no fee is charged. The \$12.50 fee is paid when the permit is issued to move the building. With the proposed change, the \$12.50 is divided, \$7.50 being charged as an inspection fee to determine whether the building can be moved, and \$5.00 for a permit to move the building. The corporate surety bond or cash deposit will guarantee that after it is moved the building will be refinished to comply with building regulations. At present, there is no requirement that the building be refinished after it is moved. Mr. Ray recommended that the proposed amendment to the Code be approved.

ORDINANCE NO. 439-C.S. entitled

"AN ORDINANCE ADDING SECTION 4-3.07.1 TO CHAPTER 3 OF TITLE IV OF THE MODESTO MUNICIPAL CODE; AMENDING SECTION 4-3.08; AND REPEALING SECTION 4-3.15 THEREOF, RELATING TO MOVING OF BUILDINGS"

was introduced and ordered printed and published as required by the Charter.

Moved by Knoles Seconded by Arata
 Ayes: Adams, Arata, Johansen, Knoles, Martin, Mayor pro tempore
 VanderWall
 Noes: None Absent: Mayor Hammond

CONSIDER ORDINANCE AUTHORIZING EXTENSION OF AN AGREEMENT FOR SALE OF CERTAIN REAL PROPERTY BELONGING TO CITY OF MODESTO TO JACK R. WATSON AND ALBERTA WATSON 2-25

The City Manager stated that the proposed ordinance authorizes extension of an agreement for sale of property owned by the City in Block 6000-A to Jack R. and Alberta Watson. The new agreement will extend the original agreement for 90 days, and provides that the buyers deposit the purchase price of \$4,000 in escrow prior to termination of the extended agreement. Mr. Miller recommended that the proposed ordinance be approved.

ORDINANCE NO. 440-C.S. entitled

"AN ORDINANCE AUTHORIZING THE EXTENSION OF AN AGREEMENT FOR SALE OF CERTAIN REAL PROPERTY BELONGING TO THE CITY OF MODESTO TO JACK R. WATSON AND ALBERTA WATSON, HUSBAND AND WIFE"

was introduced and ordered printed and published as required by the Charter.

Moved by Arata Seconded by Adams
 Ayes: Adams, Arata, Johansen, Knoles, Martin, Mayor pro tempore
 VanderWall
 Noes: None Absent: Mayor Hammond

RESOLUTION WITHDRAWING CERTAIN DESCRIBED TERRITORY FROM THE
 WOODLAND FIRE PROTECTION DISTRICT 2-38

The City Manager stated that this territory may be withdrawn from the Woodland Fire Protection District by reason of its annexation to the City (Neighborhood Church Addition).

RESOLUTION NO. 61-83

A RESOLUTION WITHDRAWING CERTAIN DESCRIBED TERRITORY FROM THE
 WOODLAND FIRE PROTECTION DISTRICT BY REASON OF ITS ANNEXATION TO
 THE CITY OF MODESTO (NEIGHBORHOOD CHURCH ADDITION)

Introduced by Knoles Seconded by Johansen
 Ayes: Adams, Arata, Johansen, Knoles, Martin, Mayor pro tempore
 VanderWall
 Noes: None Absent: Mayor Hammond

RESOLUTION WITHDRAWING THE AIRPORT PROPERTY FROM THE EMPIRE FIRE
 PROTECTION DISTRICT 2-45

The City Manager stated that this territory may be withdrawn from the Empire Fire Protection District due to the annexation of the Airport Addition to the City of Modesto, which officially became a part of the City on March 9, 1959. At the time of the annexation it was agreed between the City and the Empire Fire District to hold up withdrawal of this territory until certain matters of protection of the area were cleared. However, a new State law requires withdrawal either by the end of 1960, or within a two-year period after annexation, whichever is later, in this case March 9, 1961 being the later date. If not withdrawn during the required period, a complicated procedure must be followed to effect the withdrawal. He said that a meeting will be held with representatives of the Empire Fire District to discuss fire protection at the airport and to clear remaining technical points.

RESOLUTION NO. 61-84

A RESOLUTION WITHDRAWING CERTAIN DESCRIBED TERRITORY FROM THE
 EMPIRE FIRE PROTECTION DISTRICT BY REASON OF ITS ANNEXATION TO
 THE CITY OF MODESTO (AIRPORT ADDITION)

Introduced by Knoles Seconded by Johansen
 Ayes: Adams, Arata, Johansen, Knoles, Martin, Mayor pro tempore
 VanderWall
 Noes: None Absent: Mayor Hammond

CONSIDER PROBLEM OF STORM DRAINAGE IN NORTHWEST AREA OF CITY

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

RESOLUTION EXTENDING DATE FOR FILING OF FINAL MAP OF PARK
MANOR NO. 3 SUBDIVISION 2-70

The City Manager stated that Planning Commission Resolution No. 691 recommends that the Council approve extension of time to March 1, 1962 for filing the final map of Park Manor No. 3 Subdivision.

RESOLUTION NO. 61-85

A RESOLUTION APPROVING EXTENSION OF TIME TO MARCH 1, 1962 FOR FILING FINAL MAP OF PARK MANOR NO. 3 SUBDIVISION

Introduced by Arata Seconded by Johansen
Ayes: Adams, Arata, Johansen, Knoles, Martin, Mayor pro tempore
VanderWall
Noes: None Absent: Mayor Hammond

CONSIDER MAKING ALLEY BETWEEN 11TH AND 12TH, J AND K STREETS,
TWO-WAY 2-75

The City Manager stated that construction activity in connection with the construction of a new bank building at 12th and J Streets will necessitate blocking, or partly blocking this alley at frequent intervals. The alley is presently one-way northwesterly, and when the alley is blocked at J Street it cannot be entered. Making the alley two-way will allow drivers to enter the alley from K Street. The alley probably should revert to one-way after construction is completed. Mr. Miller recommended that the alley be made two-way.

RESOLUTION NO. 61-86

A RESOLUTION AMENDING SECTION 3(b) OF 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 SECTION 2 OF RESOLUTION NO. 60-472

Introduced by Martin Seconded by Knoles
Ayes: Adams, Arata, Johansen, Knoles, Martin, Mayor pro tempore
VanderWall
Noes: None Absent: Mayor Hammond

RESOLUTION APPROVING MASTER AGREEMENT FOR EXPENDITURE OF FUNDS
ALLOCATED FROM THE STATE HIGHWAY FUND TO CITIES 2-84

Director of Public Works Ray stated that a master agreement for expenditure of funds allocated from the State Highway Fund to cities is a new procedure so that a new agreement will not be required each time a new project is submitted to the State. The master agreement between the City and the Division of Highways will remain in effect unless amended or rescinded. It contains the same basic conditions as the previous agreements with the State for this purpose. Mr. Ray stated that the agreement was checked and approved by the Acting City Attorney.

RESOLUTION NO. 61-87

A RESOLUTION APPROVING MASTER AGREEMENT FOR EXPENDITURE OF FUNDS ALLOCATED FROM THE STATE HIGHWAY FUND TO CITIES

Introduced by Johansen Seconded by Arata
 Ayes: Adams, Arata, Johansen, Knoles, Martin, Mayor pro tempore
 VanderWall
 Noes: None Absent: Mayor Hammond

CONSIDER PURCHASE OF LAND FOR CORPORATION YARD SITE 2-98

The City Manager stated that the land proposed to be purchased comprised approximately three acres and included all of Block 434 and the remaining portions of Block No. 433, for a price of \$60,475. Mr. Miller stated that studies made by Appraisers Murray and Ford, indicate that this is a reasonable price for this area. He recommended that the land be purchased.

ORDINANCE NO. 441-C.S. entitled

"AN ORDINANCE AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY BY THE CITY OF MODESTO FROM THE MODESTO LUMBER COMPANY, A CORPORATION"

was introduced and ordered printed and published as required by the Charter.

Moved by Arata Seconded by Adams
 Ayes: Adams, Arata, Johansen, Knoles, Martin, Mayor pro tempore
 VanderWall
 Noes: None Absent: Mayor Hammond

HEARING ON PROPOSED ANNEXATION OF THE DEETER ADDITION 4:30 2-100

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

The City Clerk reported that the notice of hearing was published in the Modesto Bee and the Turlock Daily Journal on January 20 and 27, 1961. Notices were mailed to all property owners in the area and other interested persons on January 27, 1961. No written protests were filed with the City Clerk.

The City Manager stated that this area was immediately east of McHenry Avenue between Floyd and Cavanaugh Streets, and separated from McHenry Avenue by the Y.M.C.A. Addition. Annexation has been recommended by the Planning Commission.

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

ORDINANCE NO. 442-C.S. entitled

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

having been introduced and adopted, was ordered printed and published as required by the Charter.

Moved by Johansen Seconded by Knoles
 Ayes: Adams, Arata, Johansen, Martin, Knoles, Mayor pro tempore
 VanderWall
 Noes: None Absent: Mayor Hammond

HEARING ON APPEAL BY WALTER FIELDS FROM DECISION OF PLANNING COMMISSION
DENYING REZONING APPLICATION 3-20

Mayor pro tempore VanderWall announced that the hour of 4:30 P.M. had arrived, the time set for consideration of the appeal of Walter Fields from a decision of the Planning Commission, denying rezoning application on property located at the corner of Needham and Sycamore Avenues (Block 534, Lots 14 to 17 and a portion of 19), and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Bee on February 15, 1961. Notices were delivered to persons living in the area on February 16, 1961 and notices posted in the area on February 17, 1961. A written protest was received from Stella K. Glerum and read by the City Clerk.

A copy of the transcript of the Modesto City Planning Commission minutes of the January 17, 1961 meeting was furnished the Council members prior to the meeting.

Director of Planning Smeath stated that the Downtown Study by Frank Cox, although not adopted, was considered at the meeting of the Planning Commission. This report recommends that the commercial area downtown be pulled in rather than scattered out and indicates the area around this property as being possibly best used for high density multiple family uses rather than commercial uses. Mr. Smeath stated that the Neighborhood Study by EBASCO Services shows this area as high density residential and it recommends that there be no extension of commercial rezoning on the north side of Needham.

Answering a question by Councilman VanderWall, Mr. Smeath stated that under present zoning, multiple family houses, apartments of various kinds, group housing, or a motel or hotel if issued a conditional use permit by the Board of Zoning Adjustment, are permitted. No office buildings are allowed under the present zoning.

Attorney A. M. Frad, representing Walter Fields, stated that he had examined the Frank Cox report. He said the Cox report has no time tables --- it does not show when it is going to be implemented; it does not indicate how it will be implemented from the standpoint of financing; it does not indicate how the owners of the various downtown properties will be controlled to cooperate in any such plan. It was Mr. Frad's opinion that there was no demand now for high density living quarters and it was not likely that there would be a demand for many years to come.

Referring to a statement made by the Director of Planning that the general plan approved by the Council shows the possibility of a major street along Needham Avenue, Mr. Frad asked how anyone could plan to construct a building on the property knowing that it would be needed in the future for street purposes. Mr. Frad pointed out that all northbound traffic must cross either Sycamore, College or Virginia Avenues, and traffic lights and signals, stopping and starting of cars are not conducive to a quiet residential area.

The City Manager stated that possible use of some of the Fields property for street purposes should be cleared. He said that a precise street setback has been established, the property is zoned multiple-family, and every study that has been made indicates that it should so remain.

The following individuals spoke in opposition to rezoning the property:

Donald South, 112 Magnolia Avenue;
 Gene Cowdrey, 118 Sycamore Avenue;
 Mrs. V. R. Parrish, 116 Sycamore Avenue.

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

RESOLUTION NO. 61-88

A RESOLUTION AFFIRMING THE DECISION OF THE PLANNING COMMISSION DENYING THE REQUEST OF WALTER H. FIELD TO AMEND SECTION 29 OF THE ZONING MAP AS DESCRIBED IN RESOLUTION NO. 675 ADOPTED BY THE PLANNING COMMISSION ON THE BASIS OF THE FINDINGS SET FORTH IN THIS RESOLUTION

Introduced by Adams Seconded by Martin
 Ayes: Adams, Arata, Johansen, Knoles, Martin, Mayor pro tempore
 VanderWall
 Noes: None Absent: Mayor Hammond

CONSIDER RESOLUTION CHANGING NAME OF TERRACE AVENUE TO SHAW AVENUE
 4-116

The City Manager stated that the Postmaster has called to the City's attention that Terrance Way and Terrace Avenue fall into the same house numbering grid and this causes confusion in the post office. The Planning Commission has recommended that "Terrace Avenue," which is a new street, be changed to "Shaw Avenue."

RESOLUTION NO. 61-89

A RESOLUTION CHANGING THE NAME OF TERRACE AVENUE TO SHAW AVENUE IN THE CITY OF MODESTO

Introduced by Knoles Seconded by Martin
 Ayes: Adams, Arata, Johansen, Knoles, Martin, Mayor pro tempore
 VanderWall
 Noes: None Absent: Mayor Hammond

RESOLUTION SETTING DATE FOR HEARING ON RECOMMENDATION FOR
 GRANTING OF UNCLASSIFIED USE PERMIT TO NED K. RYDER 5-120

The City Manager stated that the Planning Commission has recommended the granting of an unclassified use permit to Ned K. Ryder for a putt putt golf course on the south 200 feet and west 295 feet of Lot 11 of Coffee Colony, located on the east side of McHenry Avenue south of Floyd Avenue, and that a resolution setting a date for hearing was necessary.

RESOLUTION NO. 61-90

A RESOLUTION FIXING THE TIME AND PLACE FOR A PUBLIC HEARING ON AN UNCLASSIFIED USE PERMIT TO NED K. RYDER FOR PUTT PUTT GOLF COURSE

Introduced by Arata Seconded by Johansen
 Ayes: Adams, Arata, Johansen, Knoles, Martin, Mayor pro tempore
 VanderWall
 Noes: None Absent: Mayor Hammond

March 20, 1961 at 4:30 P.M. in the Council Chambers at
 801 11th Street was set as the time and place of hearing.

REPORTS FROM THE PLANNING COMMISSION 5-5 - None

REPORT ON LEGISLATIVE MATTERS 5-7

The City Manager reported on a Cities-County meeting recently held in Newman, Councilman VanderWall, the City Manager and Deputy City Manager representing the City. Among the matters discussed were street standards which are to be worked out jointly by the cities and the county, and real progress has been made. Mr. Miller said that a specific proposal was submitted which will be reported to the Council and Planning Commission for action.

Mr. Miller stated that the major item on the agenda was the report on court costs. The County has indicated its desire for a reallocation of the revenues from court costs. Mr. Hane submitted the following reports at the meeting:

"Modesto Municipal Court Workload Activity (July 1959 through December, 1960)", a comparison between workload as a result of Modesto City Officer Arrests and other jurisdiction arrests (County, California Highway Patrol, and Others); "Municipal and Justice Court Report" - Analysis of distribution of revenue collected from Municipal Court and Justice Court fines and forfeitures.

Mr. Miller said that he presented copies of a letter from the League of California Cities dated November 27, 1951 addressed to the Subcommittee on Courts of Assembly Interim Committee on Judiciary which was active at the time Court Reorganization was being considered, and also presented a brief oral report. Copies of the documents listed above and a summary of Mr. Miller's report at the meeting were presented to each member of the Council, and are made a part of the minutes.

The City Manager stated that it was agreed a committee would be appointed to review this matter further.

APPROPRIATION TRANSFERS 5-60

The City Manager stated that an appropriation transfer of \$1,500 was necessary to pay for the fees for dumping garden refuse at the City garbage landfill operation operated by the Modesto Garbage Co., the funds to be transferred from the General Reserve Fund, General Reserve (600) to Services, Professional and Other, Garden Refuse (235-54).

RESOLUTION NO. 61-91

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$1,500 FOR DUMPING GARDEN REFUSE AT THE CITY GARBAGE LANDFILL OPERATION OPERATED BY MODESTO GARBAGE CO.

Introduced by Arata Seconded by Adams
 Ayes: Adams, Arata, Johansen, Knoles, Martin, Mayor pro tempore
 VanderWall
 Noes: None Absent: Mayor Hammond

MATTERS FOR THE GOOD OF THE COMMUNITY 5-68

Water situation - Frank Andrews

Frank Andrews presented copies of a letter to the Council relative to the water situation, requesting that it be studied.

Garden and Refuse Disposal

Councilman Adams stated that he had received a number of telephone calls from individuals which led him to believe that the public is misinformed on the matter of garbage and garden refuse disposal.

The City Manager read the following statement which was submitted by Councilman VanderWall to clarify the situation:

"A number of people have raised with me questions regarding the actions taken by the City Council last week on garbage and garden refuse collection and disposal. I believe it should be pointed out that these actions are not final determinations, but are expressions of the Council's thinking, based on the information now at hand, to guide the staff in carrying on necessary negotiations and preparing necessary documents for consideration of the matter at future meetings and final action after public hearing.

"The Council did take action to be effective immediately--authorization of disposing of garden refuse by cut and cover methods at the garbage disposal area. Previously the City has burned this material, creating serious smoke problems for people in the adjacent areas. More recently, on an experimental basis, the City has been disposing of this material on farmland for compost purposes, but our agreement for such disposal is terminating and will not be renewed. Consideration has been given to construction and use of an incinerator, but studies indicate that joint disposal of garbage and garden refuse would be more economical and more desirable.

"Other points which might be clarified are:

1. Information available indicates that increased charges will be necessary for garbage collection, regardless of whether or not there is a combination pick-up.
2. Studies show that there will be definite savings in both garden refuse and garbage collection and disposal if these operations are combined.
3. The City has indicated its intention to specify the use of packer trucks, which will, in addition to other advantages, eliminate the scattering on streets of materials from open trucks.

4. The costs of the pickup of garden refuse are paid, either through direct or indirect charges, by the people of the city, and the question is how this operation can be handled most efficiently and economically.
5. The City will continue to pick up leaves from the streets during the Fall season."

Councilman Knoles stated that he was absent from the Council meeting last week when action was taken to proceed on the garden refuse and garbage matter by unanimous vote, and he would like to make it so.

Councilman Arata stated that many people who spoke to him about the matter were of the opinion that no public hearing would be held.

The City Manager pointed out that a hearing cannot be held until specific facts have been gathered and that indications given last week were not final decisions.

Councilman Martin, referring to the statement read by the City Manager, stated that the point should be stressed that a public hearing will be held, at which time specific proposals based on studies will be considered, and final action taken.

RESOLUTION PERTAINING TO PERSONNEL COMMISSION RECOMMENDATIONS - SALARIES

Answering a question asked by Councilman Martin, the City Manager stated that the proposed resolution approving the Personnel Commission's recommendations on salaries would be presented to the Council at the next meeting.

LETTER FROM DOWNTOWN IMPROVEMENT COMMITTEE RE: IMPROVEMENT IN APPEARANCE OF BUILDINGS 6-40

The City Manager gave a brief report of a meeting of the Downtown Improvement Committee on February 27, 1961, on re-development problems. It was reported that one of the projects which could be started immediately was the 10th & H Street Parking Lot. At the meeting the Manager suggested that in order to encourage improvement in the appearance of the buildings, the City might offer suggestions and ideas on architectural design and engineering, on a limited basis. The Downtown Improvement Committee approved the suggestion and asked that the idea be presented to the Council.

MOTION

That the staff be authorized to offer suggestions and ideas on redevelopment as outlined by the City Manager.

Moved by Knoles Seconded by Arata Unanimously carried

REPORT FROM COUNTY ON WIDTH OF PARADISE ROAD RIGHT OF WAY 6-72

The City Manager read a resolution received from the Stanislaus County Board of Supervisors pertaining to a proposed right of way alignment for Paradise Road between Modesto city limits and

Hilltop Lane, the proposal providing for a right of way width of 80 feet at an estimated cost of approximately \$50,000. The proposed right of way alignment was unanimously adopted upon condition that the City participate in the cost of the acquisition and improvement. A further report will be made by the staff after further study.

CONSIDER APPOINTMENT TO PLANNING COMMISSION

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

REPORT ON AIRPORT CONTROL TOWER

The City Manager reported that the County Board of Supervisors have voted to join with the City in continuation of the airport control tower project. The necessary papers have been submitted to the F.A.A.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned.

Moved by Arata Seconded by Knoles Unanimously carried

The meeting adjourned at 5:35 P.M.

ATTEST:



REX E. GAILFUS, City Clerk

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

The City Clerk called the roll and there were:

Present: Councilmen: Arata, Martin, VanderWall, Mayor Hammond
(Councilmen Adams, Knoles and Johansen arrived at 4:03 P.M.)

Absent: None

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

Reverend Carol Romberg gave the invocation.

LETTER FROM REV. L. B. LEWIS, MINISTERIAL ASSOCIATION, RE:
USE OF MANCINI BOWL FOR ANNUAL EASTER SUNRISE SERVICES 1-20

A letter from Rev. L. B. Lewis, Modesto Ministerial Association, requesting use of Mancini Bowl for the Annual Easter Sunrise Service on Sunday morning, April 2, 1961, was read by the City Clerk. The City Manager stated that a resolution was required granting permission on the usual basis and providing that the City be held harmless from and against any and all costs and damages and liability arising out of the use of the Bowl for this purpose.

RESOLUTION NO. 61-92

A RESOLUTION GRANTING PERMISSION TO THE MODESTO MINISTERIAL ASSOCIATION TO USE MANCINI MUSIC BOWL FOR THE ANNUAL EASTER SUNRISE SERVICE ON APRIL 2, 1961

Introduced by VanderWall Seconded by Knoles
Ayes: Adams, Arata, Johansen, Knoles, Martin, VanderWall, Mayor
 Hammond
Noes: None Absent: None

LETTER FROM REV. CHARLES L. EDWARDS, MODESTO COUNCIL OF CHURCHES,
RE: USE OF MANCINI BOWL FOR EVANGELISTIC MEETINGS 1-20

A letter from Rev. Charles L. Edwards, Evangelism Chairman, Modesto Council of Churches, requesting the use of Mancini Bowl during the period of April 16 to 26, 1961, if the attendance of a series of evangelistic meetings exceeds the capacity of the First Christian Church, was read by the City Clerk.

The City Manager stated that approximately four years ago, the use of Mancini Bowl by religious groups was discussed by the Council, at which time a resolution was adopted, granting the Modesto Council of Churches use of the Bowl under the condition that the services be limited primarily to music and special attention given that a portion of the services apply to children. Easter Sunrise Services have been permitted in the Bowl, but applications from specific individual churches wishing to use the Bowl for regular church services have been denied. Mr. Miller said that the request presently under consideration was presented by the Modesto Council of Churches, sponsor of the meetings.

Reverend Edwards, Evangelism Chairman of the Modesto Council of Churches, stated that there would be music and it was assumed that children would be present. Answering a question asked by Mayor Hammond, Reverend Edwards stated that there would be offerings at the meetings, a regular procedure at gatherings of this kind.

Acting City Attorney Bienvenu stated that he did not believe there were any legal problems involved, as the Bowl has been used in the past for community-wide activities of a similar nature.

RESOLUTION NO. 61-93

A RESOLUTION GRANTING PERMISSION TO THE MODESTO COUNCIL OF CHURCHES TO USE MANCINI MUSIC BOWL FOR A SERIES OF EVANGELISTIC MEETINGS

Introduced by Arata Seconded by Johansen
 Ayes: Adams, Arata, Johansen, Knoles, Martin, VanderWall,
 Mayor Hammond
 Noes: None

LETTER FROM FRED BREWSTER, 137 SEVERIN AVE., RE: TRASH PICKUP 1-85

A letter from Fred Brewster relating to garden refuse pickup was read by the City Clerk. The City Clerk was directed to send Mr. Brewster a copy of a statement adopted by the Council at the meeting of March 1, 1961. The letter was ordered filed.

LETTER FROM LES DABRITZ - DOWNTOWN IMPROVEMENT COMMITTEE RE: SUGGESTED DOWNTOWN IMPROVEMENTS 1-98

A letter from Les Dabritz, Chairman of the Downtown Improvement Committee, suggesting that the City offer suggestions and ideas on architectural design and engineering to encourage improvement in the appearance of downtown buildings, was read by the City Clerk.

The City Manager stated that the suggestion was approved by the Council at its March 1, 1961 meeting.

The letter was ordered filed.

LETTER FROM FRANK ANDREWS RE: WATER SUPPLY AND POLLUTION PROBLEMS

The City Clerk stated that a copy of this letter was distributed to each Councilman at the March 1, 1961 meeting. Mr. Gailfus briefly summarized the letter which referred to the low water table in this area and connection with the Hetch-Hetchy water line north of Modesto.

Mayor Hammond stated that the City has been working on a long range water program for the benefit of the City.

Mr. Andrews spoke briefly on the possible pollution of the underground water supply from septic tanks and other sources.

Councilman Adams stated that he had been reading Mr. Andrews' letters pertaining to water with interest and the matters raised by Mr. Andrews would be considered by the Manager during his study of future water problems of the City.

RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR INSTALLATION OF WATER LINES IN SKYLANE PARK UNIT NO. 1 SUBDIVISION 2-10

Director of Public Works Ray stated that approval was needed for plans and specifications to provide for installation of water lines in Skylane Park Unit No. 1 Subdivision.

RESOLUTION NO. 61-94

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR INSTALLATION OF WATER MAINS IN SKYLANE PARK NO. 1 SUBDIVISION

Introduced by Adams Seconded by Arata
Ayes: Adams, Arata, Johansen, Knoles, Martin, VanderWall, Mayor Hammond
Noes: None Absent: None

RESOLUTION AWARDDING BID FOR CURB CUT RELOCATIONS ON McHENRY AVENUE 2-20

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

ADOPTION OF ORDINANCE NO. 436-C.S., REZONING OF BLOCK 36, BOUNDED BY K & L - 6TH AND 7TH STREETS 2-21

ORDINANCE NO. 436-C.S. entitled

"AN ORDINANCE AMENDING SECTION MAP 29 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (BLOCK 36)"

having been printed and published as required by the Charter, was moved and adopted.

Moved by Knoles Seconded by Johansen
Ayes: Adams, Arata, Johansen, Knoles, Martin, VanderWall, Mayor Hammond
Noes: None Absent: None

ADOPTION OF ORDINANCE NO. 438-C.S., SALE OF REAL PROPERTY TO THE STATE OF CALIFORNIA (FREEWAY PURPOSES)

ORDINANCE NO. 438-C.S. entitled

"AN ORDINANCE AUTHORIZING THE SALE OF CERTAIN REAL PROPERTY BELONGING TO THE CITY OF MODESTO TO THE STATE OF CALIFORNIA"

having been printed and published as required by the Charter, was moved and adopted.

Moved by Arata Seconded by VanderWall
Ayes: Adams, Arata, Johansen, Knoles, Martin, VanderWall, Mayor Hammond
Noes: None Absent: None

ORDINANCE AMENDING THE MUNICIPAL CODE TO CLARIFY DISPOSITION OF UNCLAIMED DOGS AND TO PROVIDE A PROCEDURE FOR REDEMPTION 2-28

Chief of Police Bowers stated that the existing ordinance

does not clearly indicate the disposition of unclaimed dogs, but states that the poundmaster can dispose of them in a humane manner. He said that frequent calls are received from people to take dogs out of the pound and this is done provided the requirements for licensing the dog are met and the board bill paid. Chief Bowers cited an instance where an unlicensed dog was "sold" under this procedure, and claimed the next day by the owner. The proposed ordinance would clarify the matter in two ways: It expressly indicates that unclaimed dogs become the property of the City and can be disposed of in a humane manner, or sold; it provides a redemption period of thirty days, within which time the former owner can redeem the dog from the new owner by reimbursing him for fees paid in acquiring the dog from the pound and expenses for feeding. Answering a question asked by Mayor Hammond, Chief Bowers stated that there would be no liability on the part of the City if the former owner was unable to locate the buyer of the dog.

ORDINANCE NO. 443-C.S. entitled

"AN ORDINANCE AMENDING SECTION 5-4.213 OF ARTICLE 2 OF CHAPTER 4 OF TITLE V OF THE MODESTO MUNICIPAL CODE, RELATING TO DOGS"

was introduced and ordered printed and published as required by the Charter.

Moved by VanderWall Seconded by Knoles
 Ayes: Adams, Arata, Johansen, Knoles, Martin, VanderWall,
 Mayor Hammond
 Noes: None Absent: None

PROPOSED ORDINANCE AMENDING MUNICIPAL CODE TO CHANGE TIME FOR
 CLOSING AGENDA PRIOR TO COUNCIL MEETINGS 2-58

ORDINANCE NO. 444-C.S. entitled

"AN ORDINANCE AMENDING SECTION 2-1.03 OF CHAPTER I OF TITLE II OF THE MODESTO MUNICIPAL CODE, RELATING TO COUNCIL AGENDA"

was introduced and ordered printed and published as required by the Charter.

Moved by Johansen Seconded by VanderWall
 Ayes: Adams, Arata, Johansen, Martin, VanderWall, Mayor Hammond
 Noes: Knoles Absent: None

RESOLUTION ESTABLISHING SALARIES FOR CITY EMPLOYEES

Councilman Adams stated that he had reviewed the Personnel Commission's salary recommendations and had made an analysis of their recommendations. He stated that the cost of living factor was determined by the Commission to be from 1½ to 2%, and although the Personnel Commission felt that this did not warrant an across the board increase, this factor was apparently used in those cases where an increase or decrease was proposed. The extra days worked because of reduction of holidays was figured by the Commission at 1% plus, and tempered their thinking in consideration of the salary increases and decreases. It was Mr. Adams' opinion that these factors were a valid justification for a half-step increase for all employees not covered in the Personnel Commission's recommendations.

Mr. Adams recommended a one-half step increase for all employees not covered by the recommendations of the Personnel Commission, or, as an alternative, that a re-evaluation of salaries and cost of living be made again next June.

Mayor Hammond stated that under policy direction from the Council, the Personnel Commission did an excellent job in reviewing each position to ascertain that the wage level of City employees was at least equal to that of private industry.

Councilman Martin stated that the Personnel Commission was asked to analyse the wage levels in detail and not to perpetuate old inequities in the form of across the board percentage or dollar increases. By not recommending an increase for some of the employees, the Commission indicated that the salaries of these employees were as high as those in private industry and therefore no raise was recommended. Mr. Martin stated that he did not accept the premise that eliminated holidays should be paid for, as salaries of employees in private industry are adjusted on a seven or eight holiday a year basis.

The cost of living index and its relation to increase and decrease of salaries was discussed by the Council.

Councilman Arata pointed out that in industry employees are laid off when there is no work -- City employees have the security of year-around work.

The City Manager stated that one of the reasons the staff recommended compensatory time off rather than pay for holidays worked, was to take care of slack periods occasioned by inclement weather. Mr. Miller stated that there are still classification problems to be worked out. Top level personnel salaries were not considered on a comparable basis with private industry and the Personnel Commission's report indicated that there was still work to be done in this area.

Councilman VanderWall read the following statement:

"The City Council last year adopted the policy statement which was to act as a principle guide to the Personnel Commission and staff to establish salaries for city employees. From the minutes of the Personnel Commission I have gathered that this policy was very closely followed. The studies and recommendations from the Personnel Commission were directed towards making the city employees enjoy equal pay and benefits as private industry. The recommendations of the Personnel Commission were unanimously adopted by this Council two weeks ago Wednesday, except for part two, which dealt with holiday lay-offs. We recognize that there are always some inequities between cities and also private industry, but we also must consider the difference in the tax base as well as local problems. The City should not set wage scales for the community. City employees must realize that private industry is frequently plagued with lay-offs and change-overs, while their employment is constant. Economic conditions at present do not warrant a further adjustment upward in the pay scale. I think that the Personnel Commission did an excellent job and a thorough job, and I am willing to stand on their recommendations at this time".

RESOLUTION NO. 61-95

A RESOLUTION ESTABLISHING SALARY SCHEDULES AND FIXING THE
COMPENSATION FOR POSITIONS IN THE CITY SERVICE

Introduced by Martin Seconded by VanderWall

Ayes: Adams, Arata, Johansen, Knoles, Martin, VanderWall, Mayor
Hammond

Noes: None Absent: None

RESOLUTION ESTABLISHING UNIFORM MAINTENANCE ALLOWANCE FOR POLICE
AND FIREMEN

The City Manager stated that as a part of its recommendation on salary and fringe benefits, the Personnel Commission recommended that employees required to wear uniforms more than half the time during a calendar quarter be paid a uniform allowance, payable quarterly at the end of March, June, September and December of each year. In computing the allowances, one-half or more of a month shall be counted as a full month; less than one-half of a month shall not be counted.

RESOLUTION NO. 61-96

A RESOLUTION ESTABLISHING PROCEDURE FOR PAYMENT OF UNIFORM
ALLOWANCE FOR POLICE AND FIRE PERSONNEL

Introduced by Johansen Seconded by Arata

Ayes: Adams, Arata, Johansen, Knoles, Martin, VanderWall,
Mayor Hammond

Noes: None Absent: None

REPORT ON ADDITIONAL ACTION REQUIRED TO ACCOMPLISH REDUCTION OF
CITY HOLIDAYS AND CHANGES IN VACATION ALLOWANCE WHICH HAVE BEEN
INFORMALLY APPROVED BY THE COUNCIL 3-118

The City Manager reported that a public hearing is required to accomplish the reduction of City holidays and changes in vacation allowance and this matter will be placed on the Personnel Commission's agenda in the near future.

SALARIES OF CITY EMPLOYEES

With the unanimous consent of the Council this matter was reopened by Councilman Adams.

MOTION

That the matter of internal salary inequities and related factors be studied by the Personnel Commission and reported to the Council by June, 1961.

Moved by Adams Seconded by Knoles

Ayes: Adams, Johansen, Knoles

Noes: Arata, Martin, VanderWall, Mayor Hammond

The motion failed to carry.

Councilman Martin stated that his negative vote was based on the fact that internal salary inequities are the continuing responsibility of the Personnel Commission and adoption of the motion would seem a direction to the members that the Council was pushing them in the matter. He stated that he had great confidence in the group and was sure that any inequities would be recognized and brought to the attention of the Council.

CONSIDER DECISION IN CLOSING OF LOUISE AVENUE

The City Manager stated that this matter was carried over from the February 23, 1961 meeting to enable the staff to determine where the street was to be closed. A proposed resolution has been prepared indicating the closing of Louise Avenue one lot from Kearney Avenue; another proposed resolution sets a hearing to consider closing Louise Avenue at the end of the street at Kearney Avenue. Mr. Miller recommended that if it is closed, it be closed at the end of the street at Kearney Avenue.

Director of Planning Smeath requested that the matter be held over to give his staff an opportunity to work out a possible third alternative.

By order of the Chair, this matter was carried over.

CONSIDER RIGHT OF WAY CONTRACT-BRIGGSMORE AVENUE WIDENING 4-40

The City Manager stated that the right of way contract provides for donation of a right of way 20 feet wide on the north side of Briggsmore Avenue, starting at McHenry Avenue, and running 634 feet westward. The City will pay \$4,000 damages and make certain related improvements. This will clear the balance of the right of way on this portion of Briggsmore.

RESOLUTION NO. 61-97

A RESOLUTION APPROVING RIGHT OF WAY AGREEMENT BETWEEN THE CITY OF MODESTO AND ROSE A. CHAPMAN FOR WIDENING OF BRIGGSMORE AVENUE

Introduced by Adams Seconded by VanderWall
 Ayes: Adams, Arata, Johansen, Knoles, Martin, VanderWall,
 Mayor Hammond
 Noes: None Absent: None

CONSIDER CORPORATION YARD ACQUISITION

The City Manager stated that an agreement has been prepared for the purchase of property from Flora E. Kline for Corporation Yard purposes. Appraisers have indicated the price of \$7,000 on the property to be in order. A map showing the area involved was distributed to the Council.

ORDINANCE NO. 445-C.S. entitled

"AN ORDINANCE AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY BY THE CITY OF MODESTO FROM FLORA E. KLINE (FOR CORPORATION YARD PURPOSES)"

was introduced and ordered printed and published as required by the Charter.

Moved by Arata Seconded by Adams
 Ayes: Adams, Arata, Johansen, Knoles, Martin, VanderWall,
 Mayor Hammond
 Noes: None Absent: None

RESOLUTION ACCEPTING AS COMPLETE GEORGE REED'S CONTRACT FOR THE
 CONSTRUCTION OF TRUNK SEWER, SEWAGE LIFT STATION, AND SUBTRUNK
 SEWER ON CARVER ROAD AND SCOTT AVENUE TO SERVE PARK MANOR
 SUBDIVISION AND GENERAL AREA 4-72

The City Manager stated that a certification from the Public Works Department indicates that the construction of the sewer facilities serving Park Manor 3A Subdivision and the sewage lift station on Carver Road has been completed, and 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. The total contract bid price was \$48,980.50; the total work done amounted to \$48,212.20. No time extensions were required.

RESOLUTION NO. 61-98

A RESOLUTION ACCEPTING THE CONSTRUCTION OF SANITARY SEWER FACILITIES
 IN VARIOUS LOCATIONS BY GEORGE REED

Introduced by Knoles Seconded by VanderWall
 Ayes: Adams, Arata, Johansen, Knoles, Martin, VanderWall,
 Mayor Hammond
 Noes: None Absent: None

CONSIDER RIGHT OF WAY CONTRACT FOR THE ROSEBURG AVENUE WIDENING
 PROJECT NO. 54-13, TIDEWATER SOUTHERN RAILROAD TO MCHENRY AVENUE,
 FROM THE CENTRAL CALIFORNIA CONFERENCE ASSOCIATION OF THE
 SEVENTH DAY ADVENTISTS, A RELIGIOUS CORPORATION

The City Manager stated that the right of way contract provides that the Central California Conference Association of the Seventh Day Adventists dedicate land for the widening of Roseburg Avenue, the City to pay \$80 damages and the escrow fees.

RESOLUTION NO. 61-99

A RESOLUTION APPROVING RIGHT OF WAY AGREEMENT BETWEEN THE CITY OF
 MODESTO AND THE CENTRAL CALIFORNIA CONFERENCE ASSOCIATION OF THE
 SEVENTH DAY ADVENTISTS FOR WIDENING OF ROSEBURG AVENUE

Introduced by Arata Seconded by VanderWall
 Ayes: Adams, Arata, Johansen, Knoles, Martin, VanderWall,
 Mayor Hammond
 Noes: None Absent: None

RESOLUTION SETTING UP POLLING PLACES AND NAMING ELECTION OFFICERS
 FOR THE GENERAL MUNICIPAL ELECTION APRIL 11, 1961

The City Clerk stated that the proposed resolution was required by the State Elections Code, and sets up polling places and precinct workers.

RESOLUTION NO. 61-100

A RESOLUTION AND ORDER OF THE COUNCIL OF THE CITY OF MODESTO
 PROVIDING FOR A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY,

APRIL 11, 1961 AND DESIGNATING PRECINCTS AND POLLING PLACES AND APPOINTING MEMBERS OF PRECINCT BOARDS FOR SAID GENERAL ELECTION

Introduced by VanderWall Seconded by Knoles
Ayes: Adams, Arata, Johansen, Knoles, Martin, VanderWall,
 Mayor Hammond
Noes: None Absent: None

RESOLUTION APPROVING SUBDIVISION AGREEMENT AND FINAL MAP FOR
GLEN AULEN SUBDIVISION 4-94

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

RESOLUTION APPROVING LETTER AGREEMENT BETWEEN CITY AND SUBDIVIDER
OF BROOKDALE NO. 1 SUBDIVISION FOR CONSTRUCTION OF PERIMETER
STREET LIGHTS IN THE SUBDIVISION 4-95

The City Manager stated that the proposed letter agreement between the City and subdividers of Brookdale No. 1 Subdivision covers the construction of two perimeter street lights in the subdivision at an estimated cost of \$500, the City to pay one-half the cost.

RESOLUTION NO. 61-101

A RESOLUTION APPROVING LETTER AGREEMENT BETWEEN THE CITY OF MODESTO AND SUBDIVIDERS OF BROOKDALE PARK NO. 1 SUBDIVISION FOR CONSTRUCTION OF PERIMETER STREET LIGHTS

Introduced by Knoles Seconded by Johansen
Ayes: Adams, Arata, Johansen, Knoles, Martin, VanderWall,
 Mayor Hammond
Noes: None Absent: None

RESOLUTION APPROVING LETTER AGREEMENT BETWEEN THE CITY AND
SUBDIVIDER OF BROOKDALE PARK SUBDIVISION FOR THE CONSTRUCTION
OF SUBTRUNK SEWER LINE IN THE SUBDIVISION 4-102

The City Manager stated that the proposed letter agreement between the City and subdividers of Brookdale Park Subdivision provides the construction of a subtrunk sewer line in Brookdale Park Subdivision. The City has required that the subdivider increase both the size and depth of a sewer line through this subdivision to provide sewer service to an area east of the subdivision, and in line with established city policy, it is recommended that the city advance funds to cover the proportionately greater construction costs. Mr. Miller said that an appropriation transfer for \$1,358 would be required.

RESOLUTION NO. 61-102

A RESOLUTION APPROVING LETTER AGREEMENT BETWEEN THE CITY OF MODESTO AND SUBDIVIDERS OF BROOKDALE PARK NO. 1 SUBDIVISION FOR THE CONSTRUCTION OF SUBTRUNK SEWER LINE

Introduced by VanderWall Seconded by Martin
Ayes: Adams, Arata, Johansen, Knoles, Martin, VanderWall,
 Mayor Hammond
Noes: None Absent: None

APPROPRIATION TRANSFERS 4-108

- (a) Transfer to cover subtrunk sewer, Brookdale Subdivision No. 1, \$1,358 and \$500 for perimeter street lights, Brookdale No. 1 Subdivision

RESOLUTION NO. 61-103

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$1,858 FROM SPECIAL CAPITAL OUTLAY, GENERAL (321-600) TO PERIMETER STREET LIGHTS (503) AND SUBTRUNK AND PERIMETER SEWERS (503) IN BROOKDALE SUBDIVISION NO. 1

Introduced by Arata Seconded by Johansen
 Ayes: Adams, Arata, Johansen, Knoles, Martin, VanderWall, Mayor Hammond
 Noes: None Absent: None

(b) Budget adjustments to cover salary increases

The City Manager stated that it was necessary to make a number of transfers from one department to another to cover salary increases recommended by the Personnel Commission, as follows:

SERVICE WORKING CAPITAL (512)

| | | |
|------------------------------|-------|-------|
| From: Appropriated Reserve | (600) | \$407 |
| Compensation Ins. | (411) | 100 |
| To: Salaries and wages, Reg. | (110) | \$200 |
| OASDI Contribution | (424) | 260 |
| Group Health Ins. | (426) | 47 |

GENERAL FUND (101)

| | | |
|--|-------|----------|
| From: General Reserve | (600) | \$ 1,405 |
| Various Accounts (list attached to Resolution) | | 13,163 |
| To: Various Accounts (list attached to Resolution) | | \$14,568 |

RESOLUTION NO. 61-104

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$15,075 TO COVER SALARY INCREASES

Introduced by Johansen Seconded by VanderWall
 Ayes: Adams, Arata, Johansen, Knoles, Martin, VanderWall, Mayor Hammond
 Noes: None Absent: None

REPORTS FROM THE PLANNING COMMISSION - None

REPORT ON LEGISLATIVE MATTERS 4-120

The City Manager reported on the following proposed bills before the State Assembly:

AB-208 - Repeal of Employee Claims Act

This bill proposes repeal of Sections 800 through 803 of the Government Code which presently requires the filing of a claim within 90 days after an accident has occurred with both the employing agency and the officer or employee being sued. Mr. Miller recommended that the bill be opposed.

AB-427 - Policemen and Firemen - No Discrimination Based on Age

This bill would amend the Fair Employment Practices Act to add a prohibition against discriminating against qualified persons solely on the ground that they are older than the limit prescribed by the employer. Mr. Miller recommended that the bill be opposed.

AB-1214 - City Initiation of Inhabited Annexations

This bill authorizes cities to initiate proceedings for the annexation of inhabited territory by resolution of the City Council. Under present law, inhabited annexations can be initiated only by the circulation and filing with the City Council of a petition signed by 25% of the registered electors residing within the territory proposed for annexation. The bill does not dispense with the protest provisions, nor with the necessity of calling an election and receiving the approval of the voters in the territory. Mr. Miller recommended that the bill be supported.

Director of Planning Smeath stated that it was an accepted fact that the annexation laws of California are about the most difficult in the nation. This legislation is an attempt to permit the City to initiate proceedings for annexation. Mr. Smeath stated that the bill would have tremendous opposition as many forces oppose cities being able to initiate proceedings.

ACA 25 - Constitutional Debt Limit - 60% Vote for General Obligations

This bill would amend Article XI, Section 18, the constitutional debt limit by lowering the existing two-thirds vote requirement for the issuance of general obligation bonds to a three-fifths or 60% requirement and would extend the debt limit to all local public districts and public corporations. The financing of needed local facilities is frequently accomplished through the establishment of a special district with a lower vote requirement, rather than through established county and city governments. This bill would also establish a 60% voting requirement for certain lease-purchase financing, and a simple majority requirement for revenue obligations.

Mayor Hammond stated that a two-third vote requirement gave everyone an opportunity to know the issue being presented.

Mr. Miller stated that, on the other hand, one-third of the people could block an issue wanted by two-thirds of the people.

MOTION

That the Council go on record as opposing AB 208, Repeal of Employee Claims Act; AB 427, Policemen and Firemen Age Discrimination; that the Council go on record as supporting AB 1214, City Initiation of Inhabited Annexations.

Moved by Adams Seconded by Johansen Unanimously carried

MATTERS FOR THE GOOD OF THE COMMUNITY

Natalie K. Shastid, 1020 Carolyn Avenue, representing a committee of residents in the North Central area, presented a petition of 450 signatures, and asked the Council to initiate proceedings to form a storm drainage district in this area. Mrs. Shastid stated that a great many of the people who opposed the formation of a district in the past have changed their position and are now willing to support it. She stated that many more signatures can be obtained.

The City Manager stated that the Council indicated that formation of a drainage district in this area would be considered again upon sufficient indication of interest. He recommended that the Council approve initiation of proceedings to form a storm drainage district in this area.

Councilman Knoles stated that he would like to see a majority of residents in the area express an interest before too much staff time and money are spent.

Mrs. Shastid said that the petitions will continue to be circulated in the area.

MOTION

That the staff be instructed to perform the necessary staff work to initiate proceedings for formation of a drainage district in the North Central Area, stopping short of hiring a bond attorney, and reporting further to the Council of indicated interest in the area.

Moved by Martin Seconded by Knoles Unanimously carried

Answering a question asked by Councilman Adams, Director of Public Works Ray stated that he doubted that construction of the entire unit, if approved, could be completed by fall---A major portion of it could be in use by fall and all of it before the end of the winter season.

CHANGE OF HEARING DATE, AMENDMENTS TO SECTION 16 AND 19 OF THE ZONING MAP (LOWE; OVERHOLTZER AND MAY)

With the unanimous consent of the Council, the City Clerk stated that due to a technical problem involved in the legal advertising of proposed amendments to Sections 16 and 19 of the Zoning Map, it was necessary that the hearings be reset at a new time. Mr. Gailfus suggested that the hearing on the proposed amendment to Section 19 of the Zoning Map (Lowe) be set for Monday, March 20, 1961 at 4:35 P.M., and the hearing on the proposed amendment to Section 16 of the Zoning Map (Overholtzer and May) be set for Monday, March 20, 1961 at 4:40 P.M.

Acting City Attorney Bienvenu stated that it would be necessary to rescind Resolutions No. 61-65 and 61-66 which set the date of the hearings on March 6, 1961.

RESOLUTION NO. 61-105

A RESOLUTION RESCINDING RESOLUTIONS NO. 61-65 AND NO. 61-66

SETTING THE TIME AND PLACE FOR PUBLIC HEARINGS BEFORE THE COUNCIL OF THE CITY OF MODESTO ON PROPOSED AMENDMENTS TO SECTIONS 16 AND 19 OF THE ZONING MAP (LOWE; OVERHOLTZER AND MAY)

Introduced by VanderWall Seconded by Martin
Ayes: Adams, Arata, Johansen, Knoles, Martin, VanderWall,
Mayor Hammond
Noes: None Absent: None

RESOLUTION NO. 61-106

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 (LOWE)

Introduced by VanderWall Seconded by Martin
Ayes: Adams, Arata, Johansen, Knoles, Martin, VanderWall,
Mayor Hammond
Noes: None Absent: None

Monday, March 20, 1961 at 4:35 P.M. in the Council Chambers was set as the time and place of hearing.

RESOLUTION NO. 61-107

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 16 OF THE ZONING MAP (OVERHOLTZER AND MAY)

Introduced by Martin Seconded by VanderWall
Ayes: Adams, Arata, Johansen, Knoles, Martin, VanderWall,
Mayor Hammond
Noes: None Absent: None

Monday, March 20, 1960 at 4:40 P.M. in the Council Chambers was set as the time and place of hearing.

REPORT ON DRAINAGE IN NORTHWEST AREA 6-10

A report on drainage in the Northwest area dated March 3, 1961 prepared by the Public Works Department was given the Council members prior to the meeting.

Director of Public Works Ray indicated on a map the general location of the area, the proposed drainage channel running to the Tuolumne River, and the location of a proposed pumping station.

Mr. Ray briefly reviewed the report, and stated that before drainage proposals can be presented to the people, the Council must indicate what the City can and will do to assist in the cost of the project, since it will be much higher than in other sections of the City, because of distances involved. Since it is a policy matter, Mr. Ray stated that no recommendations in this regard have been made by the staff. Mr. Ray stated that a drainage channel on the west side of the City could well be of some direct benefit to the M.I.D. for use as a by-pass, and a possibility exists that the District might participate in the cost of the right of way acquisition and channel construction. No action was taken by the Council.

MOTION

That the Council adjourn to executive session to consider appointment to the Planning Commission.

Moved by Arata Seconded by Knoles Unanimously carried

The Council adjourned to executive session at 5:35 P.M. and reconvened in regular session at 5:45 P.M.

CONSIDER APPOINTMENT TO PLANNING COMMISSION

RESOLUTION NO. 61-108

A RESOLUTION APPOINTING ALAN E. FREEBORN A MEMBER OF THE MODESTO CITY PLANNING COMMISSION

Introduced by Adams Seconded by Johansen Unanimously carried

Ayes: Adams, Arata, Johansen, Knoles, Martin, VanderWall,
Mayor Hammond

Noes: None Absent: None

ADJOURNMENT

MOTION

That the meeting now in session be adjourned.

Moved by Arata Seconded by Knoles Unanimously carried

The meeting adjourned at 6:46 P.M.

ATTEST: 
CITY CLERK

Modesto City Council
March 13, 1961

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: Adams, Arata, Johansen, Martin, VanderWall,
Mayor Hammond

Absent: Councilmen: Knoles

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

Reverend Bill Lewis gave the invocation.

APPROVAL OF MINUTES

Council members having received copies of the minutes of the Council meeting of February 1 and 8, 1961, and the same being available for public inspection, and there being no objections, the minutes were approved.

LETTERS REGARDING GARBAGE AND REFUSE COLLECTION 1-12

(a) Richard S. Badger, 608 Magnolia

A letter from Richard S. Badger, 608 Magnolia Avenue, requesting that the Council give authentic and clearcut details of the proposal to combine garbage and garden refuse collection, was read by the City Clerk. The letter indicated that the plan, if similar to the one adopted in Santa Barbara, would be highly undesirable for the City of Modesto.

(b) Harvey D. Wood - registered sanitarian, 341 Rosina Avenue

A letter from Harvey D. Wood, 341 Rosina Avenue, was read by the City Clerk, which suggested that the City and County cooperate in making a study of the proposal to combine garbage and garden refuse collection, since some county areas will be affected. Mr. Wood listed several suggestions to aid the Council in deciding whether to pursue the matter further.

Mayor Hammond stated that the Council has already indicated that a public hearing will be held and studies made before final action is taken by the Council. Council indications were made on the basis of preliminary studies which indicated that a substantial savings could be made by combining the garbage and garden refuse collections.

The City Clerk was directed to answer the letters.

LETTER REGARDING ACCELERATION OF ESSENTIAL BUILDING PROGRAMS FROM
PRESIDENT KENNEDY 1-68

A letter from President Kennedy urging that the community make every effort to accelerate essential building and expenditure programs to help the economy, was read by the City Clerk.

The letter was ordered filed.

LETTER REGARDING POSSIBLE SEWER SERVICE TO THE MEDICAL-DENTAL
CENTER LOCATED AT NELSON AND ORANGEBURG AVENUES 1-78

A letter from Doctors James J. Gerbert, William A. Holloway, R. K. Barnewolt, Robert L. Ehrke and Stanley Codiga, requesting that a sewer line be extended to a five-acre parcel of property, proposed to be developed into a complete medical-dental facility, was read by the City Clerk. The parcel is located at Nelson and Orangeburg Avenues, outside the city limits. The letter indicates that they are willing to pay \$10,000 toward the total estimated cost of \$15,600 for extension of the line.

Director of Public Works Ray stated that in order to provide sewer service to this parcel, it will be necessary to construct approximately 1,650 lineal feet of ten inch sewer line on Roseburg from McHenry to Nelson Avenue, and approximately 1,200 lineal feet of six inch sewer lateral on Nelson north from Roseburg. It would serve this five-acre tract on the east side of Nelson Avenue, and an additional rather large area. If \$10,000 is advanced by the owners, the service fees from the medical-dental center, based on outside city rates, will provide a reasonable return to the City for its investment. In view of this, Mr. Ray recommended that an agreement be entered into with the property owners to provide for the advance of \$10,000 towards the cost of the project, roughly two-thirds of the total cost, with provisions for reimbursement to them and to the City on a 2/3 - 1/3 proportionate basis, as each individual connection is made to that portion of the line which serves other areas. A reasonable portion of this would be a direct charge to the medical-dental center property and there would be no refund for this portion of the cost. The property owners would also agree to annex to the City as soon as possible, and upon annexation, the regular inside city rates for sewer service would apply. Answering a question asked by Mayor Hammond, Mr. Ray stated that the City is not now furnishing water to this area.

MOTION

That the request for sewer service to the Medical-Dental Center located at Nelson and Orangeburg Avenues be approved, the staff to prepare the necessary documents.

Moved by VanderWall Seconded by Arata Unanimously carried

LETTER FROM PUBLIC HEALTH SERVICE - STATE OF CALIFORNIA, RE:
SECOND INSPECTION OF SEWERAGE FACILITIES 2-17

A letter from Clarence E. Cuyler, Sanitary Engineer, Water Supply and Pollution Control, dated March 8, 1961, was read by the City Clerk. The letter stated that a second inspection of the City's sewerage facilities has been scheduled for March 16, 1961 and requested that certain arrangements be made to facilitate the inspection.

By order of the Chair the letter was referred to the staff.

LETTER FROM MODESTO CITY EMPLOYEES' ASSOCIATION RE: SALARY CHANGES
AND EMPLOYEE BENEFITS 2-28

A letter from the Employees Association of the City of Modesto thanking the Council for its effort and consideration in connection with the recent salary and fringe benefit recommendations, was read by the City Clerk. The association asked that the Council reconsider the internal problems created as a result of the recommendations of the Personnel Commission by the end of June, 1961.

The letter was ordered filed, and the City Clerk directed to send a copy of the letter to the Personnel Commission.

RESOLUTION AWARDING BID FOR CURB CUT RELOCATIONS ON McHENRY AVENUE

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

IMPROVEMENT OF YOSEMITE BOULEVARD

With the unanimous consent of the Council, Gordon Wight, Chairman of the Modesto Chamber of Commerce Highway Committee, spoke to the Council of the Committee's interest in improving Yosemite Boulevard along the lines accomplished in the improvement of McHenry Avenue. Mr. Wight stated that it was his understanding that the City is willing to support this program as it did in the case of McHenry Avenue. A letter addressed to the Council from the Modesto Chamber of Commerce Highway Committee was read by Mr. Wight.

The City Manager suggested that Mr. Wight arrange a meeting with interested parties at an early date.

In order to clear any misconceptions, Mr. Miller said that the City spent approximately \$150,000 on the improvement of McHenry Avenue. The City has indicated its willingness to proceed with the improvement of Yosemite Boulevard on the same basis -- it would pay for damages and incidental costs of acquisition.

MOTION

That the Council reaffirms its approval of the proposal for improvement of Yosemite Boulevard, and requesting the staff to meet with the Chamber of Commerce Highway Committee and other interested parties.

Moved by VanderWall Seconded by Arata Unanimously carried

CONSIDER AWARD OF BID FOR TRAFFIC SIGNALS AND STREET LIGHTING AT
12TH & NEEDHAM, VIRGINIA & N STREETS 2-93

Kenneth Cruce, Parking and Traffic Department, stated that two bids were received, the low bid of \$4,866 received from Collins Electrical Company of Stockton, \$1,134 less than the engineer's estimate. The bid covers traffic signals, street lighting and channelization.

The City Manager stated that funds are budgeted, and recommended that the bid of Collins Electrical Co. for \$4,866 be accepted.

RESOLUTION NO. 61-109

A RESOLUTION ACCEPTING THE BID OF \$4,866 FROM COLLINS ELECTRICAL COMPANY FOR CONSTRUCTION OF TRAFFIC SIGNALS AND STREET LIGHTING AT TWELFTH, NEEDHAM, VIRGINIA AND N STREETS

Introduced by Arata Seconded by Johansen
 Ayes: Adams, Arata, Johansen, Martin, VanderWall, Mayor Hammond
 Noes: None Absent: Knoles

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND CALL FOR BIDS
 FOR THE CONSTRUCTION OF WATER LINES IN VILLAGE MANOR NO. 1
 SUBDIVISION 2-102

Director of Public Works Ray stated that the proposed plans and specifications and call for bids cover the installation of water lines in Village Manor No. 1 Subdivision, the materials to be furnished by the City.

RESOLUTION NO. 61-110

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR INSTALLATION OF WATER MAINS IN VILLAGE MANOR NO. 1 SUBDIVISION

Introduced by Adams Seconded by VanderWall
 Ayes: Adams, Arata, Johansen, Martin, VanderWall, Mayor Hammond
 Noes: None Absent: Knoles

March 30, 1961 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 LEGION AND KEWIN PARKS RESTROOMS

Director of Public Works Ray stated that the plans and specifications covered the construction of restrooms in Legion and Kewin Parks. These two projects were approved as a part of the Capital Improvement Program budgeted for this year.

RESOLUTION NO. 61-111

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR CONSTRUCTION OF COMFORT STATIONS AT LEGION AND KEWIN PARKS

Introduced by Adams Seconded by Johansen
 Ayes: Adams, Arata, Johansen, Martin, VanderWall, Mayor Hammond
 Noes: None Absent: Knoles

March 30, 1961 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. 439-C.S., RELATING TO THE MOVING OF
 BUILDINGS

ORDINANCE NO. 439-C.S. entitled

"AN ORDINANCE ADDING SECTION 4-3.07.1 TO CHAPTER 3 OF TITLE IV

OF THE MODESTO MUNICIPAL CODE; AMENDING SECTION 4-3.08, AND
REPEALING SECTION 4-3.15 THEREOF, RELATING TO MOVING OF BUILDINGS"

introduced on March 1, 1961 and having been printed and published
as required by the Charter, was moved and adopted.

Moved by Martin Seconded by Arata
Ayes: Adams, Arata, Johansen, Martin, VanderWall, Mayor Hammond
Noes: None Absent: Knoles

ADOPTION OF ORDINANCE NO. 440-C.S. - EXTENSION OF AGREEMENT FOR SALE OF
PROPERTY OFF McHENRY AVENUE TO JACK WATSON

ORDINANCE NO. 440-C.S. entitled

"AN ORDINANCE AUTHORIZING THE EXTENSION OF AN AGREEMENT FOR SALE
OF CERTAIN REAL PROPERTY BELONGING TO THE CITY OF MODESTO TO JACK
R. WATSON AND ALBERTA WATSON, HUSBAND AND WIFE"

introduced on March 1, 1961 and having been printed and published
as required by the Charter, was moved and adopted.

Moved by Martin Seconded by Johansen
Ayes: Adams, Arata, Johansen, Martin, VanderWall, Mayor Hammond
Noes: None Absent: Knoles

ADOPTION OF ORDINANCE NO. 441-C.S. - PURCHASE OF PROPERTY FROM THE
MODESTO LUMBER COMPANY FOR CORPORATION YARD PURPOSES

ORDINANCE NO. 441-C.S. entitled

"AN ORDINANCE AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY
BY THE CITY OF MODESTO FROM THE MODESTO LUMBER COMPANY, A
CORPORATION"

introduced on March 1, 1961 and having been printed and published
as required by the Charter, was moved and adopted.

Moved by Arata Seconded by Adams
Ayes: Adams, Arata, Johansen, Martin, VanderWall, Mayor Hammond
Noes: None Absent: Knoles

ADOPTION OF ORDINANCE NO. 443-C.S. RELATING TO THE DISPOSITION OF
UNCLAIMED DOGS

ORDINANCE NO. 443-C.S.

"AN ORDINANCE AMENDING SECTION 5-4.213 OF ARTICLE 2 OF CHAPTER 4
OF TITLE V OF THE MODESTO MUNICIPAL CODE, RELATING TO DOGS"

introduced on March 6, 1961, and having been printed and published
as required by the Charter, was moved and adopted.

Moved by VanderWall Seconded by Martin
Ayes: Adams, Arata, Johansen, Martin, VanderWall, Mayor Hammond
Noes: None Absent: Knoles

ADOPTION OF ORDINANCE NO. 444-C.S. CHANGING THE TIME FOR CLOSING OF AGENDA PRIOR TO COUNCIL MEETINGS

ORDINANCE NO. 444-C.S. entitled

"AN ORDINANCE AMENDING SECTION 2-1.03 OF CHAPTER 1 OF TITLE II OF THE MODESTO MUNICIPAL CODE, RELATING TO COUNCIL AGENDA"

introduced on March 6, 1961 and having been printed and published as required by the Charter, was moved and adopted.

Moved by VanderWall Seconded by Johansen
Ayes: Adams, Arata, Johansen, Martin, VanderWall, Mayor Hammond
Noes: None Absent: Knoles

ADOPTION OF ORDINANCE NO. 445-C.S. - PURCHASE OF PROPERTY FOR CORPORATION YARD PURPOSES FROM F. E. KLINE

ORDINANCE NO. 445-C.S. entitled

"AN ORDINANCE AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY BY THE CITY OF MODESTO FROM FLORA E. KLINE (FOR CORPORATION YARD PURPOSES)"

introduced on March 6, 1961 and having been printed and published as required by the Charter, was moved and adopted.

Moved by Arata Seconded by Adams
Ayes: Adams, Arata, Johansen, Martin, VanderWall, Mayor Hammond
Noes: None Absent: Knoles

REPORT ON STATUS OF PROPOSED NEW AGREEMENT FOR USE OF DEL WEBB FIELD BY THE MODESTO COMMUNITY ATHLETIC ASSOCIATION 3-12

The City Manager reported that to replace the Modesto Community Athletic Association, a non-profit corporation to be known as the Modesto Reds Baseball Club is being formed. The present agreement with the Modesto Community Athletic Association has expired. Representatives of the new Association have requested that in addition to the services provided the Modesto Community Athletic Association under the expired agreement, the City also pay for the electrical power, services of a groundskeeper and other charges.

Jerry Pepelis, representative of the Baseball Club, stated that the new directors are putting forth great effort to keep baseball alive in Modesto and he felt confident that they would be able to do so. He requested that the City furnish the electrical power and pay for the groundskeeper, along with the police protection already being furnished. He stated that granting this request would enable the Club to operate at a profit, and in turn the Club would turn over all profits to the City.

Councilman Adams stated that the Council has adopted a policy wherein all adult recreation must be self-supporting, and suggested that the City continue on the old basis until the Council has an opportunity to review the financial status of the Baseball Club at the end of a year's operation under the reorganization.

It was Mayor Hammond's opinion that the Council should adhere to its policy that adult recreation be self-supporting.

Answering a question by Councilman Arata, Mr. Pepelis stated that the Ball Club had not contacted the M.I.D. to see if it would furnish electrical power to the Club.

Answering a question asked by Councilman VanderWall, Mr. Pepelis stated that Stockton, Visalia and Reno pay the electrical bills, salaries of the groundskeeper, and maintenance of their ball parks. The Bakersfield ball park is owned by the County, and expenses are paid by the County.

The City Manager stated that present city expenditures for the Ball Club amount to \$4,500 per year for police service, Parks and Recreation maintenance, and general maintenance. Water is furnished by the City. The additional requests amount to \$3,800.

MOTION

That the matter be held over for one week.

Moved by Arata Seconded by VanderWall Unanimously carried

REQUEST FOR USE OF DEL WEBB FIELD BY THE MODESTO SPORTSMEN, INC.

A letter from Robert R. Bell, President of Modesto Sportsmen, Inc., requesting the use of Del Webb Field for a Sports Trade Show on April 15 and 16, 1961, was read by the City Clerk. A memorandum prepared by Director of Parks and Recreation Cowie suggested that if approved by the Council, the Club be required to agree to repair any damage made to the turf.

Due to a possible conflict of schedules due to baseball activities, the matter was held over for one week.

RESOLUTION APPROVING SUBDIVISION AGREEMENT AND FINAL MAP FOR VILLAGE MANOR NO. 1 SUBDIVISION

The City Attorney stated that a check for \$2,315.23, a bond guaranteeing improvements in the sum of \$20,000, certificates relating to the tax condition and a signed agreement have been received from the subdivider. A resolution approving the final map and subdivision agreement for construction of the improvements is necessary.

RESOLUTION NO. 61-112

A RESOLUTION APPROVING THE FINAL MAP OF VILLAGE MANOR UNIT NO. 1 SUBDIVISION OF THE CITY OF MODESTO

Introduced by VanderWall Seconded by Arata
Ayes: Adams, Arata, Johansen, Martin, VanderWall, Mayor Hammond
Noes: None Absent: Knoles

RESOLUTION ACCEPTING IMPROVEMENTS IN PARK MANOR NO. 2B SUBDIVISION AS COMPLETE, AND AUTHORIZING THE CITY CLERK TO RELEASE IMPROVEMENT BOND

The City Manager reported that all the work required by the subdivision agreement has been completed to the City's satisfaction. He recommended that the improvements be accepted.

RESOLUTION NO. 61-113

A RESOLUTION AUTHORIZING THE RELEASE OF CONTRACT BOND TO LANCE E. AND CARROL L. ELLIS FILED TO GUARANTEE IMPROVEMENTS IN PARK MANOR NO. 2B SUBDIVISION

Introduced by Johansen Seconded by Adams

Ayes: Adams, Arata, Johansen, Martin, VanderWall, Mayor Hammond

Noes: None Absent: Knoles

RESOLUTION APPROVING SUBDIVISION AGREEMENT AND FINAL MAP FOR PARK MANOR NO. 3A SUBDIVISION

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

CONSIDER PURCHASE OF TWO HAT AND COAT STANDS FOR COUNCIL ROOM AND MAYOR'S OFFICE

After discussion by the Council, it was decided that a hat and coat stand was not necessary for the Council Chambers.

MOTION

That the staff be authorized to purchase one hat and coat stand for the Mayor's Office.

Moved by VanderWall Seconded by Johansen Unanimously carried

RESOLUTION APPROVING SUBDIVISION AGREEMENT AND FINAL MAP OF GLEN AULEN SUBDIVISION

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

CONSIDER OFFER FROM CALIFORNIA VEGETABLE CONCENTRATES, INC., TO SHARE IN THE COST OF WATER MAIN INSTALLATION 4-65

A letter from W. B. Bannon, California Vegetable Concentrates, Inc., dated March 3, 1961, was read by the City Clerk. The letter stated that the Director of Public Works had indicated that the cost of extending water service to an office building on Whitmore Road would be approximately \$5,000, and that this cost might be shared equally by the City and California Vegetable Concentrates, Inc. The letter authorized the work on this basis.

Director of Public Works Ray stated that this offer was based on discussions with Mr. Bannon and the fact that the City has a considerable investment in water utilities in the South Modesto Industrial Park Area. Because of this, CVC was told that an extension of the water main on the regular basis could not be recommended to the Council, but it was felt that an arrangement whereby CVC would pay one-half the cost involved, roughly \$2,500, could be submitted for Council approval. Mr. Ray stated that 880 feet of 10" main is involved, larger than is needed to serve CVC alone, but designed as a part of the overall system for that area. Mr. Ray felt that this was a reasonable and equitable manner of financing the installation --- it would be a lump sum payment with no reimbursement provisions.

MOTION

That the request of California Vegetable Concentrates, Inc. for water service to an office building on Whitmore Road be approved on the basis outlined by the Director of Public Works.

Moved by VanderWall Seconded by Johansen Unanimously carried

REPORT OF ROSE GARDEN SUBDIVISION ENGINEER THAT M.I.D. WILL NOT SERVE THE AREA WITH UTILITIES PENDING COURT DECISION 4-98

The City Manager reported that Roy Fredericksen, engineer for Rose Gardens Subdivision, has informed the Planning Commission that Mr. Plummer of the M.I.D. has advised that the Modesto Irrigation District will not serve the subdivision with power until the courts have decided upon the validity of the city ordinance requiring that poles be placed on easements in alleyless subdivisions. Areas affected are Park Manor No. 4, Skylane No. 2, Aulston Manor No. 3 and Rose Gardens Subdivision, a total of approximately 72 acres (290 lots).

The City Attorney filed for the record a letter dated January 31, 1961, which he wrote to the M.I.D., inquiring the status of the pending litigation authorized by a resolution adopted by the M.I.D. Board, which authorized and instructed their attorney to commence legal action against the City to obtain a ruling on the validity of these subdivision regulations. A letter from M.I.D. dated February 14, 1961 acknowledging receipt of Mr. Grimes' letter, and advising that the letter was read to the Board of Directors on February 6, 1961, and no action taken, was also filed for the record. Mr. Grimes stated that apparently the complaint has not yet been filed.

Ed Mellenger, Inland Empire Developers, Inc., stated that he had met with the M.I.D. Board of Directors this afternoon and was informed by M.I.D. that they would provide power to Rose Gardens Subdivision on poles set in the street, but would not provide power to poles set in easements at the rear of the lots. Mr. Mellenger requested that the Council permit the M.I.D. to place poles in the street in order to prevent a hardship on the subdividers. He said that his company has a 180 day escrow; however, some of this time has already elapsed.

Mayor Hammond suggested that the Council Public Relations Committee meet with the Board of Directors of M.I.D. and come back with a recommended course of action at the next meeting.

Councilman Martin was appointed a member of the Public Relations Committee by Mayor Hammond, replacing Councilman Spaulding.

REPORTS FROM THE PLANNING COMMISSION - None

REPORT ON LEGISLATIVE MATTERS 5-75

Department of Urban Affairs

The City Manager reported that a specific proposal is being drafted in Washington to establish a federal Department of Urban Affairs, which will soon be presented to Congress for consideration.

AB-441 - Community Redevelopment - Mandatory Vote for Project Area Residents

The City Manager stated that this proposed bill would prohibit

approval of redevelopment plans and the execution of redevelopment projects on and after its effective date, unless the plan has been submitted to and approved by a majority of the voters residing within the boundaries of the project area. Mr. Miller stated that this bill would "hamstring" urban renewal activities and in many cases make them impossible. It was Mr. Miller's opinion that this was a matter for local legislation and recommended that the Council indicate its opposition to the measure.

MOTION

That the Council indicate its opposition to AB-441.

Moved by Arata Seconded by VanderWall Unanimously carried

Tax Exemption on Personal Property

The City Manager stated that the proposed bill would exempt personal property in the amount of \$2,000 instead of the \$100 exemption now provided in the Constitution. This is argued on the basis that it is difficult to administer and expensive to assess. It is estimated that this would exempt personal property valued at \$65,000,000. However, if passed, it would mean an increase in other property taxes. The City Manager stated that he had no recommendation to make either for or against the measure. No action was taken by the Council.

AB-127 - Amendment to Brown Act - Holding of Public Meetings

The City Attorney reported that this bill has now been amended to delete the undesirable portions, has passed the Assembly, and is on its way to the Senate.

APPROPRIATION TRANSFERS - None

MATTERS FOR THE GOOD OF THE COMMUNITY - None

REPORT ON PETITIONS RECEIVED FROM PROPERTY OWNERS IN THE NORTH CENTRAL DRAINAGE DISTRICT 6-5

The City Clerk reported that additional petitions containing 90 signatures were filed, in addition to the approximately 450 signatures filed the previous week.

The City Manager stated that many people previously opposing this drainage district have changed their position and are now in favor of it.

Director of Public Works Ray stated that approximately 544 signatures have been obtained, representing 352 parcels, or 29.7% of the entire area of the proposed drainage district. Among these are signatures from individuals covering 80 parcels, or 8.3% of the area, who previously protested formation of the drainage district. Mr. Ray stated that the Resolution of Intention could be ready for Council action on April 3, the work could start about the end of May, and barring unforeseen weather and other conditions, the work could be completed some time in February, 1962. Mr. Ray stated that the staff was re-evaluating the estimates and plans, for presentation to the bond counsel.

Mrs. Natalie Shastid, 1020 Carolyn Avenue, stated a spot check shows that a large number of people contacted are no longer opposed to the formation of a district, but do not want their names on record (about 12% of the former opposition).

The City Manager stated that at the last meeting he erroneously indicated that all legal fees had been paid to the bond counsel in connection with the formation of the first drainage district in this area; only \$1,500 has been paid and the City will get full credit for the work already done. Secondly, Mr. Miller stated that several street projects are scheduled within this area and it would be preferable to wait until the storm drains are installed before this work is done. If the project can proceed along the schedule outlined by the Director of Public Works, the contractors could be asked to work first in the areas scheduled for street improvements.

Answering a question asked by Mayor Hammond, the City Manager stated that the staff felt that there was sufficient indication of interest from the people in the area to recommend that the Council approve re-initiation of the North Central Drainage District. Mr. Miller stated that if the district was formed, contractors would be asked to work first in those sections where street improvements are proposed.

MOTION

That the staff be authorized to take necessary steps to re-initiate the North Central Drainage District for formal presentation to the Council.

Moved by Adams Seconded by VanderWall Unanimously carried

(Councilman Martin left at 8:55 P.M.)

REPORT BY CITY ATTORNEY ON MEETING OF MUNICIPAL LAWYERS SPONSORED BY LEAGUE OF CALIFORNIA CITIES IN CONNECTION WITH PUBLIC LIABILITY

Mr. Grimes stated that he attended a meeting at the League office in Sacramento on March 3 regarding the recent California Supreme Court decision in eliminating sovereign immunity in almost all of its aspects. Three possibilities were considered at the meeting, one of which was to request that the legislature restore the law as it existed prior to the Muskopf vs. Corning Hospital District, 55A. C. 216 decision; the second one was to request a two-year moratorium and ask a legislative interim committee to study the matter and then come up with a report; the third was a bill introduced and written with the assistance of the Attorney General's Office to clarify the existing loose ends on the subject now.

Mr. Grimes stated that the meeting was well attended and it was the consensus of the group that a two-year moratorium with a study of the entire subject be requested, which would fit in with the work that the California Code Revision Commission has been doing on the subject. They thought it would be wise at the same time to get the bill in shape which the Attorney General had helped draft. A number of municipal lawyers present felt that unless there is some change in the law to bring it back either to what it was before, or somewhat near, the cost of municipal liability will be extremely high in tax dollars and may result in many insurance carriers being unwilling to continue to write municipal insurance.

REPORT TO CITY COUNCIL ON STATUS OF HOLIDAY PAY LITIGATION

The City Attorney stated that a meeting was held with the attorney for the claimants to discuss settlement of the holiday pay litigation. In accordance with the direction of the Council, attorneys for the City offered to pay the police officers, thirteen of them currently employed and eight of them terminated, what the City owed them, based on the City's audit of the records. The amounts offered were based on the existing rate of pay for those currently employed for holidays worked over the period covered by the claim, and based on terminal pay rates for those whose services have been terminated, a total of approximately \$20,000. The original claim in the suits is approximately \$100,000.

The attorney for the claimants indicated that the offer made by the City would be submitted to his clients for their consideration. In accordance with instructions, it was indicated that the City wanted to pay everything it was legally obligated to pay under the decision rendered by the California Supreme Court, and that if the offer was not accepted, the Council would have to consider the advisability of giving compensating time off to those currently employed as an offset against holidays worked. This is in keeping with the operational pattern of the Police Department and the Supreme Court has indicated that the City has the right to give compensating time off for holidays worked. Mr. Grimes stated that no reply has yet been received from the claimants' attorney.

REPORT BY GEORGE SMEATH RELATIVE TO TRIP TO WASHINGTON, D. C.

Mr. Smeath stated that one of the major purposes of the meeting in Washington was to get opinions from professional planners of the nation for the purpose of setting up a Department of Urban Affairs. Although millions of dollars are spent annually for research on the national level, research in this complicated field is non-existent. Mr. Smeath said that he took notes on matters that might be of interest to the City, which are being incorporated in a report to the City Manager. He visited New York and was impressed by the amount of redevelopment being done. He stated that there was also a tremendous renewal and planning program in Philadelphia, headed by the Philadelphia Industrial Development Corporation, a nonprofit corporation.

Councilman Adams asked that he be furnished a copy of Mr. Smeath's written report of the trip, and also any information received concerning the Philadelphia industrial development program.

REPORT ON HIGHWAY CONFERENCE AT STOCKTON, MARCH 9, 1961

The City Manager presented to the Council a report of his participation in a panel discussion on "A Program of City and County Road Financing in California" at the University of the Pacific, Stockton, California, on March 9, 1961. Also on the panel were Mr. Koch, Mr. West and Mr. Zettel. The report was ordered filed.

REPORT ON REVENUES AND EXPENDITURES AT COMMUNITY SERVICE CENTER

A memorandum from Director of Parks and Recreation dated March 13, 1961, subject, "Modesto Community Service Center" was presented to the Council. The City Manager stated that the matter could be placed on the agenda at an early date for discussion.

PRESENTATION OF FINANCIAL STATEMENT FOR MONTH OF FEBRUARY, 1961

A copy of the financial statement for the month of February, 1961 was presented to each member of the Council. The report was ordered filed.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned.

Moved by Arata Seconded by VanderWall Unanimously carried

The meeting adjourned at 9:14 P.M.

ATTEST:


CITY CLERK

Modesto City Council
March 20, 1961

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: Adams, Arata, Johansen, Martin, VanderWall,
Mayor Hammond
(Councilman Knoles arrived at 4:55 P.M.)

Absent: None

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

A moment of silent prayer was observed.

LETTER FROM BETTY L. BEARDSSELL, PUBLICITY CHAIRMAN, BRYAN GREEN MISSION, REQUESTING PERMISSION TO HANG A STREET BANNER ACROSS 10TH STREET

The City Clerk read a letter from Betty L. Beardsell, Publicity Chairman, Bryan Green Mission, requesting permission to hang a banner across 10th Street, between "I" and "J" Streets, during April 16 to 25, 1961, inclusive.

RESOLUTION NO. 61-114

A RESOLUTION GRANTING A PERMIT TO THE MODESTO COUNCIL OF CHURCHES TO HANG A BANNER ACROSS 10TH STREET BETWEEN "I" AND "J" STREETS

Introduced by Adams Seconded by VanderWall
Ayes: Adams, Arata, Johansen, Martin, VanderWall, Mayor Hammond
Noes: None Absent: Knoles

Mayor Hammond welcomed Marty Ort and his pupils from Ripon, who were present in the audience.

LETTERS IN REGARD TO GARBAGE AND GARDEN REFUSE COLLECTION

The following letters protesting combined pickup of garbage and garden refuse were read by the City Clerk:

- (a) Letter from John F. Feltes, 216 Ruberto St.
- (b) Letter from Mrs. May Bennington, 214 James St.
- (c) Letter from Frances Lester, 214 James St.
- (d) Letter from Mrs. Albert Johnson, 1238 East Morris

The City Clerk was directed to answer the letters, advising the writers of the proposed action to be taken by the Council on this matter.

LETTER FROM MODESTO SCHOOLS RE: PROPOSED SWIMMING POOL AT
MODESTO JUNIOR COLLEGE 1-70

A letter from Harry D. Wiser, Superintendent of Schools, dated March 9, 1961, addressed to the City Manager, was read by the City Clerk. The letter referred to the City's offer to participate in the construction of the swimming pool at the Modesto Junior College, not to exceed the amount of \$35,000, and asked that the City reconsider its financial participation. The letter stated that since new physical education facilities were being constructed on the area where the proposed pool would be located, construction of the pool could not begin until after July 1, 1961, and funds for the construction of the swimming pool could be allocated in the 1961-62 budget, which might be advantageous for both the City and the Modesto City Schools.

Mayor Hammond stated that the Junior College covers a much larger district than the High School, a good share of the student body living out of the Modesto City area.

Answering a question by Mayor Hammond, Dr. Wiser stated that accessibility of the pool for city recreational purposes during the summer months had been discussed with the Director of Parks and Recreation, and it was felt that agreements similar to those with Modesto and Downey High Schools regarding the use of their pools would apply to the Junior College pool. Dr. Wiser agreed that approximately one-half the pupils of the Junior College are outside the District; however, if approved, the City would have larger recreational facilities available. So far as the students are concerned, the pool would still belong to the Modesto Junior College District, which is co-terminous with the High School District.

The City Manager stated that the staff felt it would be desirable to have the two-pool design, and it would be available to the City on the same basis as the high school pools. He pointed out that the pools are used intensively during the three-month summer period.

Answering a question asked by Councilman Adams, Dr. Wiser stated that it was his personal opinion that if the City participated only to the extent of \$35,000, the Board of Education would probably authorize construction of an L-shaped pool; if the City increased the amount of its participation, Dr. Wiser would recommend the two-pool design.

Councilman Martin stated that nothing in the current discussion had changed his mind, and in his opinion \$35,000 was a good contribution in helping round out a good program.

Councilman Adams suggested that consideration be given to adding an additional \$7,000 to the \$35,000 already budgeted for the Junior College swimming pool when budgets are considered for the 1961-62 fiscal year.

MOTION

That the City's offer to contribute \$35,000 towards the construction of the Junior College swimming pool stand.

Moved by Martin Seconded by VanderWall Unanimously carried

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND CALL FOR BIDS
FOR CONSTRUCTION OF WATER LINE ON WHITMORE AVENUE

RESOLUTION NO. 61-115

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE
CALLING FOR BIDS FOR EXTENSION OF WATER MAIN IN WHITMORE ROAD

Introduced by Arata Seconded by Johansen
Ayes: Adams, Arata, Johansen, Martin, VanderWall, Mayor Hammond
Noes: None Absent: Knoles

April 6, 1961 at 2:00 P.M. in the City Clerk's Office
was set as the time and place for opening of bids.

RESOLUTION AWARDING BID FOR CURB CUT RELOCATIONS ON McHENRY AVE.

Director of Public Works Ray stated that the low bid of \$4,177.05 received from George Reed for the reconstruction of driveways on McHenry Avenue was over the estimate and the amount allocated by the State for this construction, and it has been awaiting approval of the State. This has not yet been cleared with the State as funds proposed for this construction have reverted and it is now necessary that funds be reallocated by the State Highway Commission, which is proposed to be considered on March 23, 1961. Mr. Ray stated that it was necessary to award the bid before the expiration of the time limit within which the award can be made and recommended that a resolution be adopted awarding the contract to the low bidder, contingent upon allocation of funds by the Division of Highways.

RESOLUTION NO. 61-116

A RESOLUTION ACCEPTING THE BID OF \$4,177.05 FROM GEORGE REED FOR
RECONSTRUCTION OF DRIVEWAYS ON McHENRY AVENUE

Introduced by Arata Seconded by Adams
Ayes: Adams, Arata, Johansen, Martin, VanderWall, Mayor Hammond
Noes: None Absent: Knoles

CONSIDER AWARD OF BID FOR WATER MAINS, AULSTON MANOR NO. 2
SUBDIVISION 2-80

Director of Public Works Ray stated that four bids were received, the low bid submitted by Calaveras Plumbing and Heating Co. in the amount of \$1,901.20, which exceeds the estimate for installation by city forces by 13.6%. On the basis of established Council policy, the City Manager recommended that the bid be rejected and authorization given that the work be performed by City forces.

RESOLUTION NO. 61-117

A RESOLUTION REJECTING ALL BIDS AND AUTHORIZING THE WORK TO BE
PERFORMED BY THE CITY FOR THE INSTALLATION OF WATER MAINS IN
AULSTON MANOR NO. 2 SUBDIVISION

Moved by Adams Seconded by VanderWall
Ayes: Adams, Arata, Johansen, Martin, VanderWall, Mayor Hammond
Noes: None Absent: Knoles

CONSIDER AWARD OF BID FOR SUBTRUNK SEWER, SKYLANE PARK UNIT NO. 1
SUBDIVISION 2-92

Director of Public Works Ray stated that four bids were received for the construction of a subtrunk sewer in Skylane Park Unit No. 1 Subdivision, the low offer being submitted by George Reed for \$8,623.00, approximately \$150 below the engineer's estimate. The developers of this subdivision have been required to share in the cost of this project in the sum of \$3,735.41, which has been paid. The balance will be advanced by the City. Mr. Ray recommended that the low bid of George Reed be accepted.

RESOLUTION NO. 61-118

A RESOLUTION ACCEPTING THE BID OF \$8,623 FROM GEORGE REED FOR CONSTRUCTION OF SANITARY SEWER SUBTRUNK EXTENSION IN SKYLANE PARK NO. 1 SUBDIVISION

Moved by VanderWall Seconded by Johansen
Ayes: Adams, Arata, Johansen, Martin, VanderWall, Mayor Hammond
Noes: None Absent: Knoles

CONSIDER AWARD OF BID FOR WATER MAINS, SKYLANE PARK UNIT NO. 1
SUBDIVISION 2-108

Director of Public Works Ray stated that four bids were received, the low bid submitted by Calaveras Plumbing and Heating Co. in the amount of \$3,120.60, 18% above the engineer's estimate for installation by City forces.

On the basis of established Council policy, the City Manager recommended that the bid be rejected and the work authorized to be done by city forces.

RESOLUTION NO. 61-119

A RESOLUTION REJECTING ALL BIDS AND AUTHORIZING THE WORK TO BE PERFORMED BY THE CITY FOR THE INSTALLATION OF WATER MAINS IN SKYLANE PARK NO. 1 SUBDIVISION

Introduced by Johansen Seconded by Arata
Ayes: Adams, Arata, Johansen, Martin, VanderWall, Mayor Hammond
Noes: None Absent: Knoles

CONSIDER AWARD OF CONTRACT FOR CONSTRUCTION OF PARKING LOT, 10TH
& H STREETS 2-113

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

HEARING ON UNCLASSIFIED USE PERMIT - NED K. RYDER FOR PUTT PUTT
GOLF COURSE AT 2416 MCHENRY AVENUE 4:30 P.M. 3-8

Mayor Hammond announced that the hour of 4:30 P.M. had arrived, the time set for the hearing of the granting of an unclassified use permit to Ned K. Ryder for a Putt Putt Golf Course on the east side of McHenry Avenue, south of Floyd Avenue, and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Bee on March 9, 1961, and notices posted and delivered in the area on March 9, 1961. No written protests were received by the City Clerk.

The City Manager stated that Planning Commission Resolution No. 685 recommends that the Council grant an unclassified use permit to Mr. Ryder for the Putt Putt Golf Course.

Director of Planning Smeath reviewed the plot plan submitted by the applicant. He stated that the Planning Commission has recommended that an undeveloped portion at the back of the property be reserved for a period of not less than one year from the date of beginning of the operation of the golf course, and if additional parking is determined to be necessary by the Planning Director, such additional parking will be provided on the reserved land and improved and maintained as provided in the Municipal Code. Mr. Smeath stated that a building on the map indicated as a "clubhouse" should be changed to read "office".

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

Answering a question asked by Mayor Hammond, City Attorney Grimes stated that Council action would be required to change the use for this particular parcel to another unclassified use. He said that the unclassified use permit, including the conditions, runs with the property and not with the ownership. Changing the use would require a hearing before the Planning Commission and the Council.

Director of Planning Smeath pointed out that if the owners wished to change the use of the property to any use permitted under R-1 zoning, approval of the Planning Commission and Council would not be required.

The City Attorney stated that a resolution was required granting an unclassified use permit to Mr. Ryder for a putt putt golf course as set forth in the application on file with the Planning Director, subject to the conditions recommended by the Planning Commission in Resolution No. 685. These conditions were read by the City Attorney and approved by the Council.

RESOLUTION NO. 61-120

A RESOLUTION GRANTING AN UNCLASSIFIED USE PERMIT TO NED K. RYDER FOR A PUTT PUTT GOLF COURSE ON THE EAST SIDE OF McHENRY AVENUE SOUTH OF FLOYD AVENUE

Introduced by VanderWall Seconded by Arata
Ayes: Adams, Arata, Johansen, Martin, VanderWall, Mayor Hammond
Noes: None Absent: Knoles

(Councilman Knoles arrived at 4:55 P.M.)

HEARING ON PROPOSED REZONING OF ZONING MAP 19 ON CARVER ROAD TO
COMMERCIAL-PLANNED DEVELOPMENT, P-D 3-70

Mayor Hammond announced that the hour of 4:35 P.M. had arrived, the time set for consideration of the proposed rezoning of Zoning Map 19 on Carver Road to Commercial-Planned Development, P-D, and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Bee on March 9, 1961, and notices posted and delivered in the area on March 9, 1961. A petition opposing the rezoning bearing 51 signatures was received by the City Clerk.

Director of Planning Smeath stated that an application was submitted by Poy Tim Lowe, Alice Ming Lowe, and Gong Wai Lowe on December 30, 1960, to reclassify property located on the corner of Carver and Roseburg from R-A to Planned-Development Zone, P-D. Mr. Smeath indicated on a map the development proposals for the shopping center, describing the land use of the properties immediately adjacent to the proposed shopping center, and briefly outlined the three phases of the development schedule, as follows: Phase I, construction of the market building, surfacing of the necessary parking area, construction of curbs and gutters and sidewalks on Roseburg, leveling of the entire property, and planting of landscaping screener, to be concluded within 18 months after granting of necessary zoning; Phase II, the construction of a northern wing and the necessary revamping of any of the previous improvements in order to accommodate Phase II, and to erect the fence along the eastern property line, construction on this phase to commence as soon as possible and in any event on or before five years after the date of the granting of the necessary zoning, with completion schedule of one year; Phase III, the building of the southern wing and all curbing, gutters and sidewalks on Carver Road, contemplated to be commenced within ten years from the date of the granting of the necessary zoning, and to be completed 18 months thereafter. From the above development schedule, Mr. Smeath stated that the project would be completed on or before the expiration of $11\frac{1}{2}$ years after granting of the necessary zoning.

Answering a question by Mayor Hammond, Mr. Smeath stated that the only immediate requirement for screening the shopping center from adjacent residential properties is the construction of a solid board fence which must be completed now.

Attorney Wilmar Jensen, representing the applicants, stated that the Director of Planning described the plan correctly, with one exception. In the first phase, his clients intend to put in all landscaping; all curbs, gutters and sidewalks along Roseburg, and, at the request of the Planning Commission, have agreed to install curbs, gutters and sidewalks along Carver Road. Mr. Jensen listed the following advantages which would result from the rezoning; Increased tax revenues; brightening of an otherwise unattractive parcel of property; the proposed rezoning is in conformity with the best zoning procedures; the shopping center will provide a buffer zone between the different uses which surround it; the location of the shopping center at the intersection of major collector streets will provide reasonable access from Roseburg and Carver; it is a self-contained unit located at the edge of a residential area and ideal for a neighborhood commercial center; and the shopping center attractively designed so as to protect the neighborhood from the disadvantages that might be associated with a commercial area.

Mr. Jensen pointed out that the request for rezoning was compatible with the General Development Plan, which calls for a neighborhood shopping center at this exact location and the rezoning has been recommended by the Planning Commission. He requested that the request for rezoning be approved by the Council.

Mrs. Lavern Klaproth, 1009 Del Vale Avenue, stated that a majority of property owners in the area agree that the shopping center is a work of art, but pointed out that the heavy traffic resulting on Roseburg would create a greater hazard for children crossing the street on their way to school. She also asked clarification on the closing of the alley south of the property proposed for rezoning.

Director of Planning Smeath stated that the alley would remain closed and a turn-around or back-up area is proposed at the end of this alley so that trucks or cars coming into the alley would not be able to get into the shopping center.

Robert Marshall, 1622 West Roseburg, stated that his property adjoined the proposed shopping center. He said that no commercial traffic is permitted on Roseburg Avenue; however, Roseburg Avenue is a through street, along with Orangeburg Avenue, and regardless of the development of this property, will continue to carry a large portion of the traffic in this area. Mr. Marshall stated that to the best of his knowledge, none of his neighbors were objecting to the rezoning.

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

City Attorney Grimes summarized the proposed ordinance amending Section Map 19, reclassifying this property, and listed the uses permitted in P-D (1) Zone, subject to securing a conditional use permit as required by the Code.

ORDINANCE NO. 446-C.S. entitled

"AN ORDINANCE AMENDING SECTION MAP 19 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (LOWE)"

was introduced and ordered printed and published as required by the Charter.

Moved by Mayor Hammond Seconded by Martin
Ayes: Adams, Arata, Johansen, Martin, VanderWall, Mayor Hammond
Noes: Knoles Absent: None

A proposed resolution approving a development plan for the Planned Development Zone, P-D (1) (Lowe) was read by the City Attorney.

Referring to Phase III of the resolution read by the City Attorney which stated "Phase III shall include the building of the southern wing and all curbing, gutters and sidewalks on Carver Road", Councilman Adams stated that he was under the impression that all of the curbs, gutters and sidewalks would be constructed under Phase I.

Attorney Jensen stated that it was his understanding that the Planning Commission made the construction of curbs, gutters and sidewalks on Carver Road a condition under Phase I, and his clients were willing to have this provision under Phase I.

Attorney Jensen gave the Council formal assurance that the curbs, gutters and sidewalks on Carver Road would be constructed as a part of Phase I, and stated that he would furnish a letter to the Council to this effect.

RESOLUTION NO. 61-121

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED-DEVELOPMENT ZONE, P-D (1) (LOWE)

Introduced by VanderWall Seconded by Arata
Ayes: Adams, Arata, Johansen, Knoles, Martin, VanderWall, Mayor Hammond
Noes: None Absent: None

HEARING ON PROPOSED REZONING OF THE AREA NORTH OF TOKAY EAST
OF McHENRY AVENUE, ZONING MAP 16, TO COMMERCIAL-PLANNED
DEVELOPMENT, P-D 5-128

Mayor Hammond declared that the hour of 4:40 P.M. had arrived the time set for consideration of the proposed rezoning of an area north of Tokay and east of McHenry Avenue, Zoning Map 16, from R-1 to Commercial-Planned Development, P-D.

The City Clerk reported that notice of the hearing was published in the Modesto Bee on March 9, 1961 and notices posted and delivered in the area on March 9, 1961. No written protests to the proposed rezoning were filed with the City Clerk.

Director of Planning Smeath displayed on a map the area proposed for rezoning. He stated that the original proposal for the 10-acre plot called for shops in a 2½ to 3 acre parcel, but this portion was withdrawn from the application submitted to the Planning Commission, leaving a balance of approximately 7 acres now proposed for rezoning. Phase I includes the construction of the motel with a large banquet hall; Phase II, expansion of the motel. Mr. Smeath said that the Planning Commission has recommended approval of the rezoning, subject to the conditions that the uses be limited to a motel, restaurant, banquet facilities, and bar, all restricted to the main confines of the building, with a development schedule of 18 months for Phase I, and 8 years for Phase II.

J. A. Hamilton asked if a bar being constructed so close to a church would violate the State Code. Graham May, 144 Bonita Circle, one of the developers, stated that so far as he knew, there were no restrictions.

Dr. Wallace Rook, 140 Ribier, stated that he did not oppose construction of a motel and was pleased that the portion of the plan calling for shops was withdrawn. He asked what the developers had in mind for the 2½ acre parcel withdrawn from the original proposal.

Mr. May stated that there were no definite plans for the 2½ acre plot - the developers have been attempting to find someone interested in constructing an apartment house but have not been successful.

Mrs. Leonard Day, 408 Tokay Avenue, read a letter addressed to the Council, stating that the area was first posted and advertised as a planned development zone which would permit certain commercial type uses, including a motel, restaurant, cocktail lounge, bank, retail sales and service shop, as shown in the development plan on file with the Planning Director. During a hearing before the Planning Commission on February 7, 1961, the proposed second stage of the plan was withdrawn, the retail sales and service shop area in the southwest corner of the property, leaving this southwest corner single-family R-1 zoning. She stated that it was her belief that any changes in the original proposal must again be posted and advertised to the same surrounding properties for the prescribed number of days, and the changed proposal submitted anew to the Planning Commission for another hearing. This was not done, but the original proposal changed and approved in one afternoon before the Planning Commission. Mrs. Day asked for a ruling on the legality of this procedure. She also questioned the practicability of a change of zoning which would permit isolation of the 2½ acre plot to single-family R-1 zoning in an area bounded on the north and east by property of a commercial type, and bounded on the west and south by McHenry and Tokay Avenues.

City Attorney Grimes stated that the principle outlined by Mrs. Day was correct -- if there is a major change in a zoning request, it should be readvertised. The question in this instance is whether or not elimination of the 2½ acre plot is a major change, or to be considered only as a deletion of part of the overall project with nothing new added. Legal advice was given at the Planning Commission meeting that the request could be modified by deleting the commercial area from the overall project, and this was done. Mr. Grimes stated that any challenge as to whether or not it was spot zoning would have to be taken up with the courts.

Mayor Hammond stated that he did not believe it was a challenge on the basis of spot zoning.

The City Attorney stated that there would be a question as to whether isolation of an area zoned R-1 is practicable or usable and consistent with the principles of police power, public health, safety, general welfare, etc.

Erven Dobbath, 144 Tokay Avenue, stated that he did not object to construction of a motel on the property, but was not in favor of it going past Toyon Avenue.

Bob Stonum, President, Wolverine Real Estate, stated that his firm, which is handling sale of houses immediately adjacent to the property being considered for rezoning, was not opposed to the rezoning in spite of rumors to the contrary.

Mark Randy spoke in favor of rezoning.

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

The matters raised by Mrs. Day were generally discussed by the Council.

Answering a question asked by Mayor Hammond as to whether the Planning Commission has indicated or discussed the future uses of McHenry Avenue in this area, Mr. Smeath stated that no use indications have been made by the Planning Commission. He stated that there were formal applications before the Commission for commercial uses, one immediately north of this area, two others which have been turned down twice, and several informal applications for property across the street.

Mayor Hammond stated that he was concerned as to whether or not the regulations had been complied with and moved that the matter be referred back to the Planning Commission for further advice as to what the 2½-acre portion could be used for, and also the Planning Commission's proposal for the land use of this general area on McHenry Avenue.

RESOLUTION NO. 61-126

A RESOLUTION REFERRING THE APPLICATION OF LLOYD OVERHOLTZER AND E. GRAHAM MAY TO RECLASSIFY FROM SINGLE-FAMILY ZONE, R-1, TO PLANNED-DEVELOPMENT ZONE, P-D, LOTS 7 AND 8 OF THE POMONA VILLA TRACT LOCATED AT THE NORTHEAST CORNER OF TOKAY AND McHENRY AVENUES BACK TO THE MODESTO CITY PLANNING COMMISSION

Introduced by Mayor Hammond

Seconded by Martin

Ayes: Adams, Arata, Johansen, Knoles, Martin, VanderWall,
Mayor Hammond

Noes: None Absent: None

INTRODUCTION OF ORDINANCE APPROVING AGREEMENT TO PURCHASE LOTS 5
AND 6 IN BLOCK 431, CITY OF MODESTO, FOR CORPORATION YARD PUR-
POSES

The City Attorney stated that the proposed ordinance covers the purchase of property from Elizabeth L. Mayer for corporation yard purposes, for the sum of \$6,500.

ORDINANCE NO. 447-C.S. entitled

"AN ORDINANCE AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY BY THE CITY OF MODESTO FROM ELIZABETH L. MAYER (CORPORATION YARD SITE)"

was introduced and ordered printed and published as required by the Charter.

Moved by Arata Seconded by Adams

Ayes: Adams, Arata, Johansen, Knoles, Martin, VanderWall, Mayor
Hammond

Noes: None Absent: None

INTRODUCTION OF ORDINANCE APPROVING AGREEMENT TO PURCHASE LOTS
1 AND 2 IN BLOCK 431, CITY OF MODESTO, FOR CORPORATION YARD
PURPOSES 8-55

The City Attorney stated that the proposed ordinance covers the purchase of property, Lots 1 and 2, Block 431, from Edward L. Mulligan for the sum of \$8,750, for corporation yard purposes.

ORDINANCE NO. 448-C.S. entitled

" AN ORDINANCE AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY BY THE CITY OF MODESTO FROM EDWARD L. MULLIGAN"

was introduced and ordered printed and published as required by the Charter.

Moved by VanderWall Seconded by Adams

Ayes: Adams, Arata, Johansen, Knoles, Martin, VanderWall, Mayor
Hammond

Noes: None Absent: None

REPORT ON STATUS OF PROPOSED NEW AGREEMENT FOR USE OF DEL WEBB
FIELD BY THE MODESTO COMMUNITY ATHLETIC ASSOCIATION 8-62

The City Manager stated that this matter was presented to the Council at its last meeting, and briefly reviewed the request of the corporation, to be known as the Modesto Reds Baseball Club, which replaces the Modesto Community Athletic Association, that the City furnish the electrical power and pay for the grounds-keeper, in addition to the police protection already being furnished. City expenditures for the Ball Club amount to about \$4,500 per year, and the additional requests amount to approximately \$3,800.

W. K. Earl, 1021 Phelps Avenue, a member of the proposed Board of Directors for the Modesto Reds Baseball Club, stated that the charter will be received shortly. Financial aid is needed to assure a sound financial operation this year, as the major leagues will take a very active part in the financing of their affiliate clubs within a year or two. Mr. Earl stated that ownership of the lights, which were erected at a cost of \$60,000 at the expense of the former Association, has reverted to the City through agreement. He pointed out that use of the park was not restricted to the Modesto Reds -- it is used for Little League activities, the 4th of July celebration, and other specific functions, and asked that this be considered.

Mr. Earl stated that concessions have been received from the M.I.D. to the degree that it will not hold the new organization responsible for past obligations and he assured them of complete cooperation in other matters, subject to the approval of the M.I.D. Board of Directors.

Answering a question asked by the City Manager, Mr. Earl stated the M.I.D. has not stated that it will take care of the power bill for the present year. This cannot be done; however, an equivalent has been offered by way of family night participation, purchase of billboards, etc. Mr. Earl stated that the request that the City furnish electrical power could be deleted.

It was Councilman Arata's opinion that the City should not hold the new organization responsible for the \$800 due the City by the old organization.

The City Manager stated that the \$800 was due the City for unpaid admission tax collected from those who attended the games last year and is an obligation against the assets of the old corporation.

Answering a question asked by Mayor Hammond, the City Attorney stated that waiving admission tax for one group would be discriminatory.

Fred Salas, 1401 Cypress, one of the new Board of Directors of the Ball Club, stated that if the baseball club is successful, it is promised a first line baseball club by the Yankee organization.

Mayor Hammond stated that the City could not participate in an operation of this kind where the losses are subsidized and might be recovered if a profit is realized.

Answering a question asked by Mayor Hammond, the City Attorney stated that if the City wished to pick up the expenses of the Ball Club, there were no legal problems involved - it was strictly a policy matter. Mr. Grimes stated that he did not believe that the taxes owed could be legally waived, although they may never be collected.

It was Mayor Hammond's opinion that the Council would be leaving itself open to criticism if the City participated any more than it was now.

Jerry Pepelis, manager of the Baseball Club, spoke briefly in support of the Club's request for more City participation.

Cecil Jones, 446 Sycamore Avenue, a director of the organization, pointed out that the new organization has no legal liability to pay the back taxes owed to the City by the old organization. He said that the new board of directors are doing everything to make it possible to continue baseball until such time as the Yankees can carry the financial burden themselves. If there was no baseball, the City would still have to maintain the park.

Councilman Adams stated that the City's present participation in the amount of approximately \$4,000 goes into maintenance of the park and possibly a little beyond Council policy that adult recreation be self-supporting. It was his opinion that an accounting should be made at the end of the season and thought given to the matter at that time, when the financial situation can be reviewed, rather than setting aside extra funds at this time.

Answering a question asked by Councilman VanderWall, the City Manager stated that with the request for electrical power withdrawn from the list, City participation requested would amount to approximately \$7,000, \$2,656 more than was contributed last year, and would take care of the wages for the caretaker, field and stadium repair, grounds and other park supplies, labor for replacing light bulbs. Total maintenance items for the fiscal year 1959-60 were \$4,471.

Answering a question by Councilman Johansen, Mr. Pepelis stated that children under 12 years of age are not charged for admission; from the age of 12 through high school, the admission fee is 25 cents, and college students are charged 50 cents.

MOTION

That the request of the Modesto Reds Baseball Club for additional financial participation by the City be denied.

Moved by Mayor Hammond Seconded by VanderWall
The motion carried.

RESOLUTION ACCEPTING AS COMPLETE THE TRAFFIC SIGNALS AND STREET LIGHTING AT COFFEE-FAIRMONT AND TUOLUMNE-PARADISE INTERSECTIONS AND AUTHORIZING FINAL PAYMENT 10-27

The City Manager stated that the installation of the traffic signals and street lighting at Coffee-Fairmont and Tuolumne-Paradise intersections has been reported as complete by the City and County. The total contract bid, including extra work orders, was \$25,764.20. The County's share of the cost (2/5 of the total project) is \$10,907.64; the City's share, \$14,856.74. The City Manager recommended that the projects be accepted as complete, notice of completion recorded, and payments made according to the contract.

RESOLUTION NO. 61-122

A RESOLUTION ACCEPTING THE CONSTRUCTION OF TRAFFIC SIGNALS AND STREET LIGHTING AT COFFEE-FAIRMONT AND TUOLUMNE-PARADISE INTERSECTIONS BY INDUSTRIAL ELECTRICAL COMPANY; AUTHORIZING RECORDATION OF NOTICE OF COMPLETION WITH THE COUNTY RECORDER AND PAYMENT OF AMOUNTS DUE

Introduced by VanderWall Seconded by Martin
Ayes: Adams, Arata, Johansen, Knoles, Martin, VanderWall, Mayor
 Hammond
Noes: None Absent: None

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

RESOLUTION NO. 61-123

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

Introduced by Knoles Seconded by Johansen
Ayes: Adams, Arata, Johansen, Knoles, Martin, VanderWall, Mayor
 Hammond
Noes: None Absent: None

FURTHER CONSIDERATION OF INTENTION TO CLOSE LOUISE AVENUE 10-40

Director of Planning Smeath stated that Alternate Drawing
No. 7 has been prepared, which places the barricade closing Louise
Avenue at the curb line of Kearney Avenue. Mr. Smeath stated that
this plan has been cleared with all of the property owners except
one, who is totally opposed to the closing of Louise Avenue.

The City Attorney stated that a proposed Resolution of Inten-
tion to close the street in accordance with Alternate Drawing No. 7
has been prepared, setting the date of hearing at 8:00 P.M. on April
10, 1961.

RESOLUTION NO. 979 S.P.
RESOLUTION OF INTENTION NO. 277

A RESOLUTION OF INTENTION TO CLOSE LOUISE AVENUE TO VEHICULAR
TRAFFIC NEAR ITS INTERSECTION WITH KEARNEY AVENUE, IN THE CITY OF
MODESTO

Introduced by VanderWall Seconded by Knoles
Ayes: Adams, Arata, Johansen, Knoles, Martin, VanderWall, Mayor
 Hammond
Noes: None Absent: None

RESOLUTION APPROVING SUBDIVISION AGREEMENT AND FINAL MAP OF PARK
MANOR NO. 3A SUBDIVISION 10-58

The City Manager stated that the final map of Park Manor No.
3A Subdivision has been approved by the Engineer.

The City Attorney stated that a check for \$825.70, certifi-
cate from the tax assessor and a performance bond for \$35,000
have been received by the City.

RESOLUTION NO. 61-124

A RESOLUTION APPROVING THE FINAL MAP OF PARK MANOR NO. 3A SUB-
DIVISION OF THE CITY OF MODESTO

Introduced by Arata Seconded by Adams
Ayes: Adams, Arata, Johansen, Knoles, Martin, VanderWall, Mayor
 Hammond
Noes: None Absent: None

RESOLUTION APPROVING SUBDIVISION AGREEMENT AND FINAL MAP OF GLEN AULEN SUBDIVISION 10-70

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

RESOLUTION APPROVING RIGHT OF WAY CONTRACT WITH RICHARD C. AND GRACE A. SMITH, 1821 TULLY ROAD

The City Manager stated that the contract provides for the acquisition of property by the City for the purpose of widening Tully Road. The only cost to the City will be the installation of curbs and gutters when the road is widened. He recommended that the right of way contract be approved.

RESOLUTION NO. 61-125

A RESOLUTION APPROVING RIGHT OF WAY AGREEMENT BETWEEN THE CITY OF MODESTO AND RICHARD C. SMITH AND GRACE A. SMITH FOR WIDENING OF TULLY ROAD

Introduced by VanderWall Seconded by Adams

Ayes: Adams, Arata, Johansen, Knoles, Martin, VanderWall, Mayor Hammond

Noes: None Absent: None

APPROPRIATION TRANSFERS - None

REPORTS FROM THE PLANNING COMMISSION - None

REPORT ON LEGISLATIVE MATTERS 10-75

The City Manager reported on the following legislature pending before the State Assembly:

AB-755 - Partisan Election Bill

The City Manager reported that this bill is now before the Assembly and would permit candidates for city and county offices to list their party affiliations on the ballot. He recommended that the Council indicate opposition to the measure.

MOTION

That the Council indicate opposition to AB-755 - Partisan Election Bill

Moved by VanderWall Seconded by Martin Unanimously carried

AB-421 - Amendment to Labor Code

The City Manager stated that this bill would add a section to the Labor Code to prohibit civil service employees, other than those employees regularly employed in a building or construction category or classification, from performing "any building or construction work of any nature whatsoever." Mr. Miller stated that this would prohibit building or construction work by the City with its own forces. He recommended that the Council indicate its opposition to the measure.

AB-494 - Mandatory Welfare Plans

The City Manager stated that this bill would add a section to the Labor Code requiring all public agencies, including cities, to "make contributions in the same manner and on the same basis as made by private employers to health and welfare, pension, vacation,

paid holiday, apprentice training, and any other similar plans or funds for the benefit of the employees as to any persons similarly employed by them." Mr. Miller recommended that the Council indicate opposition to the measure on the basis that these are matters which should be determined at the local governmental level.

AB-350 - Political Activities of City Employees

The City Manager stated that this bill would add a section to the Labor Code prohibiting the state and all local governmental agencies from enacting or enforcing any statute, law, ordinance or regulations "which limits, during their off-duty hours, the participation of employees in political activities." Mr. Miller stated that he did not believe that the right of cities to prohibit city employees from participating in certain political activities in local elections should be removed.

AB-625 - Regulation of City-Employed Women and Minors

The City Manager stated that this bill would amend the Labor Code to make all of the provisions of the Labor Code applicable to the employment of women and minors in private trade and industry applicable to women and minors employed in all state and local governmental agencies. Mr. Miller recommended that the Council indicate opposition on the basis that these conditions should be set at the local governmental level.

ACA-31 - Constitutional Property Tax Limitation - 2% of Full Cash Value

The City Manager stated that the proposed bill would limit the tax burden upon any real or personal property, either tangible or intangible, in any single year to not to exceed two per cent of the "full cash value" of such real or personal property in such tax year. "Full cash value" is defined as the "price that a willing buyer would pay a willing seller for a property when exposed for sale on the open market under conditions where neither the buyer nor the seller can take advantage of the exigencies of the other." No action was taken by the Council.

AB-401 - City Neutrality in Labor Disputes - Limitation on Purchases

The City Manager stated that this bill would add several sections to the Government Code declaring it to be the public policy of the State that all local governmental agencies shall maintain a neutral position in relation to any trade dispute. This declaration of State policy is followed by a statutory prohibition directed to the enumerated governmental agencies against the purchase of goods or services "from any person who is a party to a trade dispute, during the pendency of the trade dispute." In the event of a trade dispute, the unavailability of supplies and services to a city under this proposal could seriously disrupt vital city services. Mr. Miller recommended that the Council indicate opposition to this measure.

AB-1914 - Annexation - Island and Corridor Absorption

The City Manager stated that this bill is supported by the League in the belief that it will be helpful to cities in the orderly expansion of their boundaries and in providing municipal services in the most efficient manner. The City Manager said that this bill would authorize cities to petition the Board of Supervisors for the annexation to the city of unincorporated territory

entirely surrounded by the annexing city or partially surrounded by the city in a manner no longer permitted under the annexation laws of the State. Under this proposal the Board of Supervisors would hold a public hearing and after hearing all protests, either declare the territory annexed or refuse to permit the annexation of the territory. Mr. Miller recommended that the Council indicate support of this bill.

AB-1935 - Annexation - Enforceable Inter-City Agreements

The City Manager stated that this bill would authorize cities to enter into agreement defining future growth areas. Adjacent cities could agree to refrain from annexing territory within the defined growth area of another. Modifications of the agreement could be made at any time by agreement of the contracting cities. The bill would permit cities to plan future growth areas and to make such plans legally enforceable. Mr. Miller recommended that the Council/ support of the measure. indicate

ACA-23, AB-720 - Prohibition Against Strikes of Public Employees

The City Manager stated that this bill would place both in the State Constitution and in the statutory law of the State a prohibition against strikes on the part of all public employees. Both of these measures make strikes a cause for immediate discharge from public employment with a forfeiture of civil service status and a prohibition against reemployment by a public agency for a period of three years. No indication of stand was made by the Council.

AB-351 - Collective Bargaining for All Public Employees with the Right to Strike.

The City Manager stated that this bill would make all of the collective bargaining provisions of the State law presently applicable to private employment applicable to the State and every local governmental agency, including the right to strike by public employees. Mr. Miller recommended that the Council indicate its opposition to the measure.

AB-1972 - Withdrawal of City Territory from Recreation and Park Districts.

The City Manager stated that this bill would authorize the withdrawal of territory from recreation and park districts following its annexation to a city. Presently this can only be done with the approval of the governing body of the district. He recommended that the Council indicate support of the bill.

MOTION

That the Council indicate opposition to AB-421; AB-494; AB-350; AB-625; AB-401; AB-351; that the Council indicate support of AB-1914; AB-1935; AB-1972

Moved by VanderWall Seconded by Johansen Unanimously carried

Director of Planning Smeath reported that AB-867 is now on the floor of the Assembly, which provides that a subdivider may appeal decisions of the Planning Commission relative to subdivisions, to a Board of Appeals instead of directly to the Council. He recommended that the Council indicate its opposition to the measure.

MOTION

That the Council indicate opposition to AB-867

Moved by Knoles Seconded by Johansen Unanimously carried

MATTERS FOR THE GOOD OF THE COMMUNITY

Modesto Little Theater Group

Duke Lebaron, representing the Modesto Little Theater Group, extended a personal invitation to the Council and staff to attend an open house on April 7 at the club hall at 6th and J Streets. He stated that the primary purpose of the open house was to create community interest and more active support of the theater group. He said that in the not too distant future, the organization will probably communicate with the Council for more specific support.

The City Clerk was directed to send Council members a reminder of the open house date.

PROGRESS REPORT REGARDING SITES SUITABLE FOR FOUNTAINS AT THE ENTRANCE TO THE CITY OF MODESTO 11-90

The City Manager reported that the State has approved tentative locations for fountains at entrances to the City. The Planning Commission has been asked to work out more details for presentation to the Council.

REPORT ON REVENUES AND EXPENDITURES AT COMMUNITY SERVICE CENTER

The City Manager stated that many requests have been received to rent facilities at the Modesto Community Service Center on an hourly rather than a daily basis. It was Mr. Miller's opinion that this would increase the use of the building as well as the revenue. The extra revenue would more than pay for the janitorial services involved. A Memorandum dated March 16, 1961 from the Director of Parks and Recreation, subject, "Rental Rates, Community Service Center", was presented to each member of the Council, containing the recommended hourly rates.

Director of Parks and Recreation Cowie stated that the Senior Citizens are the only group now using the building who would be affected by the rate changes. Revenue from this group would be reduced approximately \$180 per year, but it was Mr. Cowie's opinion that establishment of hourly rates would encourage more day time use of the Center, resulting in greater revenue.

Superintendent of Recreation Mary Grogan stated that the rate changes would increase daytime use of the three rooms not rented on a monthly basis, which at the present time are rarely used.

MOTION

That the staff prepare the necessary documents to change the rental rates of the Modesto Community Center as outlined in Memorandum from Director of Parks and Recreation dated March 16, 1961

Moved by VanderWall Seconded by Adams Unanimously carried

REPORT OF MEETING WITH MODESTO IRRIGATION DISTRICT

Mayor Hammond reported a meeting with M.I.D. Board of Directors which he attended with Councilman Arata regarding the decision of the M.I.D. not to furnish power to Rose Gardens Subdivision until the courts have decided upon the validity of the city ordinance which requires that utility poles be placed on easements in alleyless subdivisions. Mayor Hammond said that the Board advised that the subdivision is under County and not City jurisdiction; Rose Gardens Subdivision is adjacent to a subdivision where the poles are already in the streets; the M.I.D. is willing and ready to serve this subdivision on poles in the streets; and on Tuesday, March 21, 1961, M.I.D. expects to file suit to test validity of the City ordinance.

The City Attorney stated that State laws pertaining to subdivision regulations provide that territories adjacent to a city within certain limits may subdivide and make application to the city to subdivide under the city's regulations, therefore making the subdivision process subject to the jurisdiction of the city.

Mr. Mellenger, representative of Rose Gardens Subdivision, stated that his company did not want to become a party to the differences between the City and M.I.D., but want only to subdivide, annex to the City, and have utilities furnished to the subdivision.

Director of Planning Smeath stated that the Planning Commission was meeting the following day to take action on the tentative map of Rose Gardens Subdivision.

Mayor Hammond stated that it was his and Councilman Arata's recommendation that the Planning Commission permit the power poles be placed in the street in this subdivision, in order to prevent hardship to the subdivider. Mayor Hammond pointed out that poles on an adjacent subdivision were placed in the street, and alignment in this instance would facilitate servicing.

Councilman Adams asked if poles were continued to be placed in the streets to coincide with adjacent subdivisions, whether the problem might not be perpetuated. It was his opinion that sooner or later a change would have to be made.

This phase of the problem was discussed by the Council.

MOTION

That the Council recommend to the Planning Commission that the poles in Rose Gardens Subdivision be placed in the street to prevent financial hardship to the subdivider, the motion not based on the premise that the City does not have the power to regulate the placement of poles in subdivisions

Moved by VanderWall Seconded by Arata

Ayes: Adams, Arata, Johansen, Knoles, Martin, VanderWall, Mayor Hammond

Noes: None Absent: None

CLEAR MATTER OF MEETING ON MARCH 27, 1961

With the unanimous consent of the Council, it was decided that no Council meeting would be held Monday, March 27, 1961, the fourth Monday of the month, since four meetings had already been held during the month. This was occasioned by the change of Council meeting day from Wednesday to Monday effected by Ordinance 432-C.S.

ADJOURNMENT

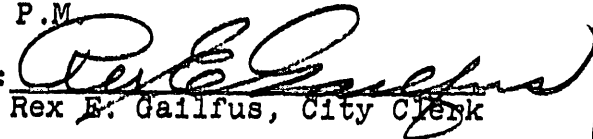
MOTION

That the meeting now in session be adjourned

Moved by VanderWall Seconded by Arata

The meeting adjourned at 7:10 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., 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: Adams, Arata, Johansen, Knoles, VanderWall, Mayor Hammond
Councilman Martin arrived at 4:05 P.M.

Absent: None

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

Reverend Stanley Brown gave the invocation.

APPROVAL OF MINUTES

Council members having received copies of the minutes of the Council meeting of February 15 and 23, 1961, and the same being available for public inspection, and there being no objections, the minutes were approved.

LETTER FROM E. GRAHAM MAY REGARDING AUDITORIUM COMMITTEE REPORT

A letter from E. Graham May relative to the proposed civic auditorium was read by the City Clerk. Copies of a report on the proposed auditorium were furnished the Planning Commission several weeks ago, and copies distributed to the Council with the agenda.

Mr. Paul Birmingham spoke in behalf of the Auditorium Committee and asked that the City prepare a report covering City improvements needed, including the auditorium, which will be put to bond. He said that the Committee cannot proceed with plans for the auditorium until this information is received.

The City Manager stated that the Planning Commission is working out a proposed capital improvement program which will include the Auditorium as part of its consideration. This will be available in approximately sixty days. Projects which cannot be included in the budget and which will require bond financing, will be listed.

MOTION

That the Chamber of Commerce Auditorium Committee Report be accepted by the Council and the report referred to the Planning Commission for action.

Moved by Adams Seconded by Knoles Unanimously carried

LETTER FROM MODESTO RETAIL MERCHANTS, DOWNTOWN DIVISION, REGARDING ANNUAL APPROPRIATION

A letter from Clark Smith, President, Modesto Retail Merchants, Downtown

Division, requesting that \$3,000 be budgeted next fiscal year for this organization, to be used for Christmas decorations and other community-wide projects, was read by the City Clerk.

The City Manager suggested that this be included in the proposed budget and the Council take action at the time the budget is considered for approval.

LETTER FROM REV. J. PAUL MILLER, CHAIRMAN COMMITTEE ON PUBLIC RELATIONS AND MORALS RE: CARD PARLORS 1-90

A letter from Rev. J. Paul Miller, in behalf of the Modesto Ministerial Association, relating to a discussion of this organization pertaining to card parlors operating in various areas of Modesto, was read by the City Clerk.

A motion was adopted that the Ministerial Committee on Public Relations and Morals contact the City Council, informing them of the desire of the local clergy to be helpful in this problem. The Council was requested to study the matter of the undesirability of card parlors, with possible action for their removal, in keeping with the urban renewal project underway in Modesto.

Mayor Hammond requested information as to what card games are presently permitted legally in the City.

Councilman Martin requested a tabulation or report indicating the cities in California where card parlors are legal.

Chief of Police Bowers stated that California law permits only draw poker, low ball and Pangini to be played in card parlors, and these are permitted in Modesto because no city ordinance prohibits them. He said that the parlors are not supervised to the point where he could say that stud poker, which is illegal, is not played.

The City Manager stated that the City has the authority to prohibit card parlors, and many cities have done so. He said that the City of Stockton has found that unless strict control is maintained over card dealers, local gamblers are "fleeced".

Chief Bowers stated that there are no city regulations requiring that card dealers be registered, which would give the Police Department an opportunity to check into their backgrounds.

The City Manager stated that a report from Tulare indicates that the card parlors supported the cheap bars, which contributed to the skidrow situation, and when the card parlors were eliminated the bars went out of business. Property rental opportunities lessened to a point where property owners asked the City what could be done with their properties. The City of Tulare purchased much for parking, and as a result a new Penney store went up in the heart of what used to be the skidrow area.

MOTION

That the staff prepare a prompt report on card rooms, including factual information as to the makeup, benefit, detriments, etc., including recommendations for control, short of elimination of the card rooms.

Moved by Martin

Seconded by VanderWall

Unanimously carried

MOTION

That the County be contacted for possible interest in participation, the report requested above not to be delayed on this account.

Moved by VanderWall Seconded by Arata Unanimously carried

LETTER FROM DEET EICHEL VOLKSWAGEN REGARDING PLANS TO CLOSE ALLEY

A letter from Deet Eichel protesting the proposed closing of an alley behind Mr. Gallagher's and Mr. Stark's property on McHenry Avenue was read by the City Clerk.

The City Attorney stated that the Planning Commission has recommended that the alley be closed, and as soon as the title report is received, a Resolution of Intention to close the alley will be submitted to Council so that a hearing date can be set.

The City Clerk was directed to inform Mr. Eichel of the date set for the hearing.

LETTER FROM SALVATION ARMY, JAMES F. SCHAAL, COMMANDING OFFICER, REQUESTING PERMISSION TO HANG NINE BANNERS ON CITY STREETS 2-50

A letter from James F. Schaal, commanding officer of the Salvation Army, requesting permission to display nine banners on city streets during National Salvation Army Week during May 21 to 28, 1961, at proposed locations was read by the City Clerk.

RESOLUTION NO. 61-127

A RESOLUTION GRANTING A PERMIT TO SALVATION ARMY TO DISPLAY BANNERS ACROSS CITY STREETS DURING SALVATION ARMY WEEK MAY 21 to MAY 28, 1961

Introduced by Adams Seconded by Arata

Ayes: Adams, Arata, Johansen, Knoles, Martin, VanderWall, Mayor Hammond

Noes: None Absent: None

LETTER FROM AMERICAN CANCER SOCIETY REQUESTING PERMISSION TO DISPLAY BANNER IN MODESTO 2-90

A letter from Robert H. Miller, Chairman, American Cancer Society, requesting permission to display a banner across one of the downtown streets for a ten-day period during the month of April, was read by the City Clerk. April has been designated by President Kennedy as Cancer Control Month.

MOTION

That the request of the American Cancer Society requesting permission to display banner in Modesto be denied

Moved by Martin Seconded by Knoles Unanimously carried

LETTER FROM FRANK ANDREWS RE: RECENT REPORT ON M.I.D. WATER FOR FARMS AND CITY OF MODESTO 3-15

A letter from Frank Andrews, subject "Recent Report on M.I.D. Water for Farmers and City of Modesto", dated March 23, 1961, was briefly summarized by the City Clerk. Copies of the letter were furnished the Council prior to the Council meeting.

The letter was ordered filed.

REQUEST FOR USE OF LEGION PARK FOR ANNUAL CALIFORNIA FRYERS FESTIVAL SATURDAY, JUNE, 17, 1961 - JACK O. HAUGEN 3-20

Mr. Jack O. Haugen requested the use of Legion Park for the annual California Fryers Festival on June 17, 1961. He stated that the organization will comply with the insurance requirements set by the City. Use of the park is required June 16, 17 and on June 18, 1961.

RESOLUTION NO. 61-128

A RESOLUTION GRANTING A PERMIT TO THE CALIFORNIA FRYERS FESTIVAL COMMITTEE FOR USE OF LEGION PARK ON JUNE 17, 1961 FOR ITS ANNUAL FESTIVAL

Introduced by Adams Seconded by VanderWall

Ayes: Adams, Arata, Johansen, Knoles, Martin, VanderWall, Mayor Hammond

Noes: None Absent: None

CONSIDER AWARD OF BID FOR WATER LINE TO VILLAGE MANOR NO. 1 SUBDIVISION 3-25

Director of Public Works Ray stated that one bid was received for \$3,230.20, which is double the estimate for installation by city forces.

The City Manager recommended that the bid be rejected and work authorized to be done with city forces.

RESOLUTION NO. 61-129

A RESOLUTION REJECTING ALL BIDS AND AUTHORIZING THE WORK TO BE PERFORMED BY THE CITY FOR THE INSTALLATION OF WATER MAINS IN VILLAGE MANOR NO. 1 SUBDIVISION

Introduced by Adams Seconded by VanderWall

Ayes: Adams, Arata, Johansen, Knoles, Martin, VanderWall, Mayor Hammond

Noes: None Absent: None

RESOLUTION AWARING BID FOR COMFORT STATIONS AT LEGION PARK AND KEWIN PROPERTY PARK

The City Manager reported that four bids were received, the low bid submitted by B. B. Ford for \$16,460 for construction of comfort stations at Legion Park and Kewin Park, itemized as follows: Legion Park, \$9,620; Kewin Park, \$6,840.

Answering a question asked by Councilman Martin, Mr. Ray stated that a lump sum bid for both projects was called for in the bids rather than individual bids on each project because the buildings are almost identical in type of construction and it is possible in such cases to secure a lower total bid

because of increased volume on the combined projects.

The City Manager recommended that the low bid of B. B. Ford be accepted.

RESOLUTION NO. 61-130

A RESOLUTION ACCEPTING THE BID OF B. B. FORD IN THE SUM OF \$16,460 FOR CONSTRUCTION OF COMFORT STATIONS AT LEGION AND KEWIN PARKS

Introduced by Johansen Seconded by Arata

Ayes: Adams, Arata, Johansen, Knoles, Martin, VanderWall, Mayor Hammond

Noes: None Absent: None

RESOLUTION AWARING BID FOR CONSTRUCTION OF PARKING LOT AT 10TH AND H STREETS 3-60

Director of Traffic Carmody stated that the low bid received from Conlin & Judd of Strawberry for \$4,542.34 was \$1,000 more than he had hoped the job would cost. Mr. Carmody listed four alternatives for Council consideration: Readvertise with the hope of securing a lower bid; readvertise on the basis of a cheaper job, eliminating lights, planters and concrete work; solicit more pledges; have part or all of the work performed by city forces. Referring to the alternative of readvertising, Mr. Carmody stated that the City might be gambling the potential savings against a possible loss, since the rent of \$460 a month commences when the building is removed and the basement filled. It is estimated that the rent will begin between April 15 and May 1.

The City Manager recommended that the bid be awarded, to include the lights, planters, and concrete work.

RESOLUTION NO. 61-131

A RESOLUTION ACCEPTING THE BID OF \$4,542.34 FROM CONLIN AND JUDD FOR CONSTRUCTION OF 10TH AND H STREET PARKING LOT

Introduced by Arata Seconded by Adams

Ayes: Adams, Arata, Johansen, Knoles, Martin, VanderWall, Mayor Hammond

Noes: None Absent: None

RESOLUTION CALLING FOR BIDS FOR RADIOS FOR CITY EQUIPMENT, POLICE, PARKS AND RECREATION AND PUBLIC WORKS 3-100

Deputy City Manager Keefe stated that the call for bids covers 8 mobile units and 1 remote control unit for the Police, Parks & Recreation and Public Works Departments. If the call for bids is approved by the Council, the Office of Civil Defense Mobilization will share one-half the cost. Funds for the purchase of this equipment have been budgeted.

RESOLUTION NO. 61-132

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

Introduced by Arata Seconded by Knoles

Ayes: Adams, Arata, Knoles, Johansen, Martin, VanderWall, Mayor Hammond

Noes: None Absent: None

ADOPTION OF ORDINANCE NO. 446-C.S., REZONING OF SECTION MAP 19 - LOWE PROPERTY OFF CARVER ROAD

ORDINANCE NO. 446- C.S. entitled

"AN ORDINANCE AMENDING SECTION MAP 19 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THERE ON. (LOWE)"

Introduced on March 20, 1961, and having been printed and published as required by the Charter, was moved and adopted.

Moved by VanderWall Seconded by Johansen

Ayes: Adams, Arata, Johansen, Knoles, Martin, VanderWall, Mayor Hammond

Noes: None Absent: None

This ordinance reclassified this parcel of property located on the corner of Roseburg Avenue and Carver Road from Residential-Agricultural Zone, R-A, to Planned Development Zone, P-D (1).

ADOPTION OF ORDINANCE NO. 447-C.S., PURCHASE OF REAL PROPERTY (MAYER) FOR CORPORATION YARD SITE

ORDINANCE NO. 447-C.S. entitled

"AN ORDINANCE AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY BY THE CITY OF MODESTO FROM ELIZABETH L. MAYER (CORPORATION YARD SITE)"

introduced on March 20, 1961, and having been printed and published as required by the Charter, was moved and adopted.

Moved by Arata Seconded by Adams

Ayes: Adams, Arata, Johansen, Knoles, Martin, VanderWall, Mayor Hammond

Noes: None Absent: None

ADOPTION OF ORDINANCE NO. 448-C.S., PURCHASE OF REAL PROPERTY (MULLIGAN) FOR CORPORATION YARD SITE

ORDINANCE NO. 448-C.S. entitled

"AN ORDINANCE AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY BY THE CITY OF MODESTO FROM EDWARD L. MULLIGAN"

introduced on March 20, 1961, and having been printed and published as required by the Charter, was moved and adopted.

Moved by Knoles Seconded by Arata

Ayes: Adams, Arata, Johansen, Knoles, Martin, Vander Wall, Mayor Hammond

Noes: None Absent: None

RESOLUTION REVISING PERSONNEL RULES ON HOLIDAYS AND VACATION FOR CITY EMPLOYEES

The City Attorney stated that the proposed resolution has been prepared in accordance with recommendations made by the Personnel Commission, reducing the number of paid holidays for city employees from 12 to 8 per year, and providing the vacation leave plan previously presented to and approved by the Council. Effective date of the resolution is January 1, 1961, except that Lincoln's Birthday shall be considered a paid holiday for the year 1961 only and any employee hired and beginning work prior to April 1, 1961, shall be granted two weeks' vacation after one year of service.

RESOLUTION NO. 61-133

A RESOLUTION AMENDING PERSONNEL RULES, SECTION 13.3 RELATING TO HOLIDAYS, AND SECTION 13.4 RELATING TO VACATIONS

Introduced by Martin Seconded by Johansen

Ayes: Adams, Arata, Johansen, Knoles, Martin, VanderWall, Mayor Hammond

Noes: None Absent: None

RESOLUTION ESTABLISHING A RENTAL SCHEDULE AND OPERATING POLICY FOR THE MODESTO COMMUNITY SERVICE CENTER 3-125 P.

The City Attorney stated that the proposed resolution was prepared in accordance with the Council's direction and upon the recommendation of the Parks and Recreation Department.

RESOLUTION NO. 61-134

A RESOLUTION ESTABLISHING A RENTAL SCHEDULE AND OPERATING POLICY FOR THE MODESTO COMMUNITY SERVICE CENTER

Introduced by Adams Seconded by Knoles

Ayes: Adams, Arata, Johansen, Knoles, Martin, VanderWall, Mayor Hammond

Noes: None Absent: None

RESOLUTION APPROVING SUBDIVISION AGREEMENT AND FINAL MAP OF GLEN ADLEN SUBDIVISION

At the request of the City Attorney, and with the consent of the Council, this matter was dropped from the agenda.

REQUEST FOR WAIVER OF PENALTY AND INTEREST AS PROVIDED BY SECTION 6-1.129 OF THE MODESTO MUNICIPAL CODE

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

CONSIDER AGREEMENT BETWEEN CITY AND DIVISION OF HIGHWAYS, STATE OF CALIFORNIA, DISTRICT X, FOR PURCHASE OF PROPERTY FROM THE STATE UNDER THE SOUTH END OF U.S. 99 BRIDGE AT RIVER ROAD

The City Manager stated that the parcel is located at the south end of U.S. 99 Bridge at River Road; the State has offered to sell this property to

the City for \$300, and if approved, an appropriation transfer is necessary.

ORDINANCE NO. 449-C.S. entitled

"AN ORDINANCE AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY BY THE CITY OF MODESTO FROM THE STATE OF CALIFORNIA DIVISION OF HIGHWAYS, DISTRICT X"

having been introduced, was ordered printed and published as required by the Charter.

Moved by Johansen Seconded by Arata

Ayes: Adams, Arata, Johansen, Knoles, Martin, VanderWall, Mayor Hammond

Noes: None Absent: None

RESOLUTION AUTHORIZING THE CITY TO MAKE APPLICATION TO THE PUC FOR REIMBURSEMENT OF APPROXIMATELY \$1,500 FROM THE GRADE CROSSING PROTECTION FUND

Director of Traffic Carmody stated that during this fiscal year, approximately \$6,000 will be spent for additional traffic signals at G, H, I and K Streets, the City and Southern Pacific Co. each to pay one-half the costs. Mr. Carmody stated that the railroad grade crossing protection fund administered by P.U.C. permits cities to make application from that fund for half of its expense, in this case \$1,500.

RESOLUTION NO. 61-135

A RESOLUTION AUTHORIZING AN APPLICATION FOR STATE AID FOR CONSTRUCTION OF RAILROAD CROSSING PROTECTIONS AT SOUTHERN PACIFIC RAILROAD CROSSING NUMBER B-122.8, and K STREET: B-113.1 AND I STREET: B-113.1 AND H STREET: AND B-113.2 AND G STREET

Introduced by VanderWall Seconded by Johansen

Ayes: Adams, Arata, Johansen, Knoles, Martin, VanderWall, Mayor Hammond

Noes: None Absent: None

RESOLUTION ACCEPTING IMPROVEMENTS IN QUARESMA UNIT NO. 1 SUBDIVISION AS COMPLETE AND AUTHORIZING THE CITY CLERK TO RELEASE THE IMPROVEMENT BOND

The City Manager stated that a report from the City Engineer indicates that the improvements in Quaresma Unit No. 1 Subdivision have been completed. Mr. Miller recommended that the improvements be accepted as complete and the improvement bond in the sum of \$67,000 released.

RESOLUTION NO. 61-136

A RESOLUTION AUTHORIZING THE RELEASE OF SUBDIVISION BOND FILED BY JOHN AND BERNICE QUARESMA TO GUARANTEE IMPROVEMENTS IN QUARESMA HOMES UNIT NO. 1 SUBDIVISION

Introduced by Knoles Seconded by Johansen

Ayes: Adams, Arata, Johansen, Knoles, Martin, VanderWall, Mayor Hammond

Noes: None Absent: None

RESOLUTION APPROVING SUBDIVISION AGREEMENT AND FINAL MAP OF MONTGOMERY VILLAGE SUBDIVISION NO. 4

Edward H. Gamegan, 1204 Floyd Avenue, stated that his property, which is adjacent to Montgomery Village No. 4 Subdivision, was purchased from the same individual who originally owned this subdivision, and his septic tanks are located on the subdivision property. Mr. Gamegan stated that at the time the property was sold, he advised the new owner that he would be willing to pay a reasonable share of the cost for connecting to the city sewer, but if this was not possible, he expected the new owner to move the septic tanks to his property.

Mr. Gamegan also stated that property owners adjacent to the subdivision expected that a short alley would be put in by the subdivider which would allow them to enter Floyd Avenue without backing their cars a long distance from their homes into heavy traffic on Floyd Avenue. He requested that approval of the final map be delayed until these matters are resolved with the owner of the subdivision. Mr. Gamegan also referred to a 20-foot strip of land purchased by Mr. Brannon adjacent to his property and running from the subdivision to Floyd Avenue.

Mr. U. Z. Brannon, 145 North Morton, stated that when he purchased the subdivision property, he was unaware that Mr. Gamegan's septic tanks were on his property. Referring to the alley, Mr. Brannon said that an old subdivision map in existence prior to the time he purchased the land, did indicate an alley at the location mentioned by Mr. Gamegan. Mr. Brannon stated that he was willing to sell the 20-foot parcel of land mentioned by Mr. Gamegan at the price he paid for it.

The City Attorney stated that the final map was found to be in accordance with the tentative map by the engineer and Planning Commission, the subdivision agreement signed, performance bond posted, and all fees paid, and the Council had no alternative but to approve the final map. It was Mr. Grimes's opinion that this was a private legal controversy of which the City was not a party.

RESOLUTION NO. 61-137

A RESOLUTION APPROVING THE FINAL MAP OF THE MONTGOMERY VILLAGE NO. 4 SUBDIVISION OF THE CITY OF MODESTO

Introduced by Johansen Seconded by Arata

Ayes: Adams, Arata, Johansen, Knoles, Martin, VanderWall, Mayor Hammond

Noes: None Absent: None

IMPROVEMENT DISTRICT NO. 8 - INSTALLATION OF A STORM DRAINAGE SYSTEM

RESOLUTION NO. 980 S.P.

RESOLUTION OF PRELIMINARY DETERMINATION THAT THE PUBLIC CONVENIENCE AND NECESSITY REQUIRE THE CONSTRUCTION OF A STORM DRAINAGE SYSTEM WITH APPURTENANCES IN IMPROVEMENT DISTRICT NO. 8, CITY OF MODESTO, STANISLAUS COUNTY, CALIFORNIA, DESCRIBING SAID PROPOSED WORK AND IMPROVEMENTS AND SETTING A TIME AND PLACE OF HEARING UPON THE QUESTION OF THE PUBLIC CONVENIENCE AND NECESSITY OF SAID IMPROVEMENT

Introduced by Knoles Seconded by VanderWall

Ayes: Adams, Arata, Johansen, Knoles, Martin, VanderWall, Mayor Hammond

Noes: None Absent: None

May 8, 1961, at 8:00 P.M. in the Council Chambers was set for the time and place of hearing.

RESOLUTION NO. 981 S.P.

RESOLUTION DIRECTING PREPARATION OF PLANS AND SPECIFICATIONS

Introduced by VanderWall Seconded by Knoles

Ayes: Adams, Arata, Johansen, Knoles, Martin, VanderWall, Mayor Hammond

Noes: None Absent: None

Director of Public Works Ray stated that plans and specifications were prepared and ready for Council examination.

RESOLUTION NO. 982 S.P.

RESOLUTION ADOPTING PLANS AND SPECIFICATIONS

Introduced by Knoles Seconded by VanderWall

Ayes: Adams, Arata, Johansen, Knoles, Martin, VanderWall, Mayor Hammond

Noes: None Absent: None

RESOLUTION OF INTENTION NO. 278,
RESOLUTION NO. 983 S.P.

IN THE MATTER OF THE CONSTRUCTION OF A STORM DRAINAGE SYSTEM IN IMPROVEMENT DISTRICT NO. 8, CITY OF MODESTO, STANISLAUS COUNTY, CALIFORNIA

Introduced by VanderWall Seconded by Adams

Ayes: Adams, Arata, Johansen, Knoles, Martin, VanderWall, Mayor Hammond

Noes: None Absent: None

May 8, 1961, at 8:00 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

The City Attorney stated that the law now provides that the City can call for bids at this time and open them prior to the hearing so that at the time of the hearing the exact amount of the cost to the property owners is known.

Answering questions asked by Councilman Adams, Mr. Grimes stated that this procedure would speed up the work by a month and there would be sufficient time from the date of opening of bids to the date of hearing for awarding the bids.

Answering a question asked by Councilman Martin, Mr. Ray stated that the bond counsel had advised him that calling for bids prior to approval of a

drainage district was a regular procedure and to his knowledge would not limit the number of bids received. In the present instance the call for bids should not be affected because of the large number of property owners signing petitions in favor of the drainage district prior to initiation of the proceedings.

Director of Public Works Ray stated that the staff would not have time to estimate each individual assessment between bid opening time and the time set for the hearing. Estimated assessments will go out on the basis of the overall estimate, and when the bids are opened the difference between the actual cost and the estimate can be determined percentage-wise.

(Councilman Arata left the Council Chambers at 5:10 P.M.)

RESOLUTION NO. 984-S.P.

RESOLUTION PRELIMINARILY ORDERING THE WORK AND DIRECTING THAT THE CLERK SHALL ADVERTISE FOR BIDS, IMPROVEMENT DISTRICT NO. 8, CITY OF MODESTO, STANISLAUS COUNTY, CALIFORNIA

Introduced by Johansen Seconded by Knoles

Ayes: Adams, Johansen, Knoles, Martin, VanderWall, Mayor Hammond

Noes: None Absent: Arata

CONSIDER RENTAL OF OLD CITY HALL PROPERTY

The City Manager stated that an offer has been received to rent the old city hall at a nominal figure. Mr. Miller requested that the matter be held over pending further report. The Council directed that the report indicate the amount of insurance being paid on the building and reasons why it should not be demolished.

RESOLUTION REQUESTING ENCROACHMENT PERMIT TO BLOCK THE ALLEY APPROACH IN BLOCK 90 OWNED BY FRANK HELM

Director of Public Works Ray stated that a request has been received from Frank Helm, owner of most of Block 90, the old Roosevelt School site, for a temporary encroachment permit to block the M Street alley approach. One piece of the property has been sold which involves a lot split, including installation of a 30-foot commercial alley as the block is developed. An approach to the alley has been constructed on the M Street side, but the alley is not as yet dedicated or improved. Mr. Helm requests permission for an encroachment to erect posts and a chain to be located 18" from the curb line, to prevent autoists using this approach to the property for parking purposes. Mr. Ray recommended that the request be granted on a revocable basis, and with the applicant assuming all responsibility for the installation, removal of the installation, and holding the City harmless from any liability or claims resulting from the installation.

RESOLUTION NO. 61-138

A RESOLUTION GRANTING ENCROACHMENT PERMIT TO FRANK HELM TO BLOCK THE "M" STREET ALLEY APPROACH TO BLOCK 90 IN THE CITY OF MODESTO

Introduced by VanderWall Seconded by Johansen

Ayes: Adams, Johansen, Knoles, Martin, VanderWall, Mayor Hammond

Noes: None Absent: Arata

RESOLUTION ORDERING THE OWNERS OF THE PREMISES AT 1204 6TH STREET TO DEMOLISH A BUILDING AND DIRECTING THE CITY ATTORNEY TO PROSECUTE THE OWNERS AS VIOLATORS OF THE PROVISIONS OF THE BUILDING CODE

City Attorney Grimes stated that the Building Official, Fire Marshal and Health Officers have requested action by the city to correct a hazardous and unsanitary condition involving a building located at 1204 6th Street. The building has been posted as unsafe for occupancy and demolition; the owners have been notified to correct the condition and have not done so.

He recommended that the Council follow the authorization of the Building Code to order the Building Official to cause demolition of the structures, the City to pay the costs, and that the costs be charged and assessed against the premises involved as a special assessment lien on the land, and that it be collected in the manner provided for the collection of general property taxes.

RESOLUTION NO. 61-139

A RESOLUTION ORDERING THE BUILDING OFFICIAL OF THE CITY OF MODESTO TO DEMOLISH THE DWELLING AND STRUCTURES LOCATED AT 1204 - 6TH STREET IN THE CITY OF MODESTO IN ACCORDANCE WITH THE PROVISIONS OF SECTION 203 (a) OF THE UNIFORM BUILDING CODE

Introduced by Mayor Hammond Seconded by Knoles

Ayes: Adams, Johansen, Knoles, Martin, VanderWall, Mayor Hammond

Noes: None Absent: Arata

CONSIDER ESTABLISHMENT OF TIME LIMIT FOR PARKING ON 10TH AND H STREET PARKING LOT 6-25

The City Manager stated that a suggestion has been made that a five-hour limit be used at the parking lot at 10th and H Streets to encourage higher patronage of the lot, at the rate of 10 cents per hour.

Director of Traffic Carmody stated that five-hour meters were available to place in the parking lot. The meters take nickels, dimes and quarters.

MOTION

That the City Attorney be directed to prepare the necessary documents placing a five-hour limit at the 10th and H Street parking lot.

Moved by Mayor Hammond Seconded by Adams Unanimously carried

RESOLUTION OF INTENTION TO VACATE AND ABANDON A PORTION OF CHESTNUT STREET BETWEEN FRANKLIN AND M.I.D. LATERAL NO. 4 6-42

The City Attorney stated that vacation and abandonment of a portion of Chestnut Street between Franklin and M.I.D. Lateral No. 4 has been recommended by the Planning Commission, as the street has no usage because it deadends with the M.I.D. Lateral No. 4 and the lots it would serve belong to an owner who wishes to use the property for some other purpose. Mr. Grimes indicated the

area involved on a map.

RESOLUTION NO. 985-S.P.
RESOLUTION OF INTENTION NO. 279

A RESOLUTION OF INTENTION TO VACATE AND ABANDON CHESTNUT STREET BETWEEN FRANKLIN STREET AND M.I.D. LATERAL NO. 4

Introduced by Johansen Seconded by Knoles

Ayes: Adams, Johansen, Knoles, Martin, VanderWall, Mayor Hammond

Noes: None Absent: Arata

April 24, 1961, at 8:00 P.M. in the Council Chambers was set as the time and place of hearing.

CONSIDER EMERGENCY PURCHASE OF WATER PIPE 6-60

Director of Public Works Ray stated that the last bid call for water pipe was for 8" asbestos cement pipe, the low qualified bidder being Viking Supply Corporation, for delivery of 10,000 feet of foreign made 8" asbestos cement pipe, to be shipped from Italy. The specifications required that the pipe either be crated for transshipment and packaged for delivery after docking in this country, or, as an alternative, hydrostatically tested after transshipment. The City was notified on March 21, 1961, by a representative of Viking Supply Corporation that the pipe was being unloaded in San Francisco. It was checked by City Engineer Ross Campbell, and in his opinion crating specifications were not met and he so informed the company. Viking Supply Corporation has been requested to advise the staff when the pipe will be hydrostatically tested so as to comply with specifications, and have been asked to deliver not less than 2,600 lineal feet of the pipe by April 17, 1961, in order that work on several subdivisions can be completed. In the event the pipe is not delivered by that time, Mr. Ray requested that the Council authorize the staff to purchase this amount of pipe at a cost of approximately \$5,600 from another source.

The staff was requested to obtain prices on the pipe and place the matter on the agenda for the April 10th meeting.

The City Attorney recommended that the Council hold Viking Supply Corporation responsible if the pipe purchased on the open market exceeds the price quoted by Viking Supply Corporation.

Mayor Hammond felt that Viking Supply Corporation should be given an opportunity to fulfill its contract to furnish pipe meeting specifications.

MOTION

That the staff be authorized to secure prices for 8" asbestos cement pipe.

Moved by VanderWall Seconded by Knoles Unanimously carried

CONSIDER REQUEST FOR SEWER SERVICE TO PROPERTY AT 333 EL VISTA AVENUE, LOT 19, BLOCK 2260 6-122

The City Manager stated that a request has been received from the owner of property at 333 El Vista Avenue, Lot 19, Block 2260, for sewer service to

this property. The property is contiguous to the City of Modesto, and the applicant has agreed to comply with City requirements. Mr. Miller recommended that the request be approved.

MOTION

That the request for sewer service at 333 El Vista Avenue, Lot 19, Block 2260, be approved.

Moved by Adams Seconded by Knoles Unanimously carried

APPROVAL TO SELL OR DEMOLISH SMALL BUILDING IN PROPOSED PARKING AREA AT THE MODESTO CHILDREN'S PARK

The City Manager asked Council approval for sale or demolishing of a small building located in a proposed parking area at Modesto Children's Park.

MOTION

That the staff be authorized to secure bids for disposition of small building located in Modesto Children's Park

Moved by VanderWall Seconded by Adams Unanimously carried

APPROPRIATION TRANSFERS 7-05

The City Manager requested Council approval for the following appropriation transfers:

Special Fund for Capital Outlays - 321

| | |
|---|--------|
| From General Reserve, 600 to State Land Acquisition 501, for acquisition of land purchased from the State | \$325. |
|---|--------|

General Fund - 101

| | |
|--|---------|
| From General Reserve, 600 to Water Meters, 504, for installation of water meters, churches | \$3,000 |
|--|---------|

Parking - 209

| | |
|---|---------|
| From General reserve, 600, to the following accounts: | \$6,826 |
| Utilities, 210 | 25 |
| Rent of real property, 215 | 1,150 |
| 10th and H Street Lot, 502 | 5,651 |

RESOLUTION NO. 61-140

A RESOLUTION APPROVING APPROPRIATION TRANSFER FROM VARIOUS FUNDS FOR CONSTRUCTION OF 10TH & H STREET PARKING LOT, PURCHASE OF WATER METERS AND LAND ACQUISITION FROM THE STATE OF CALIFORNIA

Introduced by Knoles Seconded by Johansen

Ayes: Adams, Johansen, Knoles, Martin, VanderWall, Mayor Hammond
 Noes: None Absent: Arata

REPORT ON LEGISLATIVE MATTERS 7-20SB 1031Municipal Liability - Restoration of Governmental Immunity.

The City Attorney stated that this bill would restore governmental immunity which was discarded by recent decisions of the Supreme Court. Mr. Grimes said that the Council has already approved support of this bill.

SCA 26 - Annual in Lieu Tax on Telephone Companies

The City Attorney stated that this measure would require telephone companies to pay an annual tax of 1% on business done within California. The tax would be in lieu of telephone franchise taxes usually paid to counties and cities for the use of streets and roads. Mr. Grimes said that under the present decisions of the State of California, it has been held that telephone companies have a free franchise. The proposed amendment would impose an annual tax of 1% on the telephone company's local and toll service revenues received from intra-state communication services. The revenues would be distributed to counties and cities on the basis of population. The tax would be in lieu of all other local taxes, including business licenses, excise, franchise and local income taxes, as well as ad valorem taxes on telephone company rights of way. The League has asked that the bill be supported.

It was Mayor Hammond's opinion that passage of the measure would merely increase telephone bills.

Mr. Grimes pointed out that P.G. & E. is required by almost all cities to obtain a franchise for which it pays; Del Este Water Co. and other utility companies obtain a franchise from the City. This is one of the few utility companies not paying the franchise tax, which means that the City is not reimbursed for the cost of maintaining city streets.

The City Manager recommended that the Council indicate support of the bill.

MOTION

That the Council take no action on this measure

Moved by Mayor Hammond Seconded by Martin The motion failed to carry

MOTION

That a further report on SCA 26 be made to the Council on the attitude of Pacific Telephone

Moved by Knoles Seconded by VanderWall Unanimously carried

Additional Revenue for City Streets

The City Attorney stated that the League expresses its disappointment that only 69 of 371 cities have approved resolutions urging the Legislature to increase highway user taxes in order to provide the necessary additional revenue to take care of the deficiency street program. It points out that unless there is more general support of this proposition, the streets simply will not be improved.

Mr. Miller stated that the City-County Committee has approved the proposal, but the Council has never taken specific action on the measure. He stated that it was extremely important that the Council and people of the City understand the issues involved and requested permission to submit a report on the proposed bill at the next Council meeting.

AB 1705 - Sales and Use Tax - Utility Use Tax Exemption

The City Attorney stated that this bill would remove the present utility use tax exemption from the Bradley-Burns Uniform Local Sales and Use Tax Law enacted in 1955. When the Bradley-Burns Act was first enacted, the utility use tax exemption was necessary because fewer than a half dozen counties indicated any intention of coming under the Act during the first year and the utility problem of accounting for the use tax as between those counties under the Act and those counties not under the Act, made such an exemption essential. It was understood by all involved in the 1955 legislation that the utility use tax exemption would be deleted when all counties and cities were under the Bradley-Burns Act, which time has arrived. The enactment of this bill will help replace revenues which will be lost from the exemption of drugs and medicines for the sales and use tax expected to be approved at this session of the legislature.

MOTION

That the Council indicate support of AB-1705

Moved by Mayor Hammond Seconded by VanderWall Unanimously carried

AB 391 - Tax Exemption - Household Goods and Personal Effects

The City Attorney stated that this measure would exempt from personal property taxation "the personal property, consisting only of household goods and personal effects, of every householder, up to the amount of \$500, instead of the present exemption of \$100." The League points out that on a statewide basis the exemption amounts to about \$50,000,000 and it cannot anticipate a like reduction in school, county, city, and district services if the bill is approved, but rather a transfer of this burden to other property taxpayers. No action was taken by the Council.

AB 1638 and AB 1990 - Decrease in City in Lieu Tax Receipts

The City Attorney stated that two assembly bills are pending which would effect reduction of revenue received by cities and counties from motor vehicle license fees (in lieu taxes). AB 1638 would reduce the present delinquent penalty from one-half the amount of the license fee to 6%. AB 1990 would reduce the amount of delinquent penalties from one-half the license fee to 10% thereof, or in no event less than \$1. Present revenue from delinquent penalties amounts to approximately \$1,200,000 annually; AB 1638 would reduce this amount by 94%, and AB 1990 would reduce the same amount by 90%.

MOTION

That the Council indicate opposition to AB 1638 and AB 1990

Moved by Knoles Seconded by Martin Unanimously carried

AB-1214 - Initiation of Annexation Proceedings by City Councils

The City Attorney stated that this bill, which would have authorized city councils to initiate annexation proceedings, has been defeated by the Assembly Committee on Municipal and County Government.

AB 127 - Amendment to Brown Act

The City Attorney stated that this bill, amending the Brown Act relative to legislative meetings, has been amended and as amended is pending before the Senate Committee on Local Government. In its present form, it is not objectionable.

AB 441 - Community Redevelopment

The City Attorney stated that this bill has now been amended and in its amended form is now acceptable. It would now provide for an election in connection with community redevelopment only in the event a referendum petition has been filed with the city.

AB 2375 - Collective Bargaining for Public Employees

The City Attorney stated that this bill may provide an acceptable answer to bills which have been introduced in recent years on collective bargaining for public employees. It indicates that employees have the right to join employee organizations; employee organizations have the right to represent their members on wages, hours, and other terms and conditions of employment; governing bodies or designated administrative officers have the duty to confer with employees or their representatives; public agencies may not intimidate or discriminate against public employees who join employee organizations. No mention is made of either collective bargaining or arbitration. The League suggests that interested city officials write and request a copy of the bill and after examining it, submit their views to the League.

AB 755 - Partisan Politics in Local Government

The City Attorney stated that this bill, which would have the effect of returning partisan politics to local government, remains in the Assembly file because of insufficient votes for passage. City opposition has been excellent.

AB 525 - Inventory Tax

The City Manager stated that over the years the Council has discussed the problem of inventory tax as it relates to many of our industries, particularly seasonal industries. The Council has supported the proposition that it would be more fair and equitable if the inventory tax was averaged, and authorized the staff to present this to the State Chamber of Commerce for its interest and action. AB 525 is now pending which proposes that tangible personal property of a manufacturer, wholesaler or retailer for sale in the regular course of business, shall, at the election of such person, be assessed at any tax year on the average quarterly market value for such property as of the first day of the quarter. Mr. Miller stated that this would be particularly helpful to local seasonal industries.

MOTION

That the Council indicates support of AB 525, and the Legislature be so notified

Moved by VanderWall

Seconded by Johansen

Unanimously carried

REPORT FROM THE PERSONNEL COMMISSION 8-60

The City Manager stated that this report would be presented later in the meeting.

REPORTS FROM THE PLANNING COMMISSION - NoneMATTERS FOR THE GOOD OF THE COMMUNITY

Jessie Reinhart, 160 Camellia Way, requested that the fire hazard at Camellia Way and Miller Avenue be investigated, and stated that he would like to have a light pole moved approximately 14 feet to the north so that it will light Miller Avenue instead of the trees. The staff was asked to review these matters with Mr. Reinhart.

REPORT ON INFORMATION FOR THE PUBLIC ON LOT SPLITS 8-80

The City Manager reported that the City and County Planning Commissions have prepared a joint statement "to persons dividing property", which outlines the procedures in the City and unincorporated areas for dividing land into fewer than five parcels. Mr. Miller stated that copies will be distributed to persons making inquiries at City or County offices, and copies will be available at title companies. A copy of the report was furnished the Council prior to the meeting.

REPORT ON COST OF INSTALLATION OF WATER MAINS IN BURNEY STREET, COLLEGE AVENUE, AND EXETER AVENUE 8-88

The City Manager reported that the estimated cost for installation by city forces was \$1,326, and the actual cost \$1,556.95, 18% above the estimate. Due to a necessary change in plans, an additional 87 feet of 8" pipe and one gate valve were installed, which were not included in the plans and specifications, or in the estimate. Based on these changes, the estimate would be \$1,457.80 and the actual cost 7 $\frac{1}{2}$ % above the estimate.

PROGRESS REPORT ON ACQUISITION OF PROPERTY FOR CORPORATION YARD SITE

The City Manager reported that when \$90,000 was budgeted for acquisition of property for the Corporation Yard site, the staff had no basis for estimating the cost, since a site had not been selected. Mr. Miller indicated on a map the area recommended for acquisition by the Corporation Yard Committee in October, 1960. It was estimated at that time that seven acres would be required to serve the city at its present size, and eleven acres would be the minimum space required for a city of 90,000 population. It was also indicated that if larger items, such as water and sewer pipe, were stored in a more remote location, the area requirement could be reduced by approximately 2 $\frac{1}{2}$ acres. On this basis, it was recommended by the Committee that seven to eight acres be acquired.

Director of Public Works Ray stated that 3.4 acres, excluding the streets and alleys, have already been acquired.

Mr. Miller pointed out on a map the additional areas needed to be acquired to provide the seven acres recommended by the Corporation Yard Committee for the site. He requested that \$50,000 be transferred from the Fire Alarm System (321-503) to Corporation Yard Site Acquisition (321-501) for purchase of the additional land.

RESOLUTION NO. 61-141

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$50,000 FOR ADDITIONAL LAND ACQUISITION FOR CORPORATION YARD SITE

Introduced by Adams Seconded by Johansen

Ayes: Adams, Johansen, Knoles, Martin, VanderWall, Mayor Hammond

Noes: None Absent: Arata

REPORT ON MEETING OF DOWNTOWN IMPROVEMENT COMMITTEE

Harry Quinn, Chairman of the Downtown Improvement Committee, stated that considerably more purpose and direction was gained on the Cox Survey, which the Committee is studying, because Mr. Cox, the author, was present to answer many of the Committee's questions. Mr. Cox recommended that a nonprofit corporation be formed to undertake redevelopment of the downtown area. This will be considered at the April 10 meeting of the Downtown Improvement Committee. Mr. Quinn said that the Cox Report has been studied thoroughly by the Committee and it is now in a position to make recommendations with respect to the report.

REPORT ON DOWNTOWN DEVELOPMENTS IN SOUTHERN CALIFORNIA

A report prepared by Councilman Johansen dated April 3, 1961, subject, "Report to the Modesto City Council on Trip to Southern California to Study Downtown Redevelopment" was distributed to the Council, and a copy ordered filed for the record.

Councilman Johansen stated that a redevelopment program requires leadership and direct action. He stressed the fact that the people involved will have to spear-head redevelopment and revitalization of the downtown area--that it will not necessarily be tax money.

Harry Quinn spoke briefly of his trip to Southern California, describing the redevelopment program in Pomona which has been ten years in the making, involving 32 blocks in the business area. Mr. Quinn said that Riverside has issued bonds for \$650,000 to erect multiple level parking garages with a 700-car capacity. These will be situated in the rear portion of each block in the proposed mall area.

The problems of Ventura with regard to strip zoning were reported by Councilman Johansen.

The City Manager suggested that a trip be arranged for members of the Planning Commission, Council, downtown committee members and persons involved to tour redevelopment areas in Southern California, or perhaps the Bay Area.

FURTHER REPORT BY CITY MANAGER ON PROPOSAL TO ESTABLISH A CITY OF MODESTO SCHOLARSHIP LOAN FUND

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

REPORT ON SALARIES OF CHIEF PUMP MAINTENANCE MAN, PUMP MAINTENANCE MAN AND PUMP OPERATORS

A report on salaries of the Chief Pump Maintenance Man, Pump Maintenance

Man and Pump Operators was furnished each member of the Council. The City Manager stated that the matter would be placed on the agenda for the following meeting.

REPORT BY CITY MANAGER ON STATE ECONOMIC REDEVELOPMENT AGENCY

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

CONSIDER REQUEST OF LEAGUE OF CALIFORNIA CITIES THAT THE CITY MANAGER SPEAK AT PUBLIC WORKS OFFICERS INSTITUTE AT SANTA MARIA ON APRIL 24

MOTION

That the request of the League of California Cities that the City Manager speak at the Public Works Officers' Institute at Santa Maria on April 24 be approved.

Moved by VanderWall Seconded by Adams Unanimously carried

ADJOURNMENT

That the meeting now in session be adjourned.

Moved by VanderWall Seconded by Knoles Unanimously carried

The meeting adjourned at 6:20 P.M.

ATTEST: 
Rex E. Gailfus, City Clerk

Modesto City Council
April 10, 1961

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: Adams, Johansen, Knoles, Martin, VanderWall, Mayor Hammond
(Councilman Arata arrived at 7:36 P.M.)

Absent: None.

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

A moment of silent prayer was observed by all present.

APPROVAL OF MINUTES

Council members having received copies of the minutes of the Council meetings of March 1 and 6, 1961, and the same being available for public inspection, and there being no objections, the minutes were approved.

LETTER FROM J. G. MEYER, DISTRICT ENGINEER, STATE DIVISION OF HIGHWAYS, RE: POSSIBILITY OF ACCELERATING THE MAJOR STREET CONSTRUCTION PROGRAM 1-20

A letter from J. G. Meyer, District Engineer, State Division of Highways requested that the City accelerate its major street construction program as part of Governor Edmund Brown's program to relieve the unemployment situation. A suggestion was made that the Council budget projects for early construction that can be financed from any unbudgeted 5/8 cents funds which are available, or will become available this fiscal year. A financial report attached to the letter read as follows: Accrued and unbudgeted to June 31, 1961, \$21,593.34; estimated to accrue during the 1961-62 fiscal year, \$106,460; total available funds, \$128,053.34.

The City Manager stated that these funds could be utilized on projects that can be cleared this year.

Director of Public Works Ray stated that a street project would be presented for Council approval the following week. The letter was ordered filed.

LETTER FROM THORNTON OWEN, SECRETARY, CENTRAL VALLEY DIVISION OF THE LEAGUE OF CALIFORNIA CITIES RE: PARTY DESIGNATIONS ON CITY ELECTION BALLOTS (AB 755) AND OTHER MATTERS

A letter from Thornton Owen, Secretary, Central Valley Division of the League of California Cities, subject, "Party designations on city election ballots (AB 755) and other matters", was read by the City Clerk.

Since the Council had already taken action on this matter, the letter was ordered filed.

LETTER FROM WARREN W. BERRY, 322 PINE STREET, RE: GARDEN REFUSE

A letter from Warren W. Berry, 322 Pine Street, protesting the proposed combined collection of garbage and garden refuse by private companies was read by the City Clerk.

The City Clerk was directed to send Mr. Berry a copy of the statement prepared by Councilman VanderWall, which states the City's position on this matter.

LETTER FROM JOSEPH M. GOOD, MANAGER, GREATER MODESTO CHAMBER OF COMMERCE, REQUESTING ANNUAL APPROPRIATION IN THE 1961-62 BUDGET (\$11,000) 1-78.

A letter from Joseph M. Good, Manager, Greater Modesto Chamber of Commerce, dated April 5, 1961, requesting that the City appropriate \$11,000 for advertising and promotion for the 1961-62 fiscal year, was read by the City Clerk. A tabulation of the Greater Modesto Chamber of Commerce Budget Work Sheet was attached to the letter.

The letter was referred to the staff to be considered at budget hearings for the coming fiscal year.

CONSIDER AWARD OF BID FOR WATER LINE IN WHITMORE ROAD 1-90.

Director of Public Works Ray stated that no bids were received for this project to provide water service to the new office buildings of California Vegetable Concentrates on Whitmore Avenue. He stated that the estimated cost of installation by city forces is \$982.71.

The City Manager recommended that the work be done by city forces.

RESOLUTION NO. 61-142

A RESOLUTION AUTHORIZING WORK TO BE PERFORMED BY CITY FORCES FOR EXTENSION OF WATER MAIN IN WHITMORE ROAD

Introduced by Arata Seconded by VanderWall.

Ayes: Adams, Arata, Johansen, Knoles, Martin, VanderWall, Mayor Hammond.

Noes: None Absent: None

RESOLUTION CALLING FOR BIDS FOR CONSTRUCTION OF ADDITION TO THE 9TH STREET PARKING LOT

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

RESOLUTION CALLING FOR BIDS FOR AUTOMOTIVE EQUIPMENT.

Director of Public Works Ray stated that the call for bids covered one Nash Metropolitan and one three-wheel motorcycle to be used by parking enforcement personnel.

RESOLUTION NO. 61-143

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

Introduced by VanderWall Seconded by Knoles

Ayes: Adams, Arata, Johansen, Knoles, Martin, VanderWall, Mayor Hammond

Noes: None Absent: None

April 27, 1961 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. 449-C.S. - PURCHASE OF PROPERTY FROM STATE OF CALIFORNIA

ORDINANCE NO. 449-C.S. entitled

"AN ORDINANCE AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY BY THE CITY OF MODESTO FROM THE STATE OF CALIFORNIA DIVISION OF HIGHWAYS, DISTRICT X", introduced on April 3, 1961, and having been printed and published as required by the Charter, was moved and adopted.

Moved by Knoles Seconded by Arata

Ayes: Adams, Arata, Johansen, Knoles, Martin, VanderWall, Mayor Hammond

Noes: None Absent: None

REPORT ON WATER PIPE PRICES AND PROPOSED PURCHASES

Because of the failure of Viking Supply Corporation to deliver 10,000 lineal feet of 8" asbestos cement pipe meeting specifications, in accordance with its contract with the City, the Director of Public Works stated that water line installations at three subdivisions have been at a standstill. The company was informed that 2,600 lineal feet of pipe was needed by April 7, and the balance by April 21, 1961.

In accordance with Council direction, the following informal quotations for 8" asbestos cement pipe were received: Pacific Pipe Co., for pipe of foreign manufacture not meeting specifications, \$1.82 per lineal foot, plus tax, a 90-day guarantee after installation offered; Johns-Manville Corporation, \$1.99 per lineal foot, plus tax, with immediate delivery; Grinnell Co., \$1.99 per lineal foot, plus tax, for 2,600 lineal feet, with an alternative proposal of \$1.87 per lineal foot, plus tax, if the City awards the entire 10,000 feet at this time, with delivery as needed. The bid of Viking Supply Corporation was \$2.06 per lineal foot, plus tax.

Mr. Ray stated that Viking Supply Corporation has indicated by letter that the matter may be placed in the hands of its attorney because of possible discrimination. The City Attorney has informed Viking Supply Corporation by letter dated April 7, 1961 that in the staff's opinion the method of shipment did not meet specifications and the City has no alternative but to buy the pipe elsewhere; that if damages are incurred by the City, action will be brought for breach of contract.

RESOLUTION NO. 61-144

A RESOLUTION AUTHORIZING EMERGENCY PURCHASE OF 2600 LINEAL FEET OF 8" ASBESTOS CEMENT PIPE FROM GRINNELL CO.

Introduced by VanderWall Seconded by Arata

Ayes: Adams, Arata, Johansen, Knoles, Martin, VanderWall, Mayor Hammond

Noes: None Absent: None

RESOLUTION ESTABLISHING AND FIXING PARKING RATES FOR USE OF OFF-STREET PARKING FACILITIES (10th and H STREET PARKING LOT)

The City Attorney stated that the proposed resolution established a 5-hour limitation at a rate of 5¢ per one-half hour, or fraction thereof.

RESOLUTION NO. 61-145

A RESOLUTION ESTABLISHING AND FIXING PARKING RATES AND CHARGES FOR USE OF MUNICIPAL OFF-STREET PARKING FACILITIES IN THE CITY OF MODESTO, AND RESCINDING RESOLUTION NO. 60-215

Introduced by Knoles Seconded by Johansen

Ayes: Adams, Arata, Johansen, Knoles, Martin, VanderWall, Mayor Hammond

Noes: None Absent: None

REPORT BY COUNCIL WATER STUDY COMMITTEE ON INTEGRATION OF PRIVATE WATER UTILITIES WITH THE MUNICIPAL WATER SYSTEM 2-75

A report prepared by Councilman Adams, Chairman of the Water Study Committee, dated April 6, 1961, subject: Integration of Private Water Utilities with the Municipal Water System was distributed to all Council members for their review.

MOTION

That the report of the Water Study Committee be accepted and the City Clerk directed to furnish the water companies and interested parties copies of the report

Moved by Adams Seconded by Knoles Unanimously carried

May 8, 1961 at 8 :30 P.M. was set as the time for informal hearing.

JANITORIAL CARE FOR THE CITY HALL 2-95

Deputy City Manager Keefe briefly reviewed a memorandum from Director of Finance Bird, Subject, "Review of City Hall Janitorial Service and Comparison of This Service Provided by Our Staff or Outside Contractors", dated March 22, 1961., a copy of which was presented to each Council member. Five bids received for janitorial service for the city hall were reviewed in the memorandum. The two low bids received would save the City approximately \$5,000 per year.

Mr. Keefe read a letter from the janitorial staff of the city hall requesting an opportunity to show what they could accomplish with a three-man crew (instead of the presently authorized four-man crew).

Councilman Adams stated that detailed specifications are necessary if the janitorial service is awarded to contractors.

MOTION

That the proposal of the staff that the present three-man janitorial crew continue their services for a period of six months be approved, and at the end of this period, the staff report to the Council again.

Moved by Adams Seconded by Knoles Unanimously carried

Mayor Hammond suggested that the staff be prepared to report on the effectiveness of the three-man crew at the time the budget is considered.

VISITING BOY SCOUT TROOP

The citizenship class of Boy Scout Troop No. 19 was welcomed to the meeting by Mayor Hammond.

HEARING ON PROPOSAL FOR CLOSING OF LOUISE AVENUE 8:00 P.M. 3-40

Mayor Hammond announced that the hour of 8:00 P.M. had arrived, the time set for consideration of the proposal for closing of Louise Avenue, and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Bee on March 24, 1961; notices were mailed and posted in the area on March 24, 1961. No written protests were received by the City Clerk.

Director of Planning Smeath stated that the present hearing was based on Alternate No. 7, which placed the closing of Louise Avenue at the curb line of Kearney Avenue. An agreement has been signed by owners of property along Louise Avenue, who agree to pay the costs of installation of the barrier, and to purchase install and maintain the planting in the barrier, and furnish a faithful performance bond for \$970.

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

RESOLUTION NO. 986 S.P.

A RESOLUTION CLOSING LOUISE AVENUE TO VEHICULAR TRAFFIC NEAR ITS INTERSECTION WITH KEARNEY AVENUE IN THE CITY OF MODESTO (Alternate No. 7)

Introduced by Knoles Seconded by VanderWall

Ayes: Adams, Arata, Johansen, Knoles, Martin, VanderWall, Mayor Hammond

Noes: None Absent: None

RESOLUTION APPROVING SUBDIVISION AGREEMENT AND FINAL MAP FOR CAMPUS EDGE NO. 2 SUBDIVISION 3-80

The City Attorney stated that the tentative map was approved by the Planning Commission, the subdividers have submitted a certificate of assessed valuation, tax clearance, a corporate surety bond guaranteeing the improvements in the amount of \$15,500, and entered into an agreement with the City. Fees have been deposited with the City.

RESOLUTION NO. 61-146

A RESOLUTION APPROVING THE FINAL MAP OF THE CAMPUS EDGE NO. 2 SUBDIVISION OF THE CITY OF MODESTO

Introduced by Arata Seconded by Johansen

Ayes: Adams, Arata, Johansen, Knoles, Martin, VanderWall, Mayor Hammond

Noes: None Absent: None

FURTHER REPORT FROM PLANNING COMMISSION ON OVERHOLTZER-MAY APPLICATION 3-97

The City Clerk read a report from the City Planning Commission, dated April 5, 1961 explaining its stand regarding the 2½ acre parcel eliminated from the original Overholtzer-May request for rezoning of property on the corner of McHenry and Tokay Avenues, and the future use of the remaining open area along McHenry Avenue. A Copy of the report is filed with the record of the minutes.

The Commission reaffirmed its recommendation to the Council concerning the approval of the planned development zone P-D (2).

The City Clerk read a letter from Charles V. Stone, attorney for McHenry Investment, Inc., and secretary of the Board of Directors, developers of the proposed motel site, which assured the Council that the corporation would maintain the 2½ acre area in an attractive condition to enhance the beauty of the motel.

The City Clerk read a letter from E. Graham May and Lloyd G. Overholtzer, listing possible uses for the 2½ acres on the southeast corner of Tokay and McHenry Avenues.

A letter from nine residents in the area protesting the Planning Commission's stand that the temporary cutting off of the 2½ acre parcel was not "isolation zoning," but a temporary cutting-off to permit time for adequate determination of its proper use and preparation of a plan of development, was read by the City Clerk. The letter asked that the request for rezoning be rejected because of the irregularity in procedure and various reasons listed.

Mrs. Leonard Day, 148 Tokay Avenue, stated that the report of the Planning Commission was inconsistent in its stand of approving the temporary hold on the 2½ acre parcel and at the same time stating that it was against sprinkled and spaced-apart projects. Mrs. Day stated that this type of zoning was to be controlled, a policy should be established now.

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

Director of Planning Smeath reviewed the circumstances which led to the continuation of the present hearing.

The City Attorney read the uses permitted in the P-D (2) Zone, subject to securing a conditional use permit as required by the Code.

ORDINANCE NO. 450-C.S. entitled

"AN ORDINANCE AMENDING SECTION MAP 16 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (OVERHOLTZER AND MAY)"

was introduced and ordered printed and published in accordance with the Charter.

Moved by Arata Seconded by VanderWall

Ayes: Adams, Arata, Johansen, Knoles, Martin, VanderWall, Mayor Hammond

Noes: None Absent: None

RESOLUTION NO. 61-147

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED-DEVELOPMENT ZONE, P-D (2) (OVERHOLTZER AND MAY)

Introduced by Adams Seconded by Arata

Ayes: Councilmen: Adams, Arata, Johansen, Knoles, Martin, VanderWall,
Mayor Hammond

Noes: None Absent: None

POSSIBLE PURCHASE OF FOUR T-HANGARS AT MODESTO CITY-COUNTY AIRPORT

The City Manager reported that under agreement dated May 9, 1956 James C. Sorensen and Charles Warner were given the right to erect four T-hangars at the City-County Airport in accordance with plans and specifications approved by the City.

Under the terms of the agreement, Mr. Sorensen and Mr. Warner were given the use of the hangars rent free for a period of twelve years from date of occupancy of the building. Mr. Sorensen now wishes the City to exercise its option to cancel the agreement and reimburse him for the unexpired term of the lease. Mr. Miller stated that if this was done effective May 1, reimbursement to Mr. Sorensen would be \$6,180.80; July 1, 1961, \$6,041.92; October 1, 1961, \$5,833.60. Mr. Miller recommended that Mr. Sorensen's request be approved, and stated that \$5,080 was available in the Airport Gas Tax Fund, plus other available funds, which could be used for this purpose.

Answering a question asked by Councilman Martin, Director of Public Works Ray stated that although the hangars were under the name of James Sorensen, the four hangars were owned by Harry Sham. This matter was raised under recent discussions over the air and Mr. Sham would like to sever his connection with these hangars. Mr. Ray said that rental for the hangars was \$27.50 per month each.

The City Manager stated that the record should be made clear that the City's dealings have been with Mr. Sorensen.

MOTION

That the staff be authorized to prepare the necessary documents to exercise its option to cancel its lease with James C. Sorensen for four T-hangars located at the City-County Airport.

Moved by Arata Seconded by Johansen Unanimously carried

OIL AND GAS LEASE - MODESTO CITY-COUNTY AIRPORT 5-70

Deputy City Manager Keefe reported that the Signet Oil and Gas Company has requested a five-year lease of the City-County Airport for the purpose of drilling for oil and gas, the City to receive a 1/8 royalty. Mr. Keefe recommended that the Council consider the matter, but that a lease not be granted at this time. One thousand acres is needed by the company before it can drill for oil and gas and county approval is needed. If the company is able to obtain leases for 1,000 acres, Mr. Keefe stated that it would not be remiss on the part of the City to sign a lease. Signet Oil and Gas Co. would pay the City \$2.00 per acre annually, if drilling is not commenced within one year after the date of the lease.

MOTION

That the Council indicates its approval of a possible lease with Signet Oil and Gas Company for the purpose of drilling for oil and gas at the City-County Airport.

Moved by Arata Seconded by VanderWall Unanimously carried

RESOLUTION REFERRING PETITION FOR ANNEXATION OF THE VENT ADDITION TO THE PLANNING COMMISSION FOR STUDY AND RECOMMENDATION 5-88

The City Manager stated that the Vent Addition is a 90-acre area located on Rumble Road between Carpenter and Prescott Roads. The area was indicated on a map.

RESOLUTION NO. 61-148

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

Introduced by Martin Seconded by Knoles.

Ayes: Adams, Arata, Johansen, Knoles, Martin, VanderWall, Mayor Hammond

Noes: None Absent: None

REQUEST FOR VARIANCE TO PERMIT CONSTRUCTION OF THREE 35' DRIVEWAYS FOR PROPOSED SERVICE STATION AT 9TH AND D STREETS

Director of Public Works Ray stated that the Mobile Oil Company has requested a variance to permit construction of three 35' driveways along the frontage of their service station at 9th and D Streets. The service station is being rebuilt to provide for servicing regular vehicles in the front, and trucks in the rear. The third driveway requested would be wide enough to allow trucks to safely enter the parking area to be provided. Mr. Ray said that the frontage on 9th Street is 200 feet, the three driveways requested would total 105 feet; the frontage on D Street is 139 feet, with two 35-foot driveways in existence. If Council approval were granted, 52% of the frontage would be in driveways, which exceeds the normal code limitation of 40%. Mr. Ray recommended that the variance be granted as there is no on-street parking problem in this area.

RESOLUTION NO. 61-149

A RESOLUTION GRANTING VARIANCE TO MOBILE OIL COMPANY TO CONSTRUCT THREE 35-FOOT DRIVEWAYS ON NINTH STREET FRONTAGE AT SERVICE STATION LOCATED AT 9TH & D STREETS

Introduced by VanderWall Seconded by Arata

Ayes: Adams, Arata, Johansen, Knoles, Martin, VanderWall, Mayor Hammond

Noes: None Absent : None

REQUEST FOR WAIVER OF PENALTY AND INTEREST AS PROVIDED BY SECTION 6-1.129 OF THE MODESTO MUNICIPAL CODE (FRAZIER USED CARS)

Director of Finance Bird stated that Mr. Frazier has requested waiver of penalty and interest in the amount of \$8.72 on his quarterly business license tax. Mr. Frazier based his request on the fact that Board of Equalization and Department of Internal Revenue did not penalize him, and presented a statement from a postman that the quarterly report was placed in the postman's hand on the last day of the quarter. The letter bore a February 3 postmark, three days delinquent.

Mayor Hammond stated that the ordinance clearly states that a mailed return must bear a postmark not later than 12:00 midnight of the last due date to avoid a penalty.

MOTION

That the request of Frazier Used Cars for waiver of business license tax penalty and interest be denied.

Moved by Mayor Hammond Seconded by Adams

The motion carried.

CONSIDER USE OF OLD CITY HALL PROPERTY 6-122

The City Manager stated that the old city hall should probably not be used for any length of time, but it could be rented on an interim basis pending a decision from the Council as to its disposition. Mr. Miller said that a suggestion was made by a member of the Downtown Merchants' Committee that the building be demolished and rented out to private interests on a monthly basis, rather than operated as a public parking lot in competition with the parking lot being constructed at the corner of 10th and H Streets. Mr. Miller stated that fire insurance on the building costs \$73 per year.

Parking meters and traffic signs are stored in the rear part of the building.

It was Councilman Martin's opinion that the building should be torn down and the property cleared. Councilman Arata, VanderWall and Mayor Hammond concurred.

MOTION

That the City Manager submit a report on possible uses of the old city hall site if the building is demolished.

Moved by Arata Seconded by Adams Unanimously carried.

REQUEST BY ELLIOTT J. NAVON AND HARRY KULLIGIAN FOR A VARIANCE TO CONSTRUCT THREE 30-FOOT PLANT MIX DRIVEWAY APPROACHES 6-30.

Director of Public Works Ray stated that this property was located on Yosemite Boulevard across the street from Smith Furniture store. The applicants are developing their property at this location and have requested a variance to permit construction of three 30-foot plant mix driveway approaches. Mr. Ray recommended that variance be approved for the following reasons: There is a very deep ditch along the north side of the street which is now being filled in by the applicants and replaced with a culvert, approved by the Division of Highways; the possible imminent improvement and widening of Yosemite Boulevard--when this occurs, the street will be lowered at that location, the culvert will be removed, curbs and gutters installed at the proper grade, and all of the work completed in one final job. For these reasons, he recommended that a variance be granted to permit installation of three 30' plant mix driveway approaches on a temporary basis.

RESOLUTION NO. 61-150

A RESOLUTION GRANTING VARIANCE TO ELLIOTT J. NAVON AND HARRY KULLIGIAN TO CONSTRUCT THREE TEMPORARY 30-FOOT PLANT MIX DRIVEWAY APPROACHES TO PROPERTY ON YOSEMITE BOULEVARD BETWEEN LAS PALMAS AND LAS FLORES AVENUES.

Introduced by VanderWall Seconded by Arata

Ayes: Adams, Arata, Johansen, Knoles, Martin, VanderWall, Mayor Hammond.

Noes: None Absent: None

USE OF CITY PROPERTY FOR OTHER THAN PUBLIC PURPOSES 6-60

The City Manager stated that a representative of the American Legion has requested permission from the Council to use property recently purchased by the City for a corporation yard site, for a carnival show. Permission to use the property is necessary before an application can be made to the Planning Commission for an unclassified use permit.

Answering a question asked by Mayor Hammond, Mr. Miller stated that there might be protests, but these would be considered at the hearing.

Director of Planning Smeath stated that he did not believe there would be any protests because the parcel is surrounded by industries on the north and east, and a canal on the west.

Lee Hampson, representing the American Legion, stated that this organization is sponsoring the West Coast Carnival Show, which will run from May 30 to June 5, 1961. He stated that no protests were anticipated.

Councilman Martin objected to the City "acting as landlord for a carnival."

MOTION

That the Council approve filing of an application by West Coast Carnival Show to use the corporation yard site for a carnival show from May 30 to June 5, 1961.

Moved by Arata Seconded by VanderWall

The motion carried.

APPROPRIATION TRANSFERS

The City Manager stated that an appropriation transfer was necessary to transfer \$495 from the Miscellaneous Unclassified, Annual Report (427-65) to Finance Office Services, Salaries - Overtime (130-16) to cover services of the Finance Department in printing and mailing the City Annual Report.

RESOLUTION NO. 61-151

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$495 TO COVER PAID OVERTIME FOR WORK OF PRINTING AND MAILING CITY ANNUAL REPORT.

Moved by Knoles Seconded by Johansen

Ayes: Adams, Arata, Johansen, Knoles, Martin, VanderWall, Mayor Hammond.

Noes: None Absent: None

REPORTS FROM THE PLANNING COMMISSION - NoneREPORT ON LEGISLATIVE MATTERSSCA - 26 - Report by City Attorney

The City Attorney stated that the proposed constitutional amendment would impose an annual tax of 1% on the telephone company's local and toll service revenues received from intra-state communication services, and would be distributed to cities and counties on the basis of population. In accordance with Council direction, the City Attorney sent a letter to the local telephone office, calling their attention to the fact that the Council wished a report and review of the bill, and asked for their comments. A letter dated April 7, 1961 was received from the telephone company, which stated its position regarding the proposed constitutional amendment. The letter stated that the tax, if passed, would not be passed on to the customer as is the case in the federal excise tax; it would, however, become a part of the company's operating costs. It further stated that the company would neither support nor oppose the proposed constitutional amendment in its present form.

The City Manager stated that passage of the constitutional amendment would place the telephone company on a comparable basis with other utilities, which are presently paying such a tax.

It was Mayor Hammond's opinion that this would be another hidden tax added to telephone bills, and he was opposed to a continual building-up of hidden taxes.

MOTION

That the Council indicate its approval of SCA-26

Moved by Adams Seconded by VanderWall

Ayes: Adams, Arata, Johansen, Knoles, Martin, VanderWall.

Noes: Mayor Hammond Absent: None

The motion carried.

SB 694 - Special Disability Retirement Privileges for Firemen and Policemen

The City Manager reported that this measure has been amended to limit its application to service-connected disability, although in a special bulletin received from the League of California Cities dated March 22, the bill was treated

as though it was limited to industrial disability. Mr. Miller stated that the staff is still supporting the position that it should not apply to any city unless they wish to make it a part of their retirement system by agreement with the State.

MATTERS FOR THE GOOD OF THE COMMUNITY

The City Clerk requested that he be authorized to publicly canvass the absent voter ballot returns of the General Municipal Election held on April 11, 1961, in his office.

MOTION

That the City Clerk be authorized to publicly canvass the absent voter ballot returns of the General Municipal Election held on April 11, 1961.

Moved by Arata Seconded by VanderWall Unanimously carried.

REPORT ON YOSEMITE BOULEVARD IMPROVEMENT

With the unanimous consent of the Council, the City Manager reported a meeting with the Highway Committee of the Chamber of Commerce. Approximately 15 Yosemite Boulevard property owners and Councilmen VanderWall and Arata were present. Mr. Miller stated that Nick Tocco was named chairman of a committee on behalf of the property owners to get the project started.

MOTION

That the staff be authorized to check cost of an aerial survey of Yosemite Boulevard and report further to the Council.

Moved by VanderWall Seconded by Johansen Unanimously carried.

Councilman Knoles was excused for personal interest in the following matter.

FURTHER REPORT ON PROPOSED SCHOLARSHIP FUND 7-87

The City Manager made a further report on the proposed scholarship fund at the Junior College and suggested that it be called the "City of Modesto Public Service Loan Fund", to be awarded to a student studying for public service. The loan would be repaid by September 1 following the school year in which the loan was made, and if not paid, interest at the rate of 5% would be charged until paid. The final selection would be made by the Modesto Junior College Scholarship Committee. Mr. Miller stated that he would make an initial contribution of \$100.

MOTION

That the "City of Modesto Public Service Loan Fund" be established as outlined by the City Manager.

Moved by VanderWall Seconded by Johansen Unanimously carried.

MOTION

That the \$10.00 in the "beard fund" be placed in the City of Modesto Public Service Loan Fund established above.

Moved by Mayor Hammond Seconded by Arata Unanimously carried.

REPORT ON SALARIES OF CHIEF PUMP MAINTENANCE MAN, PUMP MAINTENANCE MAN, AND PUMP OPERATORS 7-125

The City Manager referred to a memorandum prepared by the Director of Public Works, Subject, "Proposed Salary Adjustments," dated March 1, 1961, copies of which were furnished the Council prior to the meeting. In his memorandum, Mr. Ray stated

that he felt that the pump operator, pump maintenance men and chief pump maintenance men were entitled to further consideration for a salary increase. At the present time, pump operators are one range below maintenance men and one range above laborers. Both the laborers and maintenance men were recently advanced one range, which put maintenance men two ranges above the pump operators, and the laborers at the same range as the pump operators. The memorandum stated that the skills required of the pump operators are not compatible with those required of a laborer, and recommended that steps be taken for the pump operators to be advanced one range. The memorandum further stated that pump maintenance men were proposed for a half-step increase, and special maintenance men for one full step increase. The work of these two classes of employees is so similar that Mr. Ray believed that in fairness, the pump maintenance men should be advanced a full step instead of one-half step. Foremen were increased one range, while the chief pump maintenance man, who carries on the duties of a foreman, was not given an increase. The memorandum requested that these inequities be adjusted.

Copies of the minutes of the Personnel Commission meeting discussing these classes and a report from the City Manager were also furnished the Council prior to the meeting.

The City Manager stated that these classes were left out of the Personnel Commission's recommendations and it was his opinion that they were entitled to an increase along with other classes receiving salary increases.

Mr. Robert Alford stated that the Personnel Commission spent many hours on the salary recommendations, and this special request was considered by them fully at the Personnel Commission's last meeting. No formal action was taken because it was felt by the Commission that the original decision had validity that no adjustments should be made at this time. The fact that these men were "overlooked" was not an oversight--the matter was considered fully at the time of the salary deliberations and considered again at the last meeting of the Personnel Commission.

The City Manager stated that the fact that the chief pump operator was overlooked and not given an increase with the other foreman was due to an oversight on the part of the staff.

Mr. Alford stated that the Personnel Commission had considered the request for salary adjustments for these particular classes and decided that they were no different from other classes affected by internal inequities, which were expected and pointed out to the Council when the Personnel Commission's recommendations were presented to and accepted by the Council. Mr. Alford said that it was the Personnel Commission's feeling that if every internal inequity was re-examined, they would have to start all over again.

The matter was generally discussed by the Council.

MOTION

That the staff recommendations for salary increases for the pump operator, pump maintenance men and chief maintenance men be denied.

Moved by Arata Seconded by VanderWall

Ayes: Arata, VanderWall, Mayor Hammond

Noes: Adams, Johansen, Knoles.

The motion failed to carry for lack of a majority vote.

Councilman Martin did not vote, as he was absent from the Council Chambers during a major part of the discussion.

The City Manager stated that he felt it his obligation to bring this matter to the Council for its judgment and action.

Mayor Hammond stated that he would like more information and would discuss it further with the Director of Public Works.

The City Attorney stated that it would come up automatically next week unless the Council wished to take some other action.

REPORT BY CITY MANAGER ON MEETING OF TECHNICAL ADVISORY COMMITTEE OF STATE ECONOMIC REDEVELOPMENT AGENCY 10-41

The City Manager reported that he had been serving on this committee, and until the last meeting had been disappointed because the Committee did not seem to be clear as to its assignment. A drive was made in the legislature to eliminate the agency entirely. Allan Post, the legislative auditor, raised some very good questions, and as a result of discussion with the new Commissioner, there was an agreement that the budget would be reduced, the staff would operate on a bare minimum basis, and be given a couple of years to do what it could in helping the State. An interesting study made and completed was the impact of the California state and local tax systems on industry. The bill proposing that the inventory tax be placed on a quarterly basis was reviewed by this committee and is now in the legislature.

PRESENTATION OF FINANCIAL STATEMENT FOR THE MONTH OF MARCH, 1961

The financial statement for the month of March, 1961 was presented to the Council, and a copy ordered filed for the record.

ANNOUNCEMENT OF LEAGUE MEETING

Mayor Hammond announced that a League meeting would be held April 27, 1961 at Dos Palos.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned.

Moved by Arata Seconded by VanderWall Unanimously carried

The meeting adjourned at 9:46 P.M.

ATTEST:


Rex E. Gailfus, City Clerk

Modesto City Council
April 17, 1961

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: Arata, Johansen, VanderWall, Mayor Hammond
Councilman Knoles arrived at 4:01 P.M.
Councilman Adams arrived at 4:05 P.M.

Absent: Councilmen: Martin

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

Reverend Bernard DenOuden gave the invocation.

APPROVAL OF MINUTES

Council members having received copies of the minutes of the Council meeting of March 13, 1961, and the same being available for public inspection, and there being no objections, the minutes were approved.

LETTER FROM MRS. JOSEPH A. CALDEIRA, 1515 SHERWOOD DRIVE, RE: WATER SUPPLY FOR CITY

A letter relating to waste of water by residents in the care of their lawns was read by the City Clerk. Mrs. Caldeira cited examples of waste in her neighborhood and suggested that a program of watering be established, and that residential neighborhoods be patrolled.

The letter was referred to the staff for its action in matters of this kind.

LETTER FROM J. THERON ILLICK, 302 EAST MORRIS AVE., RE: STREET SIGNS 1-40

A letter from J. Theron Illick dated April 8, 1961, was read by the City Clerk. Mr. Illick pointed out the confusion caused to visitors in the City because of the irregularities and inconsistencies in the location, type and sizes of street signs. Mr. Illick also made suggestions on the following: Why the Chamber of Commerce could not have the various businessmen keep planters along sidewalks in front of their businesses free of cans and bottles; closed shopping streets would appear to be desirable in a city like Modesto; the lower new shoots and branches of Ginkgo trees planted along City streets should be removed to permit better top growth.

The letter was referred to the staff for answer.

LETTER FROM LT. JAMES F. SCHAAL, COMMANDING OFFICER, SALVATION ARMY, RE: USE OF MANCINI BOWL FOR BAND CONCERT 1-70

A letter from Lt. James F. Schaal requesting use of Mancini Bowl at Graceada Park May 27, 1961, between 3:00 and 5:00 P.M. for a band concert was read by the City Clerk.

The City Attorney recommended that the letter be referred to the staff for checking.

PETITION SIGNED BY 15 PERSONS PROTESTING THE ISSUANCE OF ALCOHOLIC BEVERAGE LICENSE TO DOYLE THOMAS FONTANA, 1820 TULLY ROAD

A petition signed by 15 persons protesting the issuance of an alcoholic beverage

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license to Doyle Thomas Fontana at 1820 Tully Road, was read by the City Clerk. The following reasons were given: The proposed premises are located next door to Stanislaus Association for Retarded Children; the proposed premises are located on a main thoroughfare for children walking to school; the proposed premises are located immediately adjacent to a residential area and operation would interfere with the quiet enjoyment of their property.

Harold Neyman, 1628 Tully Road, stated that the petitioners wished the matter brought to the attention of the Council to see if there was any action that could be taken. It was his understanding that issuance of the license could be protested by the City.

Chief of Police Bowers stated that the Police Department has gone on record protesting the issuance of a license to Mr. Fontana on the basis of the conduct of a business elsewhere in the County. The protest must be made within ten days of the notice of license.

Answering a question asked by Mayor Hammond, Chief Bowers stated that the Alcoholic Beverage Control Board holds hearings resulting from protests if the applicant requests it.

The City Attorney stated that it was his understanding that a hearing is not required unless the city protests, and if individuals wish to protest they made do so. The hearing officer examines the evidence and makes a recommendation to the board.

RESOLUTION NO. 61-152

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO PROTESTING THE GRANTING OF AN ON-SALE BEER AND WINE LICENSE FOR THE PREMISES AT 1620 TULLY ROAD

Introduced by Johansen Seconded by VanderWall
 Ayes: Adams, Arata, Johansen, Knoles, VanderWall, Mayor Hammond
 Noes: None Absent: Martin

LETTER FROM McHENRY VILLAGE MERCHANTS ASSOCIATION RE: POSSIBLE ALLOCATION OF FUNDS FOR THEIR AREA

A letter from Ray Ferrucci, President, McHenry Village Merchants Association, dated April 7, 1961, was read by the City Clerk. The letter stated that McHenry Village Merchants Association feels that the merchants and business in McHenry Village Shopping Center are an integral part of the merchandising area of the City, and would like representatives of the group to talk to the Council about the possibility of funds being allocated to this area, for promotional purposes, as is done for the Downtown Merchants Association.

A. A. Hamaway, a McHenry Village merchant, spoke briefly in support of the request.

MOTION

That the matter be referred to the staff for consultation with McHenry Village Merchants, and presentation of a report to the Council

Moved by VanderWall Seconded by Adams Unanimously carried

INTRODUCTION OF KEITH TABBERT 2-55

Mayor Hammond introduced Keith Tabbert, newly elected Council member.

RESOLUTION CALLING FOR BIDS FOR CONSTRUCTION OF ADDITION TO THE 9TH STREET PARKING LOT 2-60

Director of Parking and Traffic Carmody stated that the proposed plans and specifications call for the tying together of the 9th Street Parking lot with the lot made available with the demolishing of the Riggs Building. The combined lots will eventually have a capacity of 114 parking spaces, compared to 111 spaces now available. Spaces that run along the alley have been eliminated, thus making the central rows four feet wider. The spaces are presently 8'4" to 8'6" wide and will be changed to 9 feet. Mr. Carmody said that the increase is only three parking spaces, but the better circulation and additional width of the spaces will make the lot more usable. The extra eight feet gained by eliminating the parking spaces along the alley will make this lot as accessible as the 10th Street lot.

Answering a question asked by Mayor Hammond, Mr. Carmody stated that the proposed arrangement makes it easier to get into and out of the parking spaces. A number of complaints have been received and several accidents have happened because of sideswiping of parked cars due to the narrowness of the spaces. If the new area were laid out to the same degree of tightness as the present 9th Street lot, there would be a total of 127 spaces in the combined lots, compared to the 114 spaces with added width and improved accessibility.

Councilman Adams suggested that it might be time to consider setting aside and specifically marking an area in the parking/for small cars.
lot

One of the plans submitted showed six spaces set aside for small cars which would accommodate only Volkswagens and Renaults, and could only be entered from the alley. It was felt by the staff that this was disadvantageous from the standpoint of contributing to more traffic in the alley.

MOTION

That this matter be held over pending presentation of alternate plans for the proposed 9th Street parking lot

Moved by Arata Seconded by Knoles Unanimously carried

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR THE IMPROVEMENT OF VIRGINIA AVENUE BETWEEN NEEDHAM AND MORRIS AVENUES 3-35

Director of Public Works Ray stated that plans for the improvement of Virginia Avenue between Needham and Morris Avenues were approved by the Council last fall; however, it was too late to advertise for bids for construction at that time. Gas tax funds will be used and relocation of existing curbs and gutters is not involved. Plans have been approved by the Division of Highways, and a call for bids is in order. Mr. Ray stated that this work would not affect the Virginia Avenue bridge.

RESOLUTION NO. 61-153

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR THE IMPROVEMENT OF VIRGINIA AVENUE BETWEEN NEEDHAM AND MORRIS AVENUES

Introduced by VanderWall Seconded by Johansen

Ayes: Adams, Arata, Johansen, Knoles, VanderWall, Mayor Hammond
Noes: None Absent: Martin

April 27, 1961, at 2:15 P.M. in the City Clerk's office was set as the time

and place of opening of bids.

ADOPTION OF ORDINANCE NO. 450-C.S., REZONING OF THE MAY & OVERHOLTZER PROPERTY ON MCHENRY AVENUE

ORDINANCE NO. 450-C.S., entitled

"AN ORDINANCE AMENDING SECTION MAP 16 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (OVERHOLTZER AND MAY)"

Introduced on April 10, 1961, and having been printed and published as required by the Charter, was moved and adopted.

Moved by Arata Seconded by Adams
Ayes: Adams, Arata, Johansen, Knoles, VanderWall, Mayor Hammond
Noes: None Absent: Martin

ORDINANCE REPEALING THE 35 M.P.H. SPEED LIMIT ON SUTTER AVENUE

The City Manager stated that the proposed ordinance will automatically set the speed limit on Sutter at 25 MPH, by repealing the 35 MPH speed limit now in force. The County is cooperating by lowering the speed limit on the portion of Sutter Avenue under its jurisdiction.

ORDINANCE NO. 451-C.S., entitled

"AN ORDINANCE AMENDING SECTION 3-2.1401 OF ARTICLE 14 OF CHAPTER 2 OF TITLE III OF THE MODESTO MUNICIPAL CODE RELATING TO SPEED LIMITS IN THE CITY OF MODESTO AND REPEALING SECTION 1 OF ORDINANCE NO. 405-C.S."

was introduced and ordered printed and published as required by the Charter.

Moved by Arata Seconded by Knoles
Ayes: Adams, Arata, Johansen, Knoles, VanderWall, Mayor Hammond
Noes: None Absent: Martin

TERMINATION OF AGREEMENTS FOR T-HANGARS AT THE CITY-COUNTY AIRPORT AND EXECUTION OF NEW AGREEMENT FOR THE UNEXPIRED TERM OF LEASE 3-62

The City Attorney stated T-hangar No. 13 was originally built on a long term basis by James Sorensen and Charles Warner under an agreement with the City. Mr. Sorensen wishes the City to purchase his interest in the T-hangar for \$4,635.60. Mr. Grimes stated that an ordinance was required approving the agreement with James C. Sorensen and Charles Warner terminating the interest of Mr. Sorensen, and extending the interest of Charles Warner in the lease.

ORDINANCE NO. 452-C.S., entitled

"AN ORDINANCE APPROVING AN AGREEMENT WITH JAMES C. SORENSEN AND CHARLES WARNER, TERMINATING THE INTEREST OF JAMES C. SORENSEN AND EXTENDING THE INTEREST OF CHARLES WARNER IN A CERTAIN AIRPORT LEASE"

was introduced and ordered printed and published, as required by the Charter.

Moved by Arata Seconded by VanderWall
Ayes: Adams, Arata, Johansen, Knoles, VanderWall, Mayor Hammond
Noes: None Absent: Martin

ORDINANCE NO. 453-C.S., entitled

"AN ORDINANCE APPROVING AN AGREEMENT WITH JAMES C. SORENSEN, RELATING TO THE TERMINATION OF A CERTAIN AIRPORT LEASE"

was introduced and ordered printed and published as required by the Charter.

Moved by Adams Seconded by Knoles
Ayes: Adams, Arata, Johansen, Knoles, VanderWall, Mayor Hammond
Noes: None Absent: Martin

ORDINANCE NO. 454-C.S., entitled

"AN ORDINANCE AUTHORIZING THE EXTENSION OF AN AGREEMENT BETWEEN THE CITY OF MODESTO AND CHARLES WARNER, RELATING TO THE OCCUPATION OF A CERTAIN AIRPLANE HANGAR"

was introduced and ordered printed and published as required by the Charter.

Moved by VanderWall Seconded by Arata
Ayes: Adams, Arata, Johansen, Knoles, VanderWall, Mayor Hammond
Noes: None Absent: Martin

RESOLUTION APPOINTING CITIZENS' CHARTER REVIEW COMMITTEE 3-85

The proposed resolution was read by the City Attorney.
RESOLUTION NO. 61-154

A RESOLUTION APPOINTING A CITIZENS' CHARTER REVIEW COMMITTEE TO REVIEW THE CHARTER OF THE CITY OF MODESTO AND SUBMIT ITS REPORT AND RECOMMENDATIONS TO THE CITY COUNCIL FOR CONSIDERATION

Introduced by Arata Seconded by Knoles
Ayes: Adams, Arata, Johansen, Knoles, VanderWall, Mayor Hammond
Noes: None Absent: Martin

RESOLUTION OF INTENTION TO VACATE AND ABANDON A PART-WIDTH ALLEY WEST OF McHENRY, NORTH OF GRISWOLD, IN BLOCK 727, ADJACENT TO LOTS 1 AND 2, IN THE CITY OF MODESTO 3-110

The City Attorney stated that the proposed Resolution of Intention would vacate and abandon a part-width alley west of McHenry, north of Griswold Avenue, in Block 727, and adjacent to Lots 1 and 2 in the City. This has been recommended by the Planning Commission.

May 15, 1961, at 4:30 P.M. in the Council Chambers was set as the time and place of hearing.

RESOLUTION NO. 987-S.P.
RESOLUTION OF INTENTION NO. 280

A RESOLUTION OF INTENTION TO VACATE AND ABANDON A PART-WIDTH ALLEY WEST OF McHENRY NORTH OF GRISWOLD IN BLOCK 727 ADJACENT TO LOTS 1 AND 2, IN THE CITY OF MODESTO

Introduced by Johansen Seconded by Adams
Ayes: Adams, Arata, Johansen, Knoles, VanderWall, Mayor Hammond
Noes: None Absent: Martin

CORPORATION YARD SITE ACQUISITION - PARCEL OWNED BY LUDWIG E. PEDERSEN AND AMALIE W. PEDERSEN 3-120

The City Attorney stated that the proposed corporation yard site acquisition covers a parcel of property owned by Ludwig E. and Amalie W. Pedersen, with a purchase price of \$8,000. (Lots 7 and 8, Block 431).

ORDINANCE NO. 455-C.S., entitled

"AN ORDINANCE AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY BY THE CITY OF MODESTO FROM LUDWIG E. PEDERSEN AND AMALIE W. PEDERSEN"

was introduced and ordered printed and published as required by the Charter.

Moved by Adams Seconded by Arata
Ayes: Adams, Arata, Johansen, Knoles, VanderWall, Mayor Hammond
Noes: None Absent: Martin

RECOMMENDATION REGARDING ACCEPTANCE OF ALLEY IN BLOCK 6910

The City Attorney read a letter from the Planning Commission dated April 12, 1961, which stated that a petition by residents of Block 6910 requesting approval of dedication of an alley in said block was considered by the Planning Commission, with a recommendation that the Council accept dedication of the 14-foot wide alley as proposed by the applicants, on condition that the applicants agree and guarantee to improve the alley to city standards before such acceptance. The alley abounds Standiford School and the park site north of Tokay Avenue, off Sunrise.

MOTION

That the staff prepare the necessary documents and drawings for Council action.

Moved by VanderWall Seconded by Adams Unanimously carried

REPORT ON SALARIES OF CHIEF PUMP MAINTENANCE MAN, PUMP MAINTENANCE MAN, AND PUMP OPERATORS 4-18

The City Manager recommended that this matter be referred back to the Personnel Commission for re-submission to the Council, together with reports on other matters which are still pending.

MOTION

That the matter of salaries of chief pump maintenance man, pump maintenance man and pump operators be referred to the Personnel Commission for re-submission to the Council.

Moved by VanderWall Seconded by Knoles Unanimously carried

REQUEST EXTENSION OF TIME FOR SUBMISSION OF CAPITAL IMPROVEMENT PROGRAM 4-25

The City Attorney stated that the Planning Commission has requested that an extension of time be granted in the submission of the Capital Improvement Program from May 1, 1961, to June 1, 1961.

There were no objections on the part of the Council.

SUBMIT NEW RESOLUTION REGARDING CLOSING OF CHESTNUT STREET 4-30

The City Attorney stated that Director of Planning Smeath has found that the conditions requiring that paving be removed and fences relocated is not necessary

in connection with the vacation and abandonment of Chestnut Street. A new resolution No. 699 (rescinding No. 690) has been adopted recommending the closing of the street without these conditions. Planning Commission Resolution No. 699 was ordered filed.

REPORT ON OFFER FOR SALE OF ADDITIONAL PARCEL OF LAND ADJACENT TO SYLVAN SCHOOL 4-38

A report on this matter was distributed to each member of the Council, and with the consent of the Council, was held over for one week.

RESOLUTION REFERRING PETITION FOR ANNEXATION OF THE LORENZEN ADDITION TO THE PLANNING COMMISSION FOR STUDY AND RECOMMENDATION

Senior Planner Fey stated that the Lorenzen Addition is approximately 20 acres in area, and is located between Downey High School and Rose Avenue.

RESOLUTION NO. 61-155

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 ADDITION

Moved by Arata Seconded by Knoles
Ayes: Adams, Arata, Johansen, Knoles, VanderWall, Mayor Hammond
Noes: None Absent: Martin

CONSIDER REQUEST FOR SEWER SERVICE TO PROPERTY LOCATED AT 2133 GLENDALE AVENUE BY RAYMOND AND QUANDA MURRAY 4-55

The City Manager stated that a request for sewer service to property located at 2133 Glendale Avenue has been received from Raymond and Quanda Murray. The property is contiguous to the City, and can be served by the City. If approved by the Council, the owners have agreed to comply with the usual requirements.

MOTION

That the request for sewer service to property located at 2133 Glendale Avenue be approved

Moved by VanderWall Seconded by Knoles Unanimously carried

CONSIDER REQUEST FOR SEWER SERVICE TO PROPERTY LOCATED AT 1725 CLAYTON AVENUE, OWNED BY OTTO D. FISK

At the request of the Director of Public Works Ray, and with the consent of the Council, this matter was held over.

REQUEST TO ACCEPT OUTSIDE EMPLOYMENT TO RECODIFY EXISTING ORDINANCES OF CITY OF GARDENA 4-70

MOTION

That the request of the City Attorney to accept outside employment to recodify existing ordinances for the City of Gardena be approved

Moved by Adams Seconded by Knoles Unanimously carried

APPEAL BY ALLYN D. BAINBRIDGE TO DECISION OF BOARD OF ZONING ADJUSTMENT, LOCATION OF FARM LABOR OFFICE 4-84

The City Manager read a letter from Allyn D. Bainbridge, Farm Placement Supervisor, Department of Employment, appealing the adverse decision of the Board of Zoning Adjustment of the City of Modesto, denying the Department of Employment a conditional use permit to establish a labor pick-up station on Tuolumne Boulevard.

The City Attorney stated that a hearing was required to consider the appeal.

George Geary, Sacramento representative of the Department of Employment, stated that it was important that the appeal be heard as soon as possible because the growers in the area need the help of the Department in placing farm workers.

RESOLUTION NO. 61-156

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 THE STATE OF CALIFORNIA, DEPARTMENT OF EMPLOYMENT, FOR A FARM PLACEMENT CENTER ON TUOLUMNE BOULEVARD

Introduced by Adams Seconded by Knoles
Ayes: Adams, Arata, Johansen, Knoles, VanderWall, Mayor Hammond
Noes: None Absent: Martin

May 8, 1961, at 8:15 P.M. in the Council Chambers was set as the time and place of hearing.

The City Manager stated that the City recognized the importance of the farm labor placement function, and recommended that the city owned parking lot on 8th Street be made temporarily available to the Department of Employment for installation of a trailer unit, to permit them to proceed with the program pending clearance of the appeal.

RESOLUTION NO. 61-157

A RESOLUTION AUTHORIZING THE STATE OF CALIFORNIA, DEPARTMENT OF EMPLOYMENT, TO USE A PORTION OF THE 8TH STREET PARKING LOT FOR FARM LABOR OFFICE

Introduced by Arata Seconded by Johansen
Ayes: Adams, Arata, Johansen, Knoles, VanderWall, Mayor Hammond
Noes: None Absent: Martin

APPROPRIATION TRANSFERS 4-125

The City Manager stated that the following appropriation transfers were necessary:

| | | |
|-------|---|---------|
| From: | Municipal Airport Gas Tax Fund, 306, Special Fund for Capital Outlays, 321, | |
| | Municipal Airport Gas Tax Fund, General Reserve, 600 (306) | \$5,315 |
| | Special Fund for Capital Outlay, Legion Park Restroom 502 (321) | 866 |
| | General Reserve 600 (321) | 385 |
| To: | Municipal Airport Gas Tax Fund 4 T-Hangars 502 (306) | \$5,315 |
| | Special Capital Outlay 4 T-Hangars 502 (321) | 866 |
| | Inter-connection of Traffic Signals 503 (321) | 385 |

From: General Fund (101)
 Services, Professional and Other 235 (13) \$1,500

To: Miscellaneous Unclassified, Holiday Pay Litigation 234 (65) 1,500

RESOLUTION NO. 61-158

A RESOLUTION APPROVING APPROPRIATION TRANSFER FROM VARIOUS FUNDS FOR HOLIDAY PAY LITIGATION, PURCHASE OF FOUR T-HANGARS AND BALANCE OF COSTS ON INTER-CONNECTION OF TRAFFIC SIGNALS ON 14TH STREET BETWEEN H AND I STREET AND 7TH STREET AT G AND H STREETS

Introduced by VanderWall Seconded by Adams
 Ayes: Adams, Arata, Johansen, Knoles, VanderWall, Mayor Hammond
 Noes: None Absent: Martin

The City Attorney stated that funds were necessary to furnish miscellaneous materials for the newly established Charter Committee. The Council directed that an itemized accounting of expenditures be made to the Council.

The City Manager recommended that \$500 be transferred from General Reserve 600 (101) to Miscellaneous Unclassified Charter Committee 408 (65)

RESOLUTION NO. 61-159

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$500 FOR MISCELLANEOUS SUPPLIES FOR CHARTER COMMITTEE

Moved by VanderWall Seconded by Knoles
 Ayes: Adams, Arata, Johansen, Knoles, VanderWall, Mayor Hammond
 Noes: None Absent: Martin

REPORTS FROM THE PLANNING COMMISSION - None

REPORT ON LEGISLATIVE MATTERS - None

MATTERS FOR THE GOOD OF THE COMMUNITY 5-45

Jesse Reinhart, 160 Camellia Way, asked if water mains and fire hydrants in a recently annexed area were adequate for fire protection.

Mayor Hammond stated that these matters were checked by the Planning Commission prior to the time recommendations for annexation were made to the Council.

The City Manager stated that the La Loma area was annexed with the full knowledge that the water supply in this area was inadequate. Water is supplied by a private company. Mr. Miller said that the status of the City on water service will be reviewed by the Council on May 8.

REPORT ON WATER LINE INSTALLATION - "J" STREET FROM 12TH STREET TO NEEDHAM AVENUE

Director of Public Works Ray stated that the project started in September, 1960, in accordance with Resolution No. 60-351 which authorized that the work be done with city forces, since no bids were received. The estimated cost of installation was \$6,277.80; the actual cost, including general overhead, labor, etc., was \$8,817.93, 40% above the estimate. Work was completed on March 1, 1961. Mr. Ray stated that the estimate was exceeded for the following reasons: The pavement for the full length of the job was from 11½" to 16½" thick instead of the customary 2" paving and base rock, necessitating the use of paving breakers and

hand labor to excavate, instead of a backhoe; the existing lines were not located as shown on City records and the lines which had to be cross-connected were at varying depths, contributing to unanticipated work in tying in existing lines; a day was spent in locating a 2" service line from Needham Avenue to Graceada Park which tied into the "J" Street line and not shown in the water records, in order to shut off the water pressure in the main being worked on; work was started on this project about December 1, 1960, and all work stopped at the request of merchants until after January 1, 1961, thus increasing the cost due to moving on and off the project; in order to reduce inconvenience to merchants and traffic, the work was performed one-half block at a time, which resulted in a considerable increase in cost but worthwhile from a public relations standpoint.

The City Manager stated that credit was given the City by the Fire Rating Bureau for this improvement.

PRESENTATION OF 1961 LEAGUE OF CALIFORNIA CITIES SALARY SURVEY 5-105

The City Manager stated that this survey is prepared annually by the League and is designed to assist city officers in the development of reasonable and workable pay plans. Mr. Miller said that copies were being obtained for the Personnel Commission and any Council members wishing a copy, at a cost of \$2.00 each. An excerpt from the Survey, "Development of a City Pay Plan," was distributed to each member of the Council.

REPORT BY COUNCIL COMMITTEE ON COMMUNICATIONS CENTER 5-110

The following memorandum, subject, "Communications Center," dated April 15, 1961, submitted jointly by Councilmen Martin and Adams, was read by Councilman Adams:

"At the Council meeting of December 14, 1960, this Committee submitted to the Council a report (copy attached) summarizing the objectives and scope of our study to that point, and our recommendations for action. The Council authorized the Committee and the staff to proceed with the selection of an architect, and an electrical-hydraulic engineering consulting firm to advise the city on automation of water system controls and other special equipment. Deferred for later consideration were recommendations relating to necessary land acquisition and preparation of plans.

"We have reviewed proposals submitted by interested architects, and have gathered together information on electrical-hydraulic engineering firms. We believe that as outgoing Councilmen we should make no official recommendations as to these selections, but should rather indicate to you our findings and let those who will be serving on the Council as this project progresses decide whether to proceed from this point or to review for themselves the data we have gathered, all of which is available for study if desired.

"From our studies it would appear that Mr. Milton Pflueger would be a competent and able architect for this construction. We believe that the city should either engage directly the firm to do the engineering or should retain the authority to approve the selection of such a firm by the architect.

"We recommend that:

1. The staff be authorized to proceed with negotiations for land acquisition, to the point of bringing to the Council a specific proposal for action;
2. An architect be engaged promptly, so that he can be available for preliminary work, on the basis that such work is to be a part of the percentage or flat fee charged by him for the total project;

3. Preparation of plans for the Communications Center be coordinated with both the existing Main Fire Station and the proposed new Police Building (which would require at least preliminary plans for the Police Building also)."

A copy of a memorandum dated December 14, 1960, subject "Communications Center-Modesto" was attached to the report.

MOTION

That the report be accepted by the Council, and placed on the agenda for next week's meeting

Moved by Knoles Seconded by VanderWall Unanimously carried

The City Manager stated that funds were budgeted to cover architectural and engineering services.

REPORT ON HOLIDAY PAY BY CITY ATTORNEY

With the unanimous consent of the Council, the City Attorney reported that some time ago a settlement proposal was submitted to legal counsel for the claimants in the holiday pay matter, and to date no answer has been received.

M.I.D. - CITY OF MODESTO LITIGATION, REPORT BY CITY ATTORNEY

With the unanimous consent of the Council, the City Attorney reported that the City was unsuccessful in its attempt to have a general demurrer sustained, the demurrer being overruled. The City has filed an answer and a motion for a summary judgment on the pleadings, which is set for hearing 9:30 A.M., April 24, 1961. The matter was heard in the Superior Court today as a preliminary matter on jurisdiction, and after discussion between the Judge and counsel, the Judge felt that it would be best if he disqualified himself. This order was made applying to all judges in this County. Arrangements will be made for an outside judge to preside. Mr. Grimes said that the City's position is to attempt to settle the matter on the pleadings rather than go to trial.

REQUEST FOR APPROVAL OF THREE DAYS' VACATION FOR ALLEN GRIMES, CITY ATTORNEY 6-45

MOTION

That the request of the City Attorney for three days' vacation on April 19, 20 and 21, 1961, be approved

Moved by Knoles Seconded by Johansen Unanimously carried

LEAGUE MEETING IN DOS PALOS APRIL 27, 1961

Mayor Hammond announced that there would be a League meeting in Dos Palos on Thursday, April 27, 1961, with a social hour at 6:30 P.M. and dinner at 7:30 P.M. He urged that as many as possible attend.

REPORT ON YOSEMITE AVENUE IMPROVEMENT

With the unanimous consent of the Council, the City Manager stated that an aerial survey of Yosemite Boulevard would cost \$465. No aerial surveys are available from the State Division of Highways.

MOTION

That the staff be authorized to obtain an aerial survey of Yosemite Boulevard for the sum of \$465.

Moved by Arata Seconded by Adams Unanimously carried

REMOVAL OF BUILDINGS ON SNEDIGAR PROPERTY 6-60

With the unanimous consent of the Council, Director of Public Works Ray stated that two informal written proposals for the removal of the buildings on the Snedigar property have been received, the low bid submitted by Dorrity and Son, offering to remove the buildings for \$300 to be paid by the City. Mr. Ray stated that there is very little salvageable material, and recommended that the offer be accepted. Plans for the improvement of Briggsmore Avenue and Northern Boulevard are being forwarded to the State this week.

MOTION

That the offer of Dorrity & Son for removal of buildings on the Snedigar property be accepted

Moved by Adams Seconded by VanderWall Unanimously carried

YOUTH IN GOVERNMENT DAY

The City Manager reported that Wednesday, April 26, 1961, was Youth in Government Day.

IVO V. KLEMENCICI, VISITOR FROM LJUBLJANA, YUGOSLAVIA

The City Manager gave a brief report on the visit to Modesto of Ivo V. Klemencici, Vice President of the City Council of Ljubljana, Yugoslavia. Mr. Klemencici was taken on a tour of the delta region, the sewage disposal plant, the M.I.D. and other projects of interest.

SPECIAL COUNCIL MEETING APRIL 18, 1961

Mayor Hammond reminded the Council of the special Council meeting at 4:00 P.M., April 18, 1961, to canvass absent voter ballots. The City Clerk announced that the new Council members would be sworn in at the conclusion of the special meeting.

RESOLUTION COMMENDING SERVICES OF COUNCILMEN MARTIN AND ADAMS

RESOLUTION NO. 61-160

A RESOLUTION COMMENDING MERRILL L. ADAMS AND JOHN H. MARTIN FOR OUTSTANDING SERVICES RENDERED TO THE CITY OF MODESTO AS COUNCILMEN

Introduced by Knoles Seconded by VanderWall
 Ayes: Arata, Johansen, Knoles, VanderWall, Mayor Hammond
 Noes: None Absent: Martin
 (Councilman Adams did not vote)

ADJOURNMENT

MOTION

That the meeting now in session adjourn in appreciation of the ten years' service rendered the City by Councilman Adams, and the two years' service rendered the City by Councilman Martin

Moved by Knoles

Seconded by VanderWall

Unanimously carried

The meeting adjourned at 5:36 P.M.

ATTEST:


Rex E. Gailfus, City Clerk

Modesto City Council
April 18, 1961

The Council of the City of Modesto met in special session this date at 4:00 P.M., as provided by Section 2-1.01 of the Modesto Municipal Code and Section 9918 of the Election code of the State of California, to canvass the returns and result of the General Municipal Election held on April 11, 1961 to elect Councilmen and 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: Adams, Arata, Johansen, Knoles, Martin, Mayor pro tempore, VanderWall

Absent: Mayor Hammond.

The returns of said election, prepared and signed by the election officers, and the absentee ballots were canvassed by the Council.

The following Councilmen were elected:

Full term: David L. Arata; Peter W. Johansen; Keith G. Tabbert

Short term: William R. Mitchell

The following Board of Education members were elected:

Full term: Robert C. Bienvenu; Jean J. Knoles.

Short term: Fred G. Thiemann.

Propositions 1 through 5 carried.

RESOLUTION NO. 61-161

A RESOLUTION OF THE CITY OF MODESTO DECLARING CANVASS OF RETURNS AND RESULT OF GENERAL MUNICIPAL ELECTION HELD ON APRIL 11, 1961

Introduced by Martin Seconded by Arata

Ayes: Adams, Arata, Johansen, Knoles, Martin, Mayor pro tempore VanderWall

Noes: None Absent: Mayor Hammond

RESOLUTION NO. 61-162

A RESOLUTION AUTHORIZING PAYMENT TO ELECTION OFFICIALS AND RENTAL OF POLLING PLACES FOR THE GENERAL MUNICIPAL ELECTION HELD ON APRIL 11, 1961.

Introduced by Knoles Seconded by Arata

Ayes: Adams, Arata, Johansen, Knoles, Martin, Mayor pro tempore VanderWall

Noes: None Absent: Mayor Hammond

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by Martin Seconded by Knoles Unanimously carried.

The meeting adjourned at 4:22 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, Knoles, Mitchell, Tabbert, VanderWall, Mayor Hammond

Councilman Arata arrived at 7:33 P.M.

Absent: None

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

Reverend Dale Sherwood gave the invocation.

EMPLOYEE SUGGESTION AWARDS

The following awards were made:

Sydney Postma, \$10 award for suggesting return envelopes with business license tax billing, speeding up the sorting of mail and improving public relations.

Roy DeGraffenreid, Public Works Department, a \$10 award for the suggestion that round instead of square steel plates be used to cover manholes in streets, when streets are being resurfaced. These can be rolled to the site by one man instead of being carried by two men, and also saves digging and refilling corners around the manholes.

Joan Loukianoff, Finance Department, a \$25 award for the suggestion that newspaper clipping for all departments be centralized to eliminate duplication of this activity.

Roy Munn, a \$50 award for a device enabling the sewer crew to clean debris from manholes without going below street level. Mr. Munn demonstrated the "grab hook."

LETTERS FROM THE MODESTO BAND, INC. RE: ANNUAL APPROPRIATION 1-60

A letter from Modesto Band, Inc. dated April 17, 1961, requesting that \$1,200 be budgeted for the 1961-62 fiscal year for the yearly series of municipal concerts, was read by the City Clerk. Another letter dated April 17, 1961, was read by the City Clerk, requesting \$350 be budgeted to partially defray the cost of the Modesto Band participating in and representing the community at the State Fair in Sacramento.

The letters were referred to the staff for study at the time of budget consideration.

LETTER FROM CALIFORNIA RELAYS RE: PAYMENT OF ANNUAL APPROPRIATION

A letter from California Relays dated April 17, 1961, requesting payment of \$2,000 previously budgeted to California Relays was read by the City Clerk. The letter also requested that \$2,000 be budgeted for the 1961-62 fiscal year.

MOTION

That the request of California Relays for payment of \$2,000 budgeted in the 1960-61 budget be approved.

Moved by VanderWall Seconded by Johansen Unanimously carried

The letter was referred to the staff for study at the time of budget consideration.

RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR THE CONSTRUCTION OF WATER LINES IN MONTGOMERY VILLAGE NO. 4 SUBDIVISION 1-85

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

STATEMENT BY MAYOR DON HAMMOND TO COUNCIL MEMBERS

The following statement was read by Mayor Hammond:

"In the city election of April 11 four Councilmen were elected to serve the city. I would like to commend the people of Modesto who were sufficiently interested in their city government to go to the polls and vote. Once the voting is over, however, we who have been elected to office represent not just those who voted for us but all of the people of this city on every issue which comes before us.

This is a grave responsibility, which we undertake with both humility and resolution. As we work at city business, we appreciate more and more the many public officials and citizens who have served this city through the years, and the progress which they have made possible.

"I would like especially to express our appreciation to Merrill Adams, who has served as Councilman since the 1951 adoption of the Council-Manager form of government in Modesto; and to John Martin who has served as Councilman since May of 1959. They have made a real contribution to their city. I want also to thank Les Knoles and Dick VanderWall, who will continue in office, and whose fairness and dedication to the public's interest help us all.

We have four newly elected Councilmen. Dave Arata has served on this Council since 1952, and we appreciate his experience and knowledge of the community. Pete Johansen has been a Councilman for just three months, and in that time has earned the respect and support of this community. Bill Mitchell and Keith Tabbert are just beginning their service as Councilmen.

"Welcome to this important new assignment. Each of you will bring to this Council your own personal knowledge and understanding of this community and its needs. The other members of the Council and the staff will help in any way we can to give you information and background on the city's responsibilities and operation. Some of the matters with which you will be concerned are familiar items to the rest of us, but will be new to you. Please feel free to ask questions, obtain additional information, and request additional time if you wish, to help make your decisions.

"As Councilmen we need to assign to our job enough time to do it well. In addition to the regular Council meetings there will be committee work and other special obligations which will require a portion of our time. Each of us should review our other assignments to see if they could be lightened to permit us to give to this job the time and attention it deserves and demands. This will permit us to "share the work" and give to the city our very best.

"This Council is a policy making body. The administrative staff does not determine policy. The City Manager administers the policies that we establish; the City Attorney serves us as legal counsel; the City Clerk and Auditor acts as our recorder and checker. Over the years we on the Council have established a procedure for considering the matters that come before us on the basis of:

1. This is the situation;

2. These are the facts;
3. These are the alternatives;
4. These are the recommendations.

The City Manager submits his reports to us on this basis for our consideration and action. This has proven a sound, dependable technique of operation.

"This city has a fine staff, each of whom is a specialist in his own field. They are here to serve us as our staff and to serve all of the people of this city. You have each received copies of the City Charter and the Council Procedural Ordinance, which set forth the basis of relationship between the Council and the Manager and other city employees. Although it is well to recognize the strict lines of authority and responsibility set forth in these documents, they have always been tempered in practice by a somewhat flexible, informal relationship between the Council and the Manager and the staff.

"An essential factor in civic achievement is cooperation between community groups and organizations and governmental agencies. The City works closely, in a variety of activities, with the Modesto City Schools, with Stanislaus County and the other cities in the County, with the Greater Modesto Chamber of Commerce, with the Modesto Irrigation District, and with private utilities. Agencies, like people, have individual views and needs; as with people, the greater their understanding of each other's problems the better they work together. We offer our full support of a continuing cooperative approach to mutual programs and problems.

"The city is a business. Its sole purpose is to serve the people. It is an extremely complex business, with several departments responsible for a score or more of major operations. It is simply not possible for each or any of us to be familiar with all the phases of the city's business. But it is our responsibility to review and understand thoroughly the background and alternatives assembled for us by our staff, to request and appraise any other information we may need to make a decision, and then to take such action as we sincerely believe will best serve the people of this city.

"Each of us has a continuing obligation to search for the facts and interpret them in the light of his own experience and judgment. Each will understand that it is easier in the long run to do exactly what he believes is right than to do what others have advised him to do or what appears to be expedient at the moment. Sometimes we will disagree. Sometimes we will make mistakes. Sometimes it will be necessary for us to change our position, since decisions which today appear sound may need to be changed in the light of succeeding events or additional experience. But always it is our privilege and the obligation of each of us to call things the way we see them, thus rendering to our city the soundest and most far-reaching service of which we are capable."

RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR THE CONSTRUCTION OF WATER LINES
IN CAMPUS EDGE UNIT NO. 2 SUBDIVISION

Deputy City Manager Keefe stated that the subdivider of Campus Edge Unit No. 2 Subdivision is starting construction of improvements and will be ready for water line installation shortly. A resolution approving plans and specifications and calling for bids is necessary.

RESOLUTION NO. 61-163

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR INSTALLATION OF WATER MAINS IN CAMPUS EDGE NO. 2 SUBDIVISION

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Introduced by Knoles Seconded by Arata
 Ayes: Arata, Johansen, Knoles, Mitchell, Tabbert, VanderWall, Mayor Hammond
 Noes: None Absent: None

May 4, 1961, at 2:40 P.M. in the City Clerk's office was set as the time and place for opening of bids.

REPORT ON OPENING OF BIDS FOR RADIO EQUIPMENT 2-22

Deputy City Manager Keefe stated that bids for radio equipment for city vehicles were opened April 8 at 2:30 P.M. The low bid, \$2,992.15, was submitted by RCA Corporation. At the request of Mr. Keefe, award of the bid was held over for one week.

RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR THE CONSTRUCTION OF CURBS AND GUTTERS ALONG ORANGEBURG AND TULLY AVENUES 2-38

Deputy City Manager Keefe stated that a resolution approving plans and specifications and calling for bids to construct curbs and gutters on Orangeburg and Tully Avenues was necessary.

Director of Public Works Ray said that curbs and gutters would be constructed on properties where rights of way have been dedicated to the City with the provision that the City install curbs and gutters. The project includes the frontage along Fremont and Roosevelt Schools. Construction of approximately 3,980 lineal feet of curb is involved, plus driveway approaches.

RESOLUTION NO. 61-164

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR CONSTRUCTION OF CURBS, GUTTERS AND DRIVEWAYS ON TULLY AND ORANGEBURG AVENUES

Introduced by VanderWall Seconded by Johansen
 Ayes: Arata, Johansen, Knoles, Mitchell, Tabbert, VanderWall, Mayor Hammond
 Noes: None Absent: None

RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR THE EXTENSION OF WATER LINES AT THE SEWAGE TREATMENT PLANT

Deputy City Manager Keefe stated that it is necessary that water lines at the sewage treatment plant be extended to serve the new treatment units now nearing completion.

RESOLUTION NO. 61-165

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR THE EXTENSION OF WATER SYSTEM AT SEWAGE TREATMENT PLANT

Introduced by Johansen Seconded by Arata
 Ayes: Arata, Johansen, Knoles, Mitchell, Tabbert, VanderWall, Mayor Hammond
 Noes: None Absent: None

May 4, 1961, at 2:35 P.M. in the City Clerk's office was set as the time and place for opening of bids.

ADOPTION OF ORDINANCE NO. 451-C.S., RELATING TO SPEED LIMIT, SUTTER AVENUE

ORDINANCE NO. 451-C.S. entitled

"AN ORDINANCE AMENDING SECTION 3-2.1401 OF ARTICLE 14 OF CHAPTER 2 OF TITLE III

OF THE MODESTO MUNICIPAL CODE RELATING TO SPEED LIMITS IN THE CITY OF MODESTO AND REPEALING SECTION 1 OF ORDINANCE NO. 405-C.S."

introduced on April 17, 1961, and having been printed and published as required by the Charter, was moved and adopted.

Moved by Knoles Seconded by Arata
Ayes: Arata, Johansen, Knoles, Mitchell, Tabbert, VanderWall, Mayor Hammond
Noes: None Absent: None

ORDINANCE NO. 452-C.S., entitled

"AN ORDINANCE APPROVING AN AGREEMENT WITH JAMES C. SORENSEN AND CHARLES WARNER, TERMINATING THE INTEREST OF JAMES C. SORENSEN AND EXTENDING THE INTEREST OF CHARLES WARNER IN A CERTAIN AIRPORT LEASE"

introduced on April 17, 1961, and having been printed and published as required by the Charter, was moved and adopted.

Moved by Arata Seconded by VanderWall
Ayes: Arata, Johansen, Knoles, Mitchell, Tabbert, VanderWall, Mayor Hammond
Noes: None Absent: None

ORDINANCE NO. 453-C.S., entitled

"AN ORDINANCE APPROVING AN AGREEMENT WITH JAMES C. SORENSEN RELATING TO THE TERMINATION OF A CERTAIN AIRPORT LEASE"

introduced on April 17, 1961, and having been printed and published as required by the Charter, was moved and adopted.

Moved by Knoles Seconded by Arata
Ayes: Arata, Johansen, Knoles, Mitchell, Tabbert, VanderWall, Mayor Hammond
Noes: None Absent: None

ORDINANCE NO. 454-C.S. entitled

"AN ORDINANCE AUTHORIZING THE EXTENSION OF AN AGREEMENT BETWEEN THE CITY OF MODESTO AND CHARLES WARNER, RELATING TO THE OCCUPATION OF A CERTAIN AIRPLANE HANGAR"

introduced on April 17, 1961, and having been printed and published as required by the Charter, was moved and adopted.

Moved by VanderWall Seconded by Johansen
Ayes: Arata, Johansen, Knoles, Mitchell, Tabbert, VanderWall, Mayor Hammond
Noes: None Absent: None

ORDINANCE NO. 455-C.S. entitled

"AN ORDINANCE AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY BY THE CITY OF MODESTO FROM LUDWIG E. PEDERSEN AND AMALIE W. PEDERSEN" (Block 431, Lots 7 & 8)

introduced on April 17, 1961, and having been printed and published as required by the Charter, was moved and adopted.

Moved by Arata Seconded by Johansen
Ayes: Arata, Johansen, Knoles, Mitchell, Tabbert, VanderWall, Mayor Hammond
Noes: None Absent: None

AUTHORIZE REDUCTION OF IMPROVEMENT BOND FOR SARATOGA MANOR UNIT NO. 1 SUBDIVISION FROM \$9,500 TO \$1,200

Deputy City Manager Keefe stated that the Public Works Department has indicated that all work in Saratoga Manor Unit No. 1 Subdivision has been completed except for the improvement of alleys. The subdivider has asked, that his improvement bond for \$9,500 be released, and that he be allowed to post a \$1,200 cash bond to cover the cost of the remaining alley improvements. Council approval was recommended by the Public Works Department.

RESOLUTION NO. 61-166

A RESOLUTION AUTHORIZING THE REDUCTION OF SUBDIVISION BOND FILED BY ARTHUR J. WYLIE AND FLORENCE E. WYLIE TO GUARANTEE IMPROVEMENTS IN SARATOGA MANOR UNIT NO. 1 SUBDIVISION FROM \$9,500 TO \$1,200

Introduced by VanderWall Seconded by Knoles
Ayes: Arata, Johansen, Knoles, Mitchell, Tabbert, VanderWall, Mayor Hammond
Noes: None Absent: None

ACCEPT AS COMPLETE, WILLIAM M. MINENI'S CONTRACT FOR CONSTRUCTION OF INTERIM CLUBHOUSE FACILITIES, DRYDEN PARK MUNICIPAL GOLF COURSE 2-100

Deputy City Manager Keefe reported that this work has been completed to the satisfaction of the City Engineer. The contract bid price was \$5,286; the total cost of the work done was \$5,306, which includes one change order for \$20; work was completed within completion date of April 14, 1961. Mr. Keefe recommended that the work be accepted, notice of completion recorded, and payments made according to the contract.

RESOLUTION NO. 61-167

A RESOLUTION ACCEPTING THE CONSTRUCTION OF INTERIM CLUBHOUSE FACILITIES AT DRYDEN PARK MUNICIPAL GOLF COURSE BY WILLIAM M. MINENI; AUTHORIZING RECORDATION OF NOTICE OF COMPLETION AND PAYMENT OF AMOUNTS DUE UNDER THE CONTRACT

Introduced by Johansen Seconded by Knoles
Ayes: Arata, Johansen, Knoles, Mitchell, Tabbert, VanderWall, Mayor Hammond
Noes: None Absent: None

ACCEPT IMPROVEMENTS IN SARATOGA MANOR NO. 2 SUBDIVISION AS COMPLETE AND AUTHORIZE THE CITY CLERK TO RELEASE SUBDIVISION IMPROVEMENT BOND 2-100

Deputy City Manager Keefe stated that the City Engineer has certified that all work required by the Saratoga Manor No. 2 Subdivision has been completed to the City's satisfaction, and recommended that the improvement bond be released. All inspection fees have been paid.

RESOLUTION NO. 61-168

A RESOLUTION AUTHORIZING THE RELEASE OF SUBDIVISION BOND FILED BY ARTHUR J. WYLIE AND FLORENCE E. WYLIE TO GUARANTEE IMPROVEMENTS IN SARATOGA MANOR NO. 2 SUBDIVISION

Introduced by Knoles Seconded by Mitchell
Ayes: Arata, Johansen, Knoles, Mitchell, Tabbert, VanderWall, Mayor Hammond
Noes: None Absent: None

ACCEPT AS COMPLETE GEORGE REED'S CONTRACT FOR CONSTRUCTION OF SUBTRUNK SEWER IN SKYLANE PARK NO. 1 SUBDIVISION 2-115

Deputy City Manager Keefe stated that the City Engineer has certified that all work on the contract for construction of a subtrunk sewer in Skylane Park No. 1 Subdivision has been completed to the City's satisfaction. The contract bid price was \$8,623; the total cost of work done amounted to \$8,635.75. The completion date of the contract was April 14, 1961, but because of an adjustment in the work schedule requested by the City, the contract was not completed until April 20, 1961. Mr. Keefe recommended that the work be accepted, notice of completion recorded, and payments made according to the contract.

RESOLUTION NO. 61-169

A RESOLUTION ACCEPTING THE CONSTRUCTION OF SUBTRUNK SEWER IN SKYLANE PARK UNIT NO. 1 SUBDIVISION BY GEORGE REED; AUTHORIZING RECORDATION OF NOTICE OF COMPLETION AND PAYMENT OF AMOUNTS DUE UNDER THE CONTRACT

Introduced by Arata Seconded by VanderWall
 Ayes: Arata, Johansen, Knoles, Mitchell, Tabbert, VanderWall, Mayor Hammond
 Noes: None Absent: None

CONSIDER RENEWAL OF LEASE WITH STANDARD OIL COMPANY AT THE CITY-COUNTY AIRPORT 2-125

The City Attorney stated that the Standard Oil Company of California has requested renewal of a lease for a portion of the Modesto City-County Airport for an additional period of one year, beginning May 12, 1961, and ending May 11, 1962. The basic agreement was entered into in May, 1954, and has continued in effect since that time.

RESOLUTION NO. 61-170

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND STANDARD OIL COMPANY RENEWING LEASE OF A PORTION OF THE MODESTO CITY-COUNTY AIRPORT PROPERTY

Introduced by Arata Seconded by Knoles
 Ayes: Arata, Johansen, Knoles, Mitchell, Tabbert, VanderWall, Mayor Hammond
 Noes: None Absent: None

FURTHER CONSIDERATION OF REQUEST BY SALVATION ARMY FOR USE OF MANCINI BOWL FOR BAND CONCERT

The City Clerk read a letter from Salvation Army requesting use of Mancini Bowl for a band concert on May 27, 1961, from 3:00 to 5:00 P.M.

The City Attorney stated that this matter was held over from last week's meeting to check the legality of the use of the Bowl by this organization. Mr. Grimes stated that it was legal to permit use of the Bowl for this purpose.

RESOLUTION NO. 60-171

A RESOLUTION GRANTING A PERMIT TO THE SALVATION ARMY FOR USE OF MANCINI BOWL FOR A BAND CONCERT ON MAY 27, 1961, FROM 3:00 P.M. TO 5:00 P.M.

Introduced by VanderWall Seconded by Knoles
 Ayes: Arata, Johansen, Knoles, Mitchell, Tabbert, VanderWall, Mayor Hammond
 Noes: None Absent: None

HEARING ON PROPOSED ABANDONMENT OF PORTION OF CHESTNUT STREET 3-22

Mayor Hammond announced that the hour of 8:00 P.M. had arrived, the time set for consideration of the proposed abandonment of a portion of Chestnut Street, and

opened the hearing.

The City Clerk stated that notice of hearing was published in the Modesto Bee on April 7, 1961, and notices posted and distributed in the area on April 14, 1961. No written protests to the proposed abandonment were filed with the City Clerk.

The City Attorney stated Planning Commission Resolution No. 690 recommended vacation and abandonment of Chestnut Street between Franklin Street and M.I.D. Lateral No. 4. In its preliminary resolution, the Council found that the abandonment appeared to be in the public interest.

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

RESOLUTION NO. 988 S.P.

A RESOLUTION VACATING AND ABANDONING CHESTNUT STREET BETWEEN FRANKLIN STREET AND M.I.D. LATERAL NO. 4 IN THE CITY OF MODESTO

Introduced by Arata Seconded by Johansen
Ayes: Arata, Johansen, Knoles, Mitchell, Tabbert, VanderWall, Mayor Hammond
Noes: None Absent: None

REPORT ON OFFER FOR SALE TO THE CITY OF ADDITIONAL PARCEL OF LAND ADJACENT TO THE SYLVAN SCHOOL 3-25

Deputy City Manager Keefe stated that the City has been negotiating with David T. Young and the Greek Orthodox Church in the purchase of the Young property located between the church and the city park site on Tokay Avenue. Mr. Young has offered to sell his property to the City for \$13,300, and the City has been negotiating with the Greek Orthodox Church to purchase a 78-foot wide portion of the parcel with buildings for \$8,120, the City to purchase a 60-foot wide parcel for \$5,180 which is adjacent to the park site recently purchased from the Sylvan School. The City would then have a park site of approximately 4.73 acres. The sum of \$4,358 is available in the Park Site Acquisition Fund. An appropriation transfer would be necessary for the balance. If the property is sold as outlined above, a lot split is necessary.

Answering a question asked by Mayor Hammond, Director of Parks and Recreation Cowie stated that the Schools purchased a 15-acre tract with the understanding that a five-acre plot would be sold to the City for park purposes. However, only 3.86 acres was available for sale to the City. The proposed acquisition from Mr. Young would make the park site wider and allow for better planning.

Referring to the Neighborhood Park Plan which showed the location of the proposed restrooms adjacent to a residence on the parcel proposed to be purchased from Mr. Young, in answer to a question by Councilman Tabbert, Mr. Cowie stated that the plan referred to was not an approved plan, but one drawn for study only to indicate how the property could be used. It was Mr. Cowie's belief that the buildings on the lot would eventually be removed.

Allen Odell, City Land Agent, stated that land in this area is zoned residential and sells for \$5,000 per acre, and the property proposed to be acquired is improved with a residence which raises the cost of acquisition. Mr. Odell said that the overall cost of the parcel acquired from the Sylvan School, plus the proposed purchase of the 60-foot wide parcel from Mr. Young, would be within a reasonable range for land acquisition in this area.

MOTION

That the staff be directed to proceed with the acquisition of the 60-foot wide parcel of land from Mr. Young

Moved by Knoles Seconded by VanderWall Unanimously carried

CONSIDER PLANS FOR 9TH STREET PARKING LOT 3-105

The Deputy City Manager stated that the Director of Parking and Traffic had prepared alternate plans for the 9th Street Parking lot, in accordance with Council instruction. Copies of the plans were furnished each Council member prior to the meeting.

Mayor Hammond stated that he favored Plan D because it provided the maximum number of parking spaces. It was his opinion that the heavy demand on this parking lot justified maximum use of available space even if this caused some inconvenience in entering and leaving the lot.

Answering a question asked by Councilman VanderWall, Director of Parking and Traffic Carmody stated that Plan D did not improve parking in front of the Lotus Cafe. Mr. Carmody also pointed out that people entering the lot from the I Street entrance and going up that row cannot get into the other row under Plan D.

Answering a question by Councilman Mitchell, Mr. Carmody stated that in the event that Plan D proves unfeasible, it would cost approximately \$400 to change the meter post locations. It would be difficult to change the planter and walkway along the easterly side of the barbershop.

Mr. Carmody stated that the total cost of the project would be approximately \$15,000, which includes engineering and overhead. Filling the planters, plants and lighting would be additional costs.

MOTION

That the Council approve Plan D of the 9th Street Parking Lot

Moved by Arata Seconded by Mayor Hammond Unanimously carried

CORPORATION YARD SITE ACQUISITIONS 4-40

Deputy City Manager Keefe stated that the following purchases concluded necessary acquisitions of private property for the corporation yard site:

Parcel No. 31 owned by Robert F. Harris, for \$7,500;
 Parcels Nos. 29 and 30, owned by S. H. and Irma K. Potts, for \$12,000;
 Parcel No. 18, owned by E. J. & Gertrude F. Boundry, for \$13,000;
 Parcel No. 19, owned by Mikred F. Hopper, for \$11,000.
 Remaining parcels needed will be acquired from the State.

ORDINANCE NO. 456-C.S. entitled

"AN ORDINANCE AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY BY THE CITY OF MODESTO FROM ROBERT F. HARRIS (FOR CORPORATION YARD PURPOSES)"

was introduced and ordered printed and published as required by the Charter.

Moved by Knoles Seconded by Johansen
 Ayes: Arata, Johansen, Knoles, Mitchell, Tabbert, VanderWall, Mayor Hammond
 Noes: None Absent: None

ORDINANCE NO. 457-C.S. entitled

"AN ORDINANCE AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY BY THE CITY OF MODESTO FROM S. H. POTTS AND IRMA K. POTTS (FOR CORPORATION YARD PURPOSES)"

was introduced and ordered printed and published as required by the Charter.

Moved by Johansen Seconded by Knoles
Ayes: Arata, Johansen, Knoles, Mitchell, Tabbert, VanderWall, Mayor Hammond
Noes: None Absent: None

ORDINANCE NO. 458-C.S. entitled

"AN ORDINANCE AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY BY THE CITY OF MODESTO FROM E. J. BOUNDEY AND GERTRUDE F. BOUNDEY (FOR CORPORATION YARD PURPOSES)"

was introduced and ordered printed and published as required by the Charter.

Moved by Arata Seconded by Knoles
Ayes: Arata, Johansen, Knoles, Mitchell, Tabbert, VanderWall, Mayor Hammond
Noes: None Absent: None

ORDINANCE NO. 459-C.S. entitled

"AN ORDINANCE AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY BY THE CITY OF MODESTO FROM MILDRED F. HOPPER (FOR CORPORATION YARD PURPOSES)"

was introduced and ordered printed and published as required by the Charter.

Moved by Knoles Seconded by Arata
Ayes: Arata, Johansen, Knoles, Mitchell, Tabbert, VanderWall, Mayor Hammond
Noes: None Absent: None

CONSIDER ADDITIONAL PURCHASE OF WATER PIPE

Deputy City Manager Keefe stated that an emergency purchase of 8" asbestos cement pipe is necessary due to the failure of Viking Supply Corporation to furnish this pipe in accordance with specifications under its contract with the City.

Director of Public Works Ray stated that April 21, 1961, was set as the deadline for Viking Supply Corporation to furnish this pipe. An emergency purchase of 3,900 lineal feet is necessary at this time to meet city commitments. Mr. Ray pointed out that an emergency purchase of 2,600 lineal feet of the pipe was approved by the Council on April 10, 1961. Plans and specifications and call for bids for purchase of the balance of the 10,000 lineal feet of pipe will be submitted for Council approval shortly.

Mr. Ray recommended that the emergency purchase of 3,900 lineal feet of 8" asbestos cement pipe for \$1.99 per lineal foot from Grinnell Co. be approved.

RESOLUTION NO. 61-172

A RESOLUTION AUTHORIZING EMERGENCY PURCHASE OF 3,900 LINEAL FEET OF 8" ASBESTOS CEMENT PIPE FROM GRINNELL COMPANY

Introduced by VanderWall Seconded by Johansen
Ayes: Arata, Johansen, Knoles, Mitchell, Tabbert, VanderWall, Mayor Hammond
Noes: None Absent: None

CONSIDER AGREEMENTS WITH STATE OF CALIFORNIA, DIVISION OF HIGHWAYS, FOR RELOCATION OF UTILITIES 4-104

Director of Public Works Ray stated that under the proposed agreements, the State will pay all of the expense, including engineering costs, for the relocation of city utilities in connection with the freeway, but the State must receive under the law, credits for betterment, if any salvage value of materials removed and retained by the City, and accrued depreciation based on the original cost of facilities relocated.

The proposed agreements covering the relocation of water lines, storm sewers and sanitary sewers were briefly reviewed by Mr. Ray. He stated that there would be additional agreements covering relocation of street lighting facilities and fire alarms. If the agreements are approved by the Council, direction must be received from the State to proceed with the work, which will be under City supervision. Call for bids will then be necessary.

Deputy City Manager Keefe stated that arrangements will have to be made for temporary financing until reimbursement is made by the State.

Mr. Ray stated that progress payments will be made by the State.

RESOLUTION NO. 61-173

A RESOLUTION APPROVING AGREEMENTS BETWEEN THE CITY OF MODESTO AND THE STATE OF CALIFORNIA, DIVISION OF HIGHWAYS, FOR RELOCATION OF UTILITIES

Introduced by VanderWall Seconded by Knoles
 Ayes: Arata, Johansen, Knoles, Mitchell, Tabbert, VanderWall, Mayor Hammond
 Noes: None Absent: None

CONSIDER INSTALLATION OF SIX-FOOT CHAIN LINK FENCE AND PLANTING ADJACENT TO RAILROAD RIGHT OF WAY ON CITY PROPERTY AT BARHAM COURT

The Deputy City Manager stated that the residents adjacent to Barham Court propose to contribute materials for a six-foot chain link fence to be constructed on city property between Barham Court and Tidewater Southern tracks, the City to provide labor to erect the fence and furnish and plant 33 Pyracantha and street trees. The residents of Barham Court have agreed to water and maintain the plantings. A letter from R. B. Camp, 809 Barham Court, stated that the fence and plantings would improve the appearance of the neighborhood, and would be a safety factor in keeping small children from the tracks.

Director of Parks and Recreation Cowie stated that trees were planted in this area at the time the subdivision was developed, but had since died. The residents will supply materials amounting to \$200, and the cost of city labor will be approximately \$100.

Mayor Hammond stated that he was not questioning the merits of the proposal, but felt that approval might establish a precedent for future requests.

It was Councilman Mitchell's opinion that the watering arrangements should be definitely stated, saying that "if it's everybody's responsibility, it's usually no one's."

The City Attorney stated that if Council approval is given, a written agreement covering the terms and conditions should be executed.

Mr. Cowie stated that two residents, whose properties are adjacent to the

planting strip, plan to extend a pipe to the area for watering purposes.

Answering a question asked by Mayor Hammond, Mr. Cowie stated that the trees originally planted died because of a blight condition and not for lack of water.

MOTION

That the staff be authorized to proceed with the plan as outlined, and that an agreement be prepared.

Moved by Tabbert Seconded by VanderWall Unanimously carried

CONSIDER OFFER OF MATERIALS FOR CONSTRUCTION OF FOUR TEE SHELTERS AT DRYDEN PARK MUNICIPAL GOLF COURSE 5-90

Deputy City Manager Keefe stated that the Modesto Men's Golf Club and Women's Golf Club have offered to contribute materials to build four tee shelters at Dryden Park Golf Course, if the City agrees to contribute the labor, which has been estimated at \$200 by the City Engineer. The shelters are proposed to be constructed of wood with shingled roofs, and placed on concrete slabs. The cost of materials is estimated at \$96.65 each. A memorandum from Director of Parks and Recreation Cowie stated that the T-shelters are desirable, since it will be many years before planted trees can provide the needed shade.

MOTION

That the offer of materials for construction of four Tee Shelters at Dryden Park Municipal Golf Course be approved

Moved by Arata Seconded by VanderWall Unanimously carried

CONSIDER REQUEST FOR SEWER SERVICE TO PROPERTY LOCATED AT THE NORTHWEST CORNER OF PARADISE ROAD AND MAYETTE 5-105

Deputy City Manager Keefe stated that the owner of property located at the northwest corner of Paradise Road and Mayette Avenue has requested sewer service to this property. The property is not contiguous to the City. If the request is granted, the property owners have agreed to comply with the usual requirements.

MOTION

That the request for sewer service to property located at the northwest corner of Paradise Road and Mayette Avenue be approved

Moved by Johansen Seconded by Arata Unanimously carried

REQUEST BY MODESTO CIVIL AIR PATROL SQUADRON #50 FOR USE OF PHOENIX AVENUE FIRE HOUSE AS A MEETING PLACE 5-110

The City Clerk read a letter from Cal Purviance, Executive Officer, Modesto Civil Air Patrol Squadron No. 50, requesting use of the Phoenix Avenue Fire House as a meeting place. This organization has been meeting at the Community Service Center, but the room they have been using is no longer available. The letter stated that all members of the Squadron are also official Civil Defense workers and their equipment is available to City and County governmental agencies involved in civil defense.

Director of Finance Bird stated that when the fire station on Phoenix Avenue was acquired from the Empire Fire District, the value of the firehouse was about

\$5,000 greater than the amount the Fire District owed the City. An agreement was entered into whereby the Fire District would continue to occupy the building, and the \$5,000 difference would be used up at a given monthly rental rate. In the meantime, the Fire District built and is now occupying another building, leaving an unpaid balance of \$4,443 that the City owes the Fire District. This does not have to be paid, according to the terms of the agreement, until such time as the City actually occupies or leases the building to a third party.

Deputy City Manager Keefe stated that the building is of good concrete construction, but a new roof is required which will cost approximately \$1,500. He said that the building should be occupied before its worth deteriorates through vandalism. The Planning Commission is making a study of the possibility of rezoning the property from a residential to a commercial use.

Answering a question asked by Mayor Hammond as to why the City should consider continuing ownership of the building, the Director of Finance stated that the City can dispose of the building if it chooses to do so.

The Deputy City Manager suggested that the Civil Air Patrol check with the Empire Fire District whether the District might waive the occupancy clause of the agreement as applied to the Civil Air Patrol.

The City Attorney stated that the matter could be handled in that manner with a tri-party agreement.

Mayor Hammond stated that it was in order for the Civil Air Patrol to discuss occupancy of the building with the Empire Fire District.

By order of the Chair, the staff was directed to clear this matter out and report back to the Council.

REPORT ON LEGISLATIVE MATTERS 6-60

AB-2045 - Vacations for policemen

Deputy City Manager Keefe stated that AB-2045, pending in the Legislature, sets up a mandatory three weeks' vacation for policemen, which threatens home rule and general employee morale. The bill is opposed by the League of California Cities because it is felt that if enacted, the door will be opened for similar demands from all city employees, taking away city control entirely.

MOTION

That the Council indicates opposition to AB-2045

Moved by VanderWall. Seconded by Johansen Unanimously carried

BILLS REGARDING STATE EMPLOYEES' RETIREMENT SYSTEM

The Deputy City Manager stated that a bulletin has been received from the League of California Cities regarding ten bills before the legislature pertaining to state employees' retirement system for cities.

The bills were referred to the City Attorney for review.

REPORTS FROM THE PLANNING COMMISSION - None

APPROPRIATION TRANSFERS - None

MATTERS FOR THE GOOD OF THE COMMUNITYNORTH CENTRAL DRAINAGE DISTRICT NO. 8 - Questions by Mrs. Potter

Mrs. John Potter, 1113 Enslin Avenue, stated that several questions have been asked by various residents in the area which she believed should be clarified by a statement of policy from the Council:

1. Residents on the south side of Orangeburg, beginning at the Tidewater Southern Railway and going east to Sycamore Avenue, want to know when the City will install curbs and gutters promised in return for right of way dedications.
2. How will the drainage work if the street is not surfaced to the curb line?
3. The opposition to the drainage district is circulating incorrect information concerning the removal of trees. Mrs. Potter stated that a public statement of the City's policy on trees would be helpful in correcting this misinformation.

Director of Public Works Ray stated that a call for bids for construction of curbs and gutters on Orangeburg Avenue was approved by the Council earlier in the meeting, and bids are scheduled for opening on May 4, 1961. Curbs and gutters will be installed only on property where owners have dedicated rights of way to the City. Orangeburg Avenue will be surfaced and oiled.

Mr. Ray again pointed out that the exact cost of the drainage project will not be known until bids are opened, which will be before the date set for the hearing. The estimated cost is approximately 11% higher than two years ago.

Allen Odell, City Land Agent, stated that the policy of the City has been set forth clearly that if a tree can be saved by making adjustments in the curb and gutter, the City will do so. He stated that some of the trees on Orangeburg Avenue will have to be removed and this has been made clear to the people involved.

The Council policy established on the removal of trees and the city requirement of curb and gutter installation were discussed.

MOTION

That a statement outlining the Council's policy regarding trees in drainage districts be published as soon as possible.

Moved by Knoles Seconded by Johansen Unanimously carried

Deputy City Manager Keefe stated that the staff would be glad to arrange a meeting with any interested persons to help clear misunderstandings.

REQUEST FOR OVERNIGHT LODGINGS FOR DESTITUTE MEN

Harold Adams, Modesto, representative of the Church of the Brethren, stated that this church has been furnishing food to homeless and destitute men who are in the area searching for work. He requested permission from the Council, in behalf of the church, to establish overnight lodgings for these men where they can bathe, be given food, and move on if they cannot locate work in this area.

Mr. Adams was asked to meet with Deputy City Manager Keefe to review the matter.

REPORT ON DOWNTOWN COMMITTEE MEETING BY HARRY QUINN 7-125

Harry Quinn, Chairman, Downtown Improvement Committee, read a letter addressed

to the Council, dated April 24, 1961, making the following recommendations:

1. A mass meeting of property owners, tenants and other interested people be called to form a large Citizens' Improvement Committee which would elect officers, establish subcommittees and devote its efforts toward strengthening and promoting the central business district;

2. The City Council initiate immediate action for the establishment of a redevelopment agency for the City of Modesto.

Mr. Quinn suggested that the possibility of use of federal funds for urban redevelopment be checked.

No action was taken.

PROPOSED CHANGES IN MODESTO REDS BASEBALL ASSOCIATION AGREEMENT

Deputy City Manager Keefe stated that the first Modesto Reds baseball game was scheduled for Friday night, April 28, 1961, and as yet no agreement had been signed for the use of the ball park. He stated that a proposed agreement was returned by the Baseball Association, with the following changes requested:

1. That any organization wishing to use the ball park secure clearance from the Baseball Association.

Mr. Keefe stated that the City has always followed this policy, but that in his opinion the City should have the final word.

Jerry Pepelis, General Manager of the Modesto Reds Baseball Association, stated that although there have been no problems in the past, he wished to have this provision incorporated in the agreement.

The City Attorney stated that this provision was already incorporated in the agreement.

2. That the Association have the right to operate the concession stands during the time any other organization is using the ball park.

Deputy City Manager Keefe stated that it was the opinion of the staff that organizations using the ball park should have the privilege of operating their own concessions.

Mr. Pepelis stated that when he first approached the staff, he asked for exclusive concession rights for all activities held at the ball park, but was willing to accept any decision made by the Council. He stated that the Club did want complete control over their concession equipment, and did not want any other organization to use them. Mr. Pepelis also felt that the Baseball Club should handle large concessions on a percentage basis for organizations using the ball park. These matters could be settled between the Baseball Club and the organizations wishing to use Del Webb Field.

Councilman Mitchell stated that he was sympathetic with the Club's problems, but as a matter of principle he felt that the City should not relinquish to any private group, no matter how worthy, the exclusive right to operate all concessions during the baseball season. Mr. Mitchell said that if the Ball Club was able to negotiate with organizations to operate the concessions on a percentage basis, that was fine; but the outside organizations, if allowed to use the ball park, should be able to provide their own concession if they so desire, subject to conditions set by the City.

3. The City shall continue to provide police protection during games held at the ball field with no cost to the Association.

Deputy City Manager Keefe stated that police protection has always been provided the Ball Club during games, but the provision has never been incorporated in the agreement.

4. The Association feels that it should not be required to pay the City for replacing lights.

Mr. Pepelis stated that the lighting standards at Del Webb Field are valued at \$100,000 and were acquired by the City at no expense. He felt that since the City owned the lighting system, the lamps are furnished by the Baseball Club, the lights are used by other organizations, and the Baseball Club pays the power bills, the City should not charge the Club for labor involved in replacing the burned out lamps. Last year's labor charge by the City was \$24.16.

MOTION

That the City pay for labor costs of replacing burned out lamps at Del Webb Field.

Moved by VanderWall Seconded by Mitchell Unanimously carried

RESOLUTION NO. 61-174

A RESOLUTION APPROVING AMENDED AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO REDS BASEBALL ASSOCIATION FOR USE OF DEL WEBB FIELD

Moved by Arata Seconded by Johansen
 Ayes: Arata, Johansen, Knoles, Mitchell, Tabbert, VanderWall, Mayor Hammond
 Noes: None Absent: None

PROCLAMATION PROCLAIMING MONDAY, MAY 1, 1961, AS LAW DAY - U.S.A. IN THE CITY OF MODESTO

Mayor Hammond proclaimed Monday, May 1, 1961, as Law Day - U.S.A. in the City of Modesto.

LEAGUE MEETING IN DOS PALOS APRIL 27, 1961

The City Clerk was directed to handle reservations for the League meeting in Dos Palos on Thursday, April 27, 1961.

ADJOURNMENT


MOTION

That the meeting now in session be adjourned.

Moved by Arata Seconded by Mitchell Unanimously carried

The meeting adjourned at 9:50 P.M.

ATTEST:


 REX E. GAILFUS, City Clerk

Modesto City Council
May 1, 1961

The Council of the City of Modesto met in regular session on 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: Arata, Johansen, Knoles, Mitchell, Tabbert, VanderWall, Mayor Hammond

Absent: Councilmen: None

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

Reverend Arthur V. Thurman gave the invocation.

LETTER FROM DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL RE:
DOYLE FONTANA HEARING

A letter from Bion R. Gregory, Principal Counsel for the Department of Alcoholic Beverage Control, State of California, dated April 24, 1961 was read by the City Clerk. The letter referred to the City's protest to the issuance of an alcoholic beverage license to Doyle Fontana for operation of the Brass Rail Pizza Restaurant at 620 Tully Road.

The letter was ordered filed.

LETTER FROM REV. ROY BLAKELEY, NEIGHBORHOOD CHURCH, RE: SEWER SERVICE

A letter from Rev. Roy Blakeley, Modesto Neighborhood Church, dated April 24, 1961, was read by the City Clerk.

The letter requested permission for the Neighborhood Church, at the corner of Tully Road and Woodrow, to use the city sewer lines during the time when there is no normal use by installing a holding tank and pumping during off-peak hours. This would be a temporary measure until the City extends regular sewer service in the area, where a proposed home for the aged is to be constructed.

The letter was referred to the staff for checking and report to the Council.

LETTER FROM M. A. McCOY, B.P.O.E. LODGE NO. 1282, REQUESTING THE USE OF DEL WEBB FIELD ON MAY 20 - ANNUAL ELKS RUDY BROTHERS CIRCUS

A letter from M. A. McCoy, B.P.O.E. 1282, Modesto, requesting permission to use Del Webb Ball Park on May 20, 1961 for the annual Elks Rudy Brothers Circus was read by the City Clerk.

RESOLUTION NO. 61-175

A RESOLUTION GRANTING A PERMIT TO B.P.O.E. ELKS LODGE NO. 1282 TO HOLD ITS ANNUAL CHARITY CIRCUS AT DEL WEBB FIELD ON MAY 20, 1961

Introduced by Arata.

Seconded by Johansen

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

Noes: None Absent: None

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RESOLUTION AWARDING BID FOR PURCHASE OF AUTOMOTIVE EQUIPMENT

Deputy City Manager Keefe stated that the low bid of \$1,893.65 was received from Nahas Modesto Rambler for one Metropolitan two-door hard top. Mr. Keefe stated that the Police Department has recommended that the Metropolitan two-door hard top be purchased because it is an all-weather vehicle, it can be used for parking enforcement as well as an auxiliary vehicle for patrol, it provides more space for the police and fire equipment which must be carried, and is a less expensive vehicle to operate than a three-wheel motorcycle. The bid for the Metropolitan does not include a siren and redlight, the cost of which, when added to the cost of the Metropolitan, will still be lower than the cost of the motorcycle.

RESOLUTION NO. 61-176

A RESOLUTION ACCEPTING THE BID OF NAHAS MODESTO RAMBLER IN THE SUM OF \$1,893.65 FOR ONE METROPOLITAN TWO-DOOR HARD TOP

Introduced by Knoles Seconded by VanderWall

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

Noes: None Absent: None

RESOLUTION AWARDING BID FOR IMPROVEMENT OF VIRGINIA AVENUE

The City Manager reported that four bids were received, the low bid submitted by George Reed for \$16,306.

At the request of the City Manager, and with the consent of the Council, this matter was held over pending clearance from the State.

RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR CONSTRUCTION OF WATER LINES IN MONTGOMERY VILLAGE NO. 4 SUBDIVISION 1-70

RESOLUTION NO. 61-177

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR INSTALLATION OF WATER MAINS IN MONTGOMERY VILLAGE NO. 4 SUBDIVISION

Introduced by VanderWall Seconded by Knoles

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

Noes: None Absent: None

May 11, 1961 at 2:00 P.M. in the City Clerk's office was set as the time and place for opening of bids.

CONSIDER RESOLUTION AWARDING BID FOR PURCHASE OF RADIO EQUIPMENT

Deputy City Manager Keefe stated that three bids were received for one remote control for radio base station and eight mobile transmitter and receiver units, the low bid submitted by R.C.A. for \$2,992.15, for equipment which did not meet specifications but could be made to do so. The staff recommended that the bid of General Electric for \$3,318.04 be accepted as the lowest responsible bid.

RESOLUTION NO. 61-178

A RESOLUTION ACCEPTING THE BID OF GENERAL ELECTRIC IN THE SUM OF \$3,318.04 FOR RADIO EQUIPMENT

Introduced by VanderWall Seconded by Johansen

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

Noes: None Absent: None

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND CALL FOR BIDS
FOR 9TH STREET PARKING LOT IMPROVEMENT 1-100

The City Manager stated that the plans and specifications and call for bids were prepared at the direction of the Council.

RESOLUTION NO. 61-179

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
THE CALLING FOR BIDS FOR NINTH STREET PARKING LOT IMPROVEMENT
(Plan D)

Introduced by Knoles Seconded by Arata

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

Noes: None Absent: None

May 15, 1961 at 2:00 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 FAIRWAY
TRACTOR AND MOWER

Deputy City Manager Keefe stated that the tractor and mower will be used on the golf course fairways and will replace worn out equipment.

Answering a question asked by Mayor Hammond, Mr. Keefe stated that the specifications are written so that more than one manufacturer can meet the specifications.

The City Manager stated that funds for the purchase of the tractor and mower have been budgeted.

RESOLUTION NO. 61-180

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
THE CALLING FOR BIDS FOR PURCHASE OF FAIRWAY TRACTOR AND MOWER

Introduced by VanderWall Seconded by Johansen

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

Noes: None Absent: None

May 16, 1961 at 2:00 P.M. in the City Clerk's office was set as the time and place of the opening of bids.

ADOPTION OF ORDINANCE NO. 456-C.S., CORPORATION YARD PROPERTY
PURCHASE (ROBERT F. HARRIS)

"AN ORDINANCE AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY BY THE CITY OF MODESTO FROM ROBERT F. HARRIS (FOR CORPORATION YARD PURPOSES)"

introduced on April 24, 1961, and having been printed and published as required by the Charter, was moved and adopted

Moved by Knoles Seconded by Arata
Ayes: Arata, Johansen, Knoles, Mitchell, Tabbert, VanderWall,
Mayor Hammond
Noes: None Absent: None

FINAL ADOPTION OF ORDINANCE NO. 457-C.S., CORPORATION YARD
PROPERTY PURCHASE (S.H. POTTS)

ORDINANCE NO. 457-C.S. entitled

"AN ORDINANCE AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY BY THE CITY OF MODESTO FROM S.H. POTTS AND IRMA K. POTTS (FOR CORPORATION YARD PURPOSES)"

introduced on April 24, 1961, and having been printed and published as required by the Charter, was moved and adopted.

Moved by VanderWall Seconded by Knoles
Ayes: Arata, Johansen, Knoles, Mitchell, Tabbert, VanderWall,
Mayor Hammond
Noes: None Absent: None

FINAL ADOPTION OF ORDINANCE NO. 458-C.S., CORPORATION YARD PROPERTY
PURCHASE (E.J. BOUNDEY) 1-105

ORDINANCE NO. 458-C.S. entitled

"AN ORDINANCE AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY BY THE CITY OF MODESTO FROM E. J. BOUNDEY AND GERTRUDE F. BOUNDEY (FOR CORPORATION YARD PURPOSES)"

introduced on April 24, 1961, and having been printed and published as required by the Charter, was moved and adopted.

Moved by Arata Seconded by Johansen
Ayes: Arata, Johansen, Knoles, Mitchell, Tabbert, VanderWall,
Mayor Hammond
Noes: None Absent: None

FINAL ADOPTION OF ORDINANCE NO. 459-C.S., CORPORATION YARD PROPERTY
PURCHASE (MILDRED HOPPER)

ORDINANCE NO. 459-C.S. entitled

"AN ORDINANCE AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY BY THE CITY OF MODESTO FROM MILDRED F. HOPPER (FOR CORPORATION YARD PURPOSES)"

introduced on April 24, 1961, and having been printed and published as required by the Charter, was moved and adopted.

Moved by VanderWall Seconded by Knoles
Ayes: Arata, Johansen, Knoles, Mitchell, Tabbert, VanderWall,
Mayor Hammond
Noes: None Absent: None

REQUEST BY MODESTO CIVIL AIR PATROL SQUADRON NO. 50 FOR USE OF PHOENIX AVENUE FIRE HOUSE AS A MEETING PLACE

Deputy Manager Keefe read a memorandum dated May 1, 1961, subject, "Phoenix Avenue Fire Station and Proposed Use Thereof by the Modesto Civil Air Patrol," a copy of which is filed with the record of the minutes. The Phoenix Avenue fire station was acquired from the Empire Fire District after the area in which the fire station is located was annexed to the City in 1955. The agreement with the District showed that the City's obligation to the Empire Fire District was \$4,443.21, over and above credits to the City. This obligation was reduced \$1,364.28 by further annexations since June 20, 1959. An agreement executed in 1955 provided that when the Empire Fire District terminated its lease on the building, the prepaid rent which was credited to the tenant would not become due to the tenant so long as the premises remained unoccupied. The request of the Modesto Civil Air Patrol could be construed as occupancy, and would mean that within thirty days the City must settle its obligation to the Empire Fire District.

The memorandum further stated that at a meeting between the City Staff, members of the Empire Fire District and the Modesto Civil Air Patrol, it was agreed that the Empire Fire District would waive any occupancy rights contained in their agreement as it pertains to the Civil Air Patrol, and a letter prepared by the City Attorney to this effect is being signed.

The staff recommended that until such time as the property can be put to productive city use, the Civil Air Patrol be allowed to use the building, subject to their paying all utility bills and proper insurance to fully protect the City.

Mr. Keefe stated that the letter prepared by the City Attorney has not as yet been signed by the Empire Fire District and any action taken by the Council would be contingent upon receipt of the signed letter.

Mr. Keefe stated the roof needs repair but he did not believe it feasible to make substantial repairs on the building as long as it is not zoned for commercial use. The Council directed that it be made clear to the Civil Air Patrol that permitted occupancy of the building does not obligate the City to repair the roof.

MOTION

That the staff proceed with the preparation of the agreement with the Civil Air Patrol Squadron No. 50 for use of the Phoenix Avenue Fire House as a meeting place, with the City under no obligation to repair the roof prior to or during occupancy.

Moved by Knoles Seconded by VanderWall Unanimously carried

LETTER FROM FEDERAL AVIATION AGENCY APPROVING EXTENSION OF TIME FOR ALLOCATION OF FUNDS FOR CONSTRUCTION OF A CONTROL TOWER AT THE AIRPORT 2-45

The City Manager reported that a letter has been received from the Federal Aviation Agency reporting extension of time to August 1, 1961 for the allocation of funds for construction of the control tower at the Airport. The letter was ordered filed.

CONSIDER ADOPTION OF AMENDED FILES MANAGEMENT SYSTEM FOR CITY OF
MODESTO AS RECOMMENDED BY GRIFFENHAGEN-KROEGER, INC.

The City Attorney stated that the proposed resolution adopting the Files Management Manual, prepared by Griffenhagen-Kroeger and modified by the Manager's office, would authorize the periodic destruction of records no longer needed, and regular retention in the Records Center of all records no longer regularly needed, but required to be retained for legal, operating and administrative reasons.

RESOLUTION NO. 61-181

A RESOLUTION ESTABLISHING RECORDS RETENTION SCHEDULE AND AUTHORIZING DESTRUCTION OF USELESS RECORDS

Introduced by Mitchell Seconded by VanderWall

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

Noes: None Absent: None

RESOLUTION APPROVING AN AGREEMENT BETWEEN RESIDENTS OF BARHAM
COURT AND CITY OF MODESTO - CHAIN LINK FENCE

The City Attorney stated that the proposed agreement between residents of Barham Court and the City was prepared in accordance with a policy decision of the Council at the last meeting for the improvement of the right of way adjacent to Barham Court in Block 6125.

RESOLUTION NO. 61-182

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND R. B. CAMP, V. H. ELLIS, TOMMIE R. OLIVER AND L. JONES FOR IMPROVEMENT OF RIGHT OF WAY ADJACENT TO BARHAM COURT, BLOCK 6125

Introduced by Arata Seconded by Knoles

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

Noes: None Absent: None

CONSIDER AGREEMENT WITH U. Z. BRANNON, DEVELOPER OF MONTGOMERY
VILLAGE NO. 4 SUBDIVISION, FOR CONSTRUCTION OF SUBTRUNK SEWER
TO SERVE THE GENERAL AREA

Assistant Director of Public Works Campbell stated that the proposed agreement provides for construction of a subtrunk sewer to serve Montgomery Village No. 4 Subdivision and general area, the City to advance \$1,489.22, and the subdivider \$1,100. The \$1,100. would be repaid to the subdivider from connection fees as the adjacent areas develop.

The City Manager stated that if the agreement is approved, an appropriation transfer of \$1,500. is necessary.

RESOLUTION NO. 61-183

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND U. Z. BRANNON FOR CONSTRUCTION OF SUBTRUNK SEWER IN MONTGOMERY VILLAGE NO. 4 SUBDIVISION

Introduced by Johansen Seconded by Mitchell

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

Noes: None Absent: None

AGREEMENT TERMINATING LEASE WITH NAKAGAWA FARMS FOR HANGAR NO. 5
LOCATED AT THE MODESTO CITY-COUNTY AIRPORT, AND AIRPORT LEASE
AGREEMENT BETWEEN THE CITY OF MODESTO AND GEORGE NAKAGAWA AND
FRANK NAKAGAWA, FOR A PORTION OF HANGAR NO. 5 2-80

The City Attorney stated that Nakagawa Farms, a partnership, has requested termination of a lease agreement for Hangar No. 5 at the Modesto City-County Airport, retroactive to February 1, 1961, and request that a new lease agreement, under the same terms as the previous agreement, be executed with Frank and George Nakagawa, individuals, for the lease of a portion of Hangar No. 5. Approval has been recommended by the Airport Manager.

RESOLUTION NO. 61-185

A RESOLUTION TERMINATING AGREEMENT BETWEEN THE CITY OF MODESTO AND NAKAGAWA FARMS FOR LEASE OF PORTION OF HANGAR NO. 5 AT MODESTO CITY-COUNTY AIRPORT

Introduced by Johansen Seconded by Knoles

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

Noes: None Absent: None

RESOLUTION NO. 61-184

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND GEORGE NAKAGAWA AND FRANK NAKAGAWA FOR LEASE OF PORTION OF HANGAR NO. 5 AT MODESTO CITY-COUNTY AIRPORT

Introduced by Johansen Seconded by Knoles

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

Noes: None Absent: None

CONSIDER SALE OF CITY PROPERTY TO STATE OF CALIFORNIA (DIVISION OF
HIGHWAYS) FOR FREEWAY PURPOSES 2-105

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

CONSIDERATION OF THE RECOMMENDATION OF THE DOWNTOWN COMMITTEE-
URBAN RENEWAL

The City Manager stated that this matter was placed on the agenda in view of the recommendation made by the Downtown Committee on Urban Renewal that the City set up an urban renewal agency.

MOTION

That the staff submit information to the Council, outlining the actions required to set up a redevelopment agency.

Moved by Arata Seconded by VanderWall Unanimously carried
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CONSIDER REQUEST FOR SEWER SERVICE TO V. E. BARTON PROPERTY,
LOCATED AT 1020 McHENRY AVENUE

The City Manager stated that a request has been received from V. E. Barton for sewer service to property located at 1020 McHenry. The property is contiguous to the City and if the request is granted, the property owner has agreed to comply with the usual requirements.

MOTION

That the request of V. E. Barton for sewer service to property located at 1020 McHenry Avenue be approved

Moved by Knoles Seconded by Mitchell Unanimously carried

RESOLUTION SETTING DATE FOR HEARING ON PROPOSED REZONING FROM R-1
TO P-D - LANCE ELLIS APPLICATION

RESOLUTION NO. 61-186

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 (LANCE ELLIS)

Introduced by Knoles Seconded by Arata

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

Noes: None Absent: None

May 22, 1961 at 8:25 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

RESOLUTION SETTING DATE FOR HEARING ON PROPOSED REZONING FROM C-1
AND R-3 TO P-D -- MARK RANDY APPLICATION 2-125

RESOLUTION NO. 61-187

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 16 OF THE ZONING MAP (MARK RANDY)

Introduced by Johansen Seconded by Knoles

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

Noes: None Absent: None

May 22, 1961 at 8:05 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

RESOLUTION SETTING DATE FOR HEARING ON PROPOSED REZONING FROM
C-2 TO C-M - BLOCKS 43 AND 44, AND PORTIONS OF BLOCKS 31, 32,
33, 34, 42 and 45

RESOLUTION NO. 61-188

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 32 OF THE ZONING MAP (BLOCKS 43, 44, PORTIONS OF BLOCKS 31, 32, 33, 34, 42 AND 45)

Introduced by Knoles Seconded by Johansen
 Ayes: Arata, Johansen, Knoles, Mitchell, Tabbert, VanderWall,
 Mayor Hammond
 Noes: None Absent: None

May 22, 1961 at 8:20 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

RESOLUTION SETTING DATE FOR HEARING ON PROPOSED REZONING FROM R-1 TO P-D -- JOHN H. DEETER APPLICATION

RESOLUTION NO. 61-189

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 16 OF THE ZONING MAP (DEETER)

Introduced by VanderWall Seconded by Knoles
 Ayes: Arata, Johansen, Knoles, Mitchell, Tabbert, VanderWall,
 Mayor Hammond
 Noes: None Absent: None

May 22, 1961 at 8:10 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing

RESOLUTION SETTING DATE FOR HEARING ON PROPOSED REZONING OF PROPERTIES LOCATED ON THE EAST SIDE OF CARVER ROAD NORTH OF ORANGEBURG AVENUE AND TERESA STREET FROM R-1 TO C-1 2-19

RESOLUTION NO. 61-190

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 (CARVER-ORANGEBURG AREA)

Introduced by VanderWall Seconded by Knoles
 Ayes: Arata, Johansen, Knoles, Mitchell, Tabbert, VanderWall,
 Mayor Hammond
 Noes: None Absent: None

May 22, 1961 at 8:15 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

CHANGE OF DATE OF HEARING OF ITEMS 20, 22 AND 24 OF PRESENT AGENDA

Due to the number and nature of the hearings set for the evening Council meeting of May 22, 1961, the following resolutions were adopted changing the time of hearing on Items 20, 22 and 24 to the evening meeting of June 12, 1961:

RESOLUTION NO. 61-191

A RESOLUTION RESCINDING RESOLUTION NO. 61-186 AND 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 (LANCE ELLIS)

Introduced by Knoles Seconded by Arata
 Ayes: Arata, Johansen, Knoles, Mitchell, Tabbert, VanderWall,
 Mayor Hammond
 Noes: None Absent: None

June 12, 1961 at 8:00 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

RESOLUTION NO. 61-192

A RESOLUTION RESCINDING RESOLUTION NO. 61-188 AND SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO SECTION 32 OF THE ZONING MAP (INITIATED BY PLANNING COMMISSION)

Introduced by Knoles Seconded by Johansen
 Ayes: Arata, Johansen, Knoles, Mitchell, Tabbert, VanderWall,
 Mayor Hammond
 Noes: None Absent: None

June 12, 1961 at 8:15 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

RESOLUTION NO. 61-193

A RESOLUTION RESCINDING RESOLUTION NO. 61-190 AND 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 (CARVER-ORANGEBURG AREA)

Introduced by VanderWall Seconded by Knoles
 Ayes: Arata, Johansen, Knoles, Mitchell, Tabbert, VanderWall,
 Mayor Hammond
 Noes: None Absent: None

June 12, 1961 at 8:30 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

RESOLUTION SETTING DATE FOR HEARING ON APPEAL BY RUSSELL BRIGGS AND ROSE CHAPMAN FROM DECISION OF THE PLANNING COMMISSION 3-75

RESOLUTION NO. 61-194

RESOLUTION SETTING THE TIME AND PLACE FOR THE HEARING ON THE APPEAL TO THE DECISION OF THE MODESTO CITY PLANNING COMMISSION FILED BY RUSSELL BRIGGS AND ROSE CHAPMAN ON THE REZONING OF PROPERTY LOCATED ON THE SOUTHWEST CORNER OF McHENRY AVENUE AND BOWEN AVENUE

Introduced by Knoles Seconded by Johansen
 Ayes: Arata, Johansen, Knoles, Mitchell, Tabbert, VanderWall,
 Mayor Hammond
 Noes: None Absent: None

May 22, 1961 at 8:00 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

RESOLUTION APPROVING THIRD SUPPLEMENTAL MEMORANDUM OF AGREEMENT - GAS TAX ALLOCATION 2-120

Director of Public Works Ray stated that the third supplemental Memorandum of Agreement with the State of California amends the Memorandum of Agreement with the Division of Highways to add a project for the improvement of Briggsmore Avenue between the eastern end of the present improvement and McHenry Avenue. \$11,500 from existing gas tax funds has been added, and the project approved by the Division of Highways. Council approval is necessary.

RESOLUTION NO. 61-195

RESOLUTION ADOPTING BUDGET AND APPROVING THIRD SUPPLEMENTAL MEMORANDUM OF AGREEMENT FOR EXPENDITURE OF GAS TAX ALLOCATION FOR MAJOR CITY STREETS

Introduced by VanderWall Seconded by Johansen

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

Noes: None Absent: None

RESOLUTION ACCEPTING GIFT FROM HOME AND GARDEN CLUB 3-125

The City Manager reported that the Home and Garden Club has donated \$100. to the City to help provide landscaping in the birthday area of Modesto Children's Park. The money has been placed in trust, to be requisitioned when planting materials are purchased.

RESOLUTION NO. 61-196

A RESOLUTION ACCEPTING GIFT OF \$100. FROM HOME AND GARDEN CLUB FOR USE AT CHILDREN'S PARK

Introduced by Johansen Seconded by VanderWall

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

Noes: None Absent: None

RESOLUTION REFERRING THE ANNEXATION PETITION OF THE EAST FLOYD NO. 3 ADDITION TO THE PLANNING COMMISSION (Near corner of Coffee Road and Floyd Avenue, 5.85 acres)

The City Attorney stated that the annexation petition has been filed, a report received from the Boundary Commission, and it was now in order to refer the petition to the Planning Commission for its report and recommendation.

RESOLUTION NO. 61-197

A RESOLUTION REFERRING TO THE MODESTO CITY PLANNING COMMISSION A PETITION FOR ANNEXATION OF CERTAIN UNINHABITED TERRITORY TO THE CITY OF MODESTO, KNOWN AS EAST FLOYD NO. 3 ADDITION

Introduced by Mitchell Seconded by Knoles

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

Noes: None Absent: None

CONSIDER PURCHASE OF VACUUM SWEEPER AND TRAILER FOR CLEANING PARKING LOTS 4-20

Director of Parking and Traffic Carmody stated that the proposed purchase of a vacuum sweeper and trailer for cleaning parking lots would eliminate services of one-half man, use of approximately 300,000 gallons of water per year, at an estimated annual saving of \$3,000. Mr. Carmody stated that presently the parking lots are flushed by water truck and "picked up" by hand. The equipment proposed to be purchased was described by Mr. Carmody.

MOTION

That specifications for vacuum sweeper and trailer be prepared and presented to Council for approval

Moved by VanderWall Seconded by Mitchell Unanimously carried

RESOLUTION SETTING DATE FOR HEARING ON PROPOSED ANNEXATION OF VENT ADDITION (90.07 acres)

The City Attorney stated that Planning Commission Resolution No. 707 recommends the commencement of proceedings for the annexation of the Vent Addition to the City.

RESOLUTION NO. 61-198

A RESOLUTION GIVING NOTICE OF THE PROPOSED ANNEXATION TO THE CITY OF MODESTO OF UNINHABITED TERRITORY DESCRIBED HEREIN AND DESIGNATED AS VENT ADDITION AND GIVING NOTICE OF TIME AND PLACE FOR HEARING PROTESTS THERETO

Introduced by Arata Seconded by Johansen

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

Noes: None Absent: None

June 5, 1961 at 4:30 P.M. in the Council Chambers, City Hall, was set as the time and place for hearing.

RESOLUTION SETTING DATE FOR HEARING ON PROPOSED ANNEXATION OF THE LORENZEN ADDITION (20.375 acres)

The City Attorney stated that Planning Commission Resolution No. 708 recommends the commencement of proceedings for the annexation of the Lorenzen Addition to the City.

RESOLUTION NO. 61-199

A RESOLUTION GIVING NOTICE OF THE PROPOSED ANNEXATION TO THE CITY OF MODESTO OF UNINHABITED TERRITORY DESCRIBED HEREIN AND DESIGNATED AS LORENZEN ADDITION AND GIVING NOTICE OF TIME AND PLACE FOR HEARING PROTESTS THERETO

Introduced by Arata, Seconded by Knoles

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

Noes: None Absent: None

June 5, 1961 at 4:35 P.M. in the Council Chambers, City Hall, was set as the time and place for hearing.

The City Manager stated that during the period from December 1960, through March, 1961, the City has annexed 200 acres to the City. The Vent and Lorenzen Additions total 115 acres. If subdivided into normal size lots, approximately 1,600 homes will be built in this combined area, housing between 6,000 and 6,500 new people. In preparing the budget this year as in the past, the City is confronted with the fact that the revenue represented by such annexations will not pay police, fire and other services which will be required.

LETTER FROM PAUL BIRMINGHAM RE: SEWER SERVICE LIMITS

With the unanimous consent of the Council, the City Manager submitted for the record a letter from Paul Birmingham, representing Ruth and Going, Engineers, relative to the city sewer service limits in the northern area of the City. Mr. Miller stated that copies of the letter would be distributed to members of the Planning Commission and Department of Public Works.

REPORTS FROM THE PLANNING COMMISSION - NoneAPPROPRIATION TRANSFERS

The City Manager stated that an appropriation transfer of \$1,500. was necessary for the construction of a subtrunk sewer in Montgomery Unit No. 4 Subdivision, as follows:

| | | |
|-------|---|---------|
| FROM: | Special Capital Outlay (321) | \$1,500 |
| | General Reserve (600) | |
| TO: | Sewer Construction (subtrunk and perimeter sewers (321-503) | \$1,500 |

RESOLUTION NO. 61-200

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$1,500 FOR CONSTRUCTION OF SUBTRUNK SEWER IN MONTGOMERY UNIT NO. 4 SUBDIVISION

Introduced by VanderWall Seconded by Johansen

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

Noes: None Absent: None

REPORT ON LEGISLATIVE MATTERS 4-115

The City Manager reviewed a bulletin from the League of California Cities, dated April 17, 1961, giving a digest of principal bills introduced in the State Legislature which appear detrimental to cities contracting with the State Employees' Retirement System, or questionable as to principle. The bulletin stated that some of the bills are "costly violations of the long-standing policy of not raising local contracting agency costs without the local agency taking action to amend its contract." Mr. Miller recommended that the Council adhere to the policy that no contracting agency costs should be raised without a contract amendment at local level.

The Council indicated that no change would be made in its present policy to oppose anything lessening city home rule.

MATTERS FOR THE GOOD OF THE COMMUNITYUSE OF DEL WEBB FIELD FOR FOURTH OF JULY CELEBRATION

Cal Purviance, in behalf of the 4th of July Celebration Committee, requested use of Del Webb Field, the reviewing stand, public address system at the reviewing stand, and the barricading of I Street between 11th and 12th Streets from 9:30 A.M. through 3:30 P.M. for the 4th of July Celebration, subject to the same conditions imposed by the City in previous years.

RESOLUTION NO. 61-201

A RESOLUTION APPROVING REQUESTS OF THE STANISLAUS COUNTY FOURTH OF JULY COMMITTEE FOR THE CELEBRATION TO BE HELD IN THE CITY OF MODESTO, JULY 4, 1961

Introduced by Arata, Seconded by Johansen

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

Noes: None Absent: None

CONSIDERATION OF REPORT BY COUNCIL COMMITTEE ON COMMUNICATIONS CENTER AND POLICE BUILDING

The City Manager read from a Memorandum prepared by the Council Committee on Communications Center and Police Building, subject, "Communications Center," dated April 15, 1961, the following recommendations:

1. That the staff be authorized to proceed with negotiations for land acquisition, to the point of bringing to the Council a specific proposal for action;
2. That an architect be engaged promptly, so that he can be available for preliminary work, on the basis that such work is to be a part of the percentage or flat fee charged by him for the total project;
3. That preparation of plans for the Communications Center be coordinated with both the existing Main Fire Station and the proposed new Police Building (which would require at least preliminary plans for the Police Building also)

The memorandum further stated that the Committee had reviewed proposals submitted by interested architects and believed that as outgoing Councilmen they should make no official recommendation as to the selection, but should submit their findings only; however, they stated that it appeared from their studies that Milton Pflueger would be a competent and able architect for the construction of the Communications Center and Police Building. It was also the Committee's belief that the City should either directly engage the firm to do the engineering, or should retain the authority to approve the selection of such a firm by the architect.

The City Manager stated that funds are budgeted for the recommendations listed above.

MOTION

That the staff be authorized to proceed with negotiations for land acquisition, to the point of bringing to the Council a specific proposal for action.

Moved by VanderWall Seconded by Tabbert Unanimously carried

Selection of an architect was discussed by the Council. Mayor Hammond felt that more than one architect's viewpoint should be obtained. Mr. Miller stated that various communication centers had been visited by the Committee, consisting of Councilmen Adams and Martin, who are no longer members of the Council, and their recommendation of a specific architect was based on their findings.

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Councilman Mitchell suggested that for the benefit of new Council members, Mr. Adams and Mr. Martin be asked to meet with the Council, particularly the new members, to discuss this phase of their report. It was Councilman Mitchell's opinion that it was vital to choose an architect before the site is acquired.

Answering a question by Councilman Johansen, the City Manager stated that the staff has proposed in the Capital Improvement Program that the communications center be financed on a cash basis.

No action was taken by the Council on the second and third recommendations of the Committee pending further report from the staff.

RESOLUTION ACCEPTING GIFT FROM AMERICAN LEGION AUXILIARY UNIT NO. 74 5-112

The City Manager stated that American Legion Auxiliary No. 74 has presented the City with a gift of \$60. to be used for beautifying Children's Park, in memory of Ellen Mercier. The City Manager recommended that the gift be accepted and placed in the City trust fund to be used for the purpose specified.

Director of Parks and Recreation Cowie stated that the name of the donor would be placed on the plaque at the main entrance of the park.

RESOLUTION NO. 61-202

A RESOLUTION ACCEPTING GIFT OF \$60. FROM AMERICAN LEGION AUXILIARY UNIT NO. 74 TO BE USED IN BEAUTIFYING CHILDREN'S PARK IN MEMORY OF ELLEN MERCIER

Introduced by VanderWall Seconded by Knoles

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

Noes: None Absent: None

PRESENTATION OF ANNUAL INVENTORY OF CITY OF MODESTO FIXED ASSETS

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

REMINDER OF CHAMBER OF COMMERCE TRIP TO SACRAMENTO ON MAY 2

The City Manager reminded the Council Members of the Chamber of Commerce trip to Sacramento on May 2, 1961.

FURTHER DISCUSSION OF PROBLEMS INVOLVED IN PROPOSED DRAINAGE DISTRICT NO. 8

The City Manager stated that a meeting has been scheduled later in the evening to which city officials have been invited to answer questions which have arisen in connection with the proposed formation of District No. 8. Mr. Miller stated that there were people in the audience who wished to speak on the matter.

George Kempe, 614 West Roseburg, stated that a square foot basis assessment on a properly planned area would not work a particular hardship on the average home owner in the area. Mr. Kempe stated that he and two neighbors have three adjoining lots of equal area which have not been developed, with an assessment of approximately \$1,306.65 each. He said that he has been attempting to get this area developed but has been unable to do so because of lack of cooperation of the adjoining owners. Because he is unable to submit a plan for developing his property at this time, he is subject to storm drainage assessment on the portions of his property which will eventually be dedicated to the City for street purposes.

The City Manager stated that there were three or four land areas in the North Central Area, such as Mr. Kempe's, which were poorly planned. Mr. Miller suggested that the City might advance the portion of the assessment applying to the undeveloped portions of the parcels which cannot be developed at the present time through cooperative arrangement of the property owners, as in Mr. Kempe's case, and providing a specific period of time during which development can be cooperatively arranged. If not accomplished within the given period, the advanced assessment would have to be reimbursed to the City.

The City Attorney confirmed Mr. Miller's statement that if a dedication of land to the City is made prior to the actual making of the assessment, the property owners are not required to pay the drainage assessment on the property dedicated.

The improvement of Roseburg Avenue was discussed by the Council.

Harold Irwin, 624 Roseburg, whose property adjoins Mr. Kempe's, stated that ^{access to} a portion of his property was through Hackberry Avenue, which deadends into his property. He said that he purchased his property two years ago, and at that time was given a letter by Director of Planning Smeath which indicated that he could carry on his business as piano technician on the property for a period of 20 years. He stated that he was opposed to development at this time, since it would require relocation of his shop. In order to improve neighborhood relations, Mr. Irwin stated that he might be willing to consider development in five years, if he could get help in moving his business.

Director of Public Works Ray stated that there were about six areas in the North Central area involved in a comparable situation.

Mayor Hammond stated that the Council at this time could indicate an affirmative attitude towards the deferred payment program, but stated that more information would be needed from the staff as to the number of undeveloped areas in the District falling in the category being discussed, the amount of money which would be involved, etc., before action could be taken. The Council could act on the matter prior to the hearing, or it could be considered as a part of the hearing scheduled for May 22.

Jerry Coffey, 419 Smith Avenue, stated that his property was involved in a problem similar to Mr. Kempe's, but said that because of extenuating circumstances, the five-year time limitation would not be applicable to all parcels of landlocked property having development problems.

The City Manager stated that problems involving the various landlocked properties, including Mr. Coffey's property, would be listed in the report to be submitted by the staff.

Mayor Hammond stated that the Council may not be able to act favorably on any property upon receipt of a report from the staff. The report would be reviewed, and if the matter cannot be resolved without creating more problems than are solved, it was possible that action might be contrary to the affirmative attitude taken today.

MOTION

That the staff prepare a report on the various areas in the proposed drainage district which are landlocked and cannot be developed because of lack of cooperation of the owners; that the Council will look favorably upon advancing a portion of the assessment if it can be worked out on a reasonable basis.

Moved by VanderWall Seconded Mitchell Unanimously carried

Answering a question by Director of Public Works Ray, Mayor Hammond stated that he would like the following included in the report: Cost information; the areas involved; map locations, including doubtful areas; the problems that would be solved, and the problems which would be created.

Councilman Mitchell stated that the staff should have a guide rule to follow in establishing the depth of the landlocked parcels.

At Councilman Mitchell's suggestion, a 130-foot lot depth was established as an arbitrary guide rule to enable the staff to prepare the requested report on the landlocked parcels in the North Central Area.

ADJOURNMENT

MOTION

That the meeting adjourn in observance of Law Day, May 1, 1961.

Moved by Mitchell Seconded by VanderWall Unanimously carried

The meeting adjourned at 6:32 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: Arata, Johansen, Knoles, Mitchell, Tabbert, Vander-Wall, Mayor Hammond

Absent: None

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

Reverend Arthur Thurman gave the invocation.

APPROVAL OF MINUTES

Council members having received copies of the minutes of the Council meetings of March 20 and April 3, 1961, and the same being available for public inspection, and there being no objections, the minutes were approved.

LETTER FROM JOHN COULTHARD PROTESTING AGAINST ALLOWING CARNIVALS IN THE AREA OF 117 ELM STREET 1-18

This item was held over to be considered with Item 22 of the agenda.

LETTER FROM FONNIE BARTHOLOMEW, CHAIRMAN RALLY COMMITTEE, MODESTO TRAVEL TRAILER CLUB RE: USE OF DEL WEBB FIELD 1-22

The City Clerk read a letter from Fonnies Bartholomew, representative of the Modesto Chapter of the Travel Trailer Club requesting use of Del Webb Field from October 13 through 15, 1961, to sponsor a rally of Travel Trailer Clubs of California. The Club is a nonprofit organization.

The letter was referred to the staff for further report to the Council.

LETTER FROM C. L. BRUBAKER, 149 NORTH SANTA BARBARA RE: COMPLETION OF SANTA BARBARA STREET 1-42

A letter from Mr. and Mrs. C. L. Brubaker, 149 North Santa Barbara Avenue, stated that a 30-foot right of way was deeded to the city five years ago for the improvement

of Santa Barbara Street, and as yet the street has not been improved. The letter requested that an "unsightly shack" sitting directly in front of their door on the east one-half of what should be Santa Barbara Street be removed, and that this portion of Santa Barbara be improved to conform with the portion of the street presently being improved. The building referred to is located on the Elmer Lengyel property.

The letter was referred to the staff for report to the Council.

LETTER REQUESTING IMPROVEMENTS ON SANTA BARBARA

A letter signed by twelve residents of Santa Barbara Street, requesting that H. E. Olds, 1122 La Loma Avenue, be required to construct curbs, gutters and sidewalks on his property to conform with the 200 block of Santa Barbara Street, was read by the City Clerk. The letter also requested that Bob Grant, 12945 Glenoaks Boulevard, San Fernando, California, be required to construct curbs, gutters and sidewalks on his property located at Lot 17, Block 2088, Santa Barbara.

The letter further requested that the "unsightly shack" facing on Santa Barbara and located on the Elmer Lengyel property be removed, and that Santa Barbara Street be completed through to La Loma Avenue to conform with other portions of Santa Barbara Street now being improved.

The letter was referred to the staff for report to the Council.

REPORT BY "MAYOR" BUD NEWSOM, YOUTH IN GOVERNMENT DAY

With the unanimous consent of the Council, Bud Newsom spoke briefly, thanking the Council for permitting the Key Club to participate in city government on Youth in Government Day. He stated that the Key Club has realized the necessity of the redevelopment of downtown Modesto, but the necessity was emphasized by their tour of the city, particularly the streets between 9th and 10th Streets, from H to J Streets. The Key Club felt that redevelopment of this area was of prime importance because of its location on 99 Highway and the impression left on people passing through the city. The Key Club felt that a well

organized plan of action and an intensive educational program by the city were needed to acquaint people of the ultimate advantages of the redevelopment, who would support it if they could be made aware of present as well as future benefits to the city. The Key Club agreed that private enterprise should supply the "push" behind the downtown redevelopment program, but felt that leadership should stem from the city.

Mayor Hammond commended Mr. Newsom and the Key Club for their interest in civic matters.

RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR CONSTRUCTION OF CHLORINATION STATION AND MIXING POND AT SEWAGE TREATMENT PLANT 1-99

The City Manager stated that this project has been informally approved by the Council, and approval of plans and specifications for construction of the chlorination station and mixing pond at the Sewage Treatment Plant is necessary.

RESOLUTION NO. 61-203

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR CONSTRUCTION OF CHLORINATION STATION AND MIXING POND AT SEWAGE TREATMENT PLANT

Introduced by Knoles Seconded by Johansen

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

Noes: None Absent: None

May 18, 1961 at 2:15 P.M. in the City Clerk's office was set as the time and place for opening of bids.

RESOLUTION CALLING FOR BIDS FOR WATER PIPE 1-105

Director of Public Works Ray stated that the 6,000 lineal feet of 8" asbestos cement pipe in the call for bids represents the remainder of the quantity not delivered under the last contract (3,500 feet) and the balance due to re-evaluation of the city's needs. 2,700 lineal feet of 10" pipe is also included in the call for bids. Mr. Ray stated that the specifications have been revised since the last bid call to provide for testing both hydrostatically and flexurally, in the State of California.

RESOLUTION NO. 61-204

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR WATER PIPE

Introduced by VanderWall Seconded by Arata

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

Noes: None Absent: None

May 18, 1961 at 2:00 P.M. in the City Clerk's office was set as the time and place for the opening of bids.

RESOLUTION AWARING BID FOR WATER LINE IN CAMPUS EDGE NO. 2 SUBDIVISION 1-120

The City Manager stated that no bids were received for the installation of water lines in Campus Edge No. 2 Subdivision and recommended that the work be done by city forces. The estimated cost of the installation is \$646.78.

RESOLUTION NO. 61-205

A RESOLUTION AUTHORIZING WORK TO BE PERFORMED BY CITY FORCES FOR INSTALLATION OF WATER MAINS IN CAMPUS EDGE NO. 2 SUBDIVISION

Introduced by Johansen Seconded by VanderWall

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

Noes: None Absent: None

RESOLUTION AWARING BID FOR CURBS AND GUTTERS, ORANGEBURG AND TULLY ROAD AREA 2-10

Director of Public Works Ray stated that three bids were received, the low bid submitted by Standard Materials Co. for \$8,048.20, which exceeds the engineer's estimate by \$66.20. Mr. Ray recommended that the contract be awarded to Standard Materials Co.

RESOLUTION NO. 61-206

A RESOLUTION ACCEPTING THE BID OF STANDARD MATERIALS COMPANY IN THE SUM OF \$8,048.20 FOR THE CONSTRUCTION OF CURBS, GUTTERS AND DRIVEWAYS IN THE AREA OF TULLY ROAD AND ORANGEBURG AVENUE

Introduced by Knoles Seconded by Arata

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

Noes: None Absent: None

RESOLUTION AWARDING BID FOR WATER LINE AT SEWAGE TREATMENT PLANT

The City Manager stated that no bids were received for the extension of water lines at the Sewage Treatment Plant, and recommended that the work be done by city forces.

Director of Public Works Ray stated that the estimated cost of installation is \$1,146.30.

RESOLUTION NO. 61-207

A RESOLUTION AUTHORIZING WORK TO BE PERFORMED BY CITY FORCES FOR EXTENSION OF WATER SYSTEM AT SEWAGE TREATMENT PLANT

Introduced by Arata Seconded by VanderWall

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

Noes: None Absent: None

RESOLUTION AWARDING BID FOR IMPROVEMENT OF VIRGINIA AVENUE

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

REPORT ON APPEAL OF THE FARM LABOR OFFICE FROM DECISION OF THE BOARD OF ZONING ADJUSTMENT DENYING REZONING AT 125 TUOLUMNE

The City Attorney stated that he received a call from Mr. McCaffery, counsel for the Farm Labor Office in Sacramento, and was advised orally that the Farm Labor Office is dropping its appeal from the decision of the Board of Zoning Adjustment and would confirm its decision to drop the appeal by letter. Mr. Grimes suggested that when the time set for the hearing arrived, it be continued one week pending receipt of the letter withdrawing the appeal.

CONSIDER SALE OF CITY PROPERTY TO STATE OF CALIFORNIA FOR FREEWAY PURPOSES 2-35

The City Attorney requested that this item be held over pending clearance of matters involved in the acquisition of property recently acquired from Edward Mulligan for corporation yard purposes.

There were no objections by the Council.

RESOLUTION APPROVING SUBDIVISION AGREEMENT AND FINAL MAP FOR GLEN AULEN SUBDIVISION 2-37

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

RESOLUTION APPROVING SUBDIVISION AGREEMENT AND FINAL MAP FOR PARK MANOR NO. 3B SUBDIVISION

The City Attorney stated that the subdivision agreement has been signed, all fees have been paid, a corporate surety bond guaranteeing improvements has been posted, certificates relating

to assessments and taxes have been received, and Council approval of the subdivision agreement and final map for Park Manor No. 3B Subdivision necessary.

RESOLUTION NO. 61-208

A RESOLUTION APPROVING THE FINAL MAP OF THE PARK MANOR 3B SUBDIVISION OF THE CITY OF MODESTO

Introduced by Johansen Seconded by Mitchell

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

Noes: None Absent: None

RESOLUTION ACCEPTING AS COMPLETE GEORGE REED'S CONTRACT FOR RECONSTRUCTION OF DRIVEWAYS ON McHENRY AVENUE AND AUTHORIZING NOTICE OF COMPLETION 2-50

The City Manager reported that reconstruction of driveways on McHenry Avenue has been completed to the satisfaction of the Public Works Department. The contract price was \$4,177.05; the total cost was \$4,189.18. All work was completed before the specified time. Mr. Miller recommended that the work be accepted as complete, that recordation of notice of completion be authorized, and payment made in accordance with the contract.

RESOLUTION NO. 61-209

A RESOLUTION ACCEPTING THE RECONSTRUCTION OF DRIVEWAYS ON McHENRY AVENUE BY GEORGE REED; AUTHORIZING RECORDATION OF NOTICE OF COMPLETION AND PAYMENT OF AMOUNTS DUE UNDER THE CONTRACT

Introduced by Arata Seconded by Knoles

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

Noes: None Absent: None

POSSIBLE CREDIT FOR OLD CITY HALL ON CITY'S SHARE OF URBAN RENEWAL COSTS

The City Manager stated that a representative of the agency handling federal funds for urban renewal projects has advised that if the old city hall property is included in the urban renewal project, it could be used as part of the credit for the city's portion in the share of costs. Mr. Miller recommended that demolition of the old city hall be delayed until this matter has been cleared.

CONSIDER ITEMS FROM OLD CITY HALL WHICH PARKS AND RECREATION DEPARTMENT WOULD LIKE TO USE

The City Manager listed, for Council approval, the following uses for the central heating and air conditioning units and fluorescent light fixtures in the old city hall:

1. That the central heating unit be moved to the basement of Mancini Bowl, which is a storage area and used during the winter months as an inside work shop.
2. That six hanging-type fluorescent lights be used in Maddux Youth Center, two fixtures each at the Boy Scout and Girl Scout Clubhouses, and three fixtures each at the Mancini Bowl workshop.
3. That the air conditioning unit be used at the interim clubhouse at Dryden Municipal Golf Course.

MOTION

That the recommendation of the Director of Parks and Recreation for use of central heating and air conditioning units and fluorescent light fixtures in the old city hall as outlined by the City Manager be approved.

Moved by Arata Seconded by Knoles Unanimously carried

RESOLUTION SETTING DATE FOR HEARING ON RECOMMENDED GRANTING OF UNCLASSIFIED USE PERMIT FOR CARNIVALS

The letter from John Coulthard protesting the issuance of an unclassified use permit to West Coast Shows carnival in Block 434 was referred to the staff for consideration at the time of the hearing. The City Clerk was directed to notify Mr. Coulthard of the time set for the hearing.

RESOLUTION NO. 61-210

A RESOLUTION FIXING THE TIME AND PLACE FOR A PUBLIC HEARING ON AN UNCLASSIFIED USE PERMIT TO BE GRANTED TO MODESTO POST NO. 74 AMERICAN LEGION FOR A WEST COAST SHOWS CARNIVAL, BLOCK 434, BOUNDED BY ELM, CHESTNUT, MADISON AND JEFFERSON STREETS

Introduced by VanderWall Seconded by Knoles

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

Noes: None Absent: None

May 22, 1961 at 8:30 P.M. in the Council Chambers was set as the time and place of hearing.

RESOLUTION AUTHORIZING EXECUTION OF LEASE AGREEMENT WITH UNITED AIRLINES

Director of Public Works Ray stated that under the terms of the 20-year agreement with United Airlines, the City is authorized to renegotiate landing fees every five years. The proposed new agreement provides for \$110 per month for each of the first four scheduled landings; \$85 each per month for the fifth and sixth landings; and \$55 for the seventh or more landings. The previous five-year agreement provided \$65 per month for the first three landings; \$55 per month each for the fourth through the sixth landing; and \$25 each per month for the seventh or more landings. Mr. Ray recommended approval

of the proposed agreement. This five-year period, commencing January 1, 1961, will end the 20-year agreement with United Airlines, at which time the terminal building will become the property of the City.

RESOLUTION NO. 61-211

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND UNITED AIRLINES FOR RENEGOTIATION OF ACTIVITY FEES

Introduced by Arata Seconded by VanderWall

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

Noes: None Absent: None

HEARING ON PROPOSED STORM DRAINAGE SYSTEM IN THE NORTH CENTRAL AREA, IMPROVEMENT DISTRICT NO. 8 8:00 P.M.

Mayor Hammond announced that the hour of 8:00 P.M. had arrived, the time set for consideration of the proposed storm drainage system in the North Central Area, Improvement District No. 8, and opened the hearing.

The City Clerk reported that notices of filing of assessment and time of hearing were published in the Modesto Bee on April 12 and 19, 1961. Notices were mailed to property owners in the area on April 15, 1961 and notices were posted in the area on April 19, 1961. A notice was posted on the Council room door as required by law. Notices inviting sealed bids were published in the Modesto Bee on April 20 and 27, 1961. Protests were filed with the City Clerk.

At the request of Mayor Hammond, City Attorney Grimes reviewed the Improvement Act of 1911, a statute of the State of California, now codified in the Streets and Highways Code.

The City Attorney introduced Edwin Ness, special improvement bond counsel.

The following spoke in opposition of the proposed drainage district:

Mrs. Robert Niskern, 421 Hilton Street; opposed formation of the district because she stated that she did not need it and could not afford it.

John Trimbur, attorney at law, representing a property owner in the area with an assessment of \$27,000 on unimproved land within the drainage district area, questioned the right of the Council to reinstitute the improvement district after its failure to be approved approximately two years ago. Mr. Trimbur also mentioned that he had read in a recent Stockton Record that Stockton was able to have storm drain facilities for a square mile at a cost of approximately \$150,000, whereas proposed Drainage District No. 8 will cost almost half million dollars.

Mayor Hammond stated that the matter was reinitiated at the request of people living in the area who have the legal right to do so.

Director of Public Works Ray stated that the proposed drainage system is designed on the basis of a five-year storm, which is a figure meaning a storm of a severity which normally occurs once every five years.

Answering a question asked by Mr. Trimbur, City Attorney Grimes stated that it would probably be one week before protests to the drainage district could be tabulated.

Mr. Ness explained that the criteria for a majority protest was not the assessed valuation of the property in the district, but the area. He stated that the Council did not have the right to overrule a majority protest.

The following spoke in favor of the proposed drainage district:

Mrs. Natalie Shastid, 1020 Carolyn Avenue ;

Dr. Albert Jackson, 1401 Edgebrook Drive

Don Bodes, 713 Griswold Avenue ;

Mrs. Karl Ryerson, 201 Audrey Avenue

John Potter, 1113 Enslin Avenue

Reverend William A. Pankey, 1234 Marilyn Street

Gerald Zimmerman, 815 Magnolia Avenue, stated that his property bordered Griswold Avenue, and asked if the proposed drainage inlets would be set in the middle of his lawn or driveway, or on Magnolia. Mr. Zimmerman was shown the plan of the drainage district, and location of the inlets indicated.

Answering a question asked by Mr. Zimmerman, the City Manager stated that there were no plans to remove any trees on Griswold Avenue. Mr. Zimmerman stated that he wished to install a curb on his property and asked that a member of the staff come out and check the trees on his property.

Mr. Buhler, 1307 Marilyn Avenue, stated that it was his understanding that \$100,000 could be saved by using monolithic pipe and wanted to know if this fact was correct.

Director of Public Works Ray stated that monolithic pipe cannot be constructed under 24 inches in diameter. In this particular project, \$183,000 is involved in pipe below this size, and various other features which do not involve pipe sizes. The purported savings indicated by Mr. Buhler would have to take place on the balance of the project, and would mean that if this could be done, all pipe between 24" and 54" in diameter would have to be constructed for an average cost of \$13.65 per foot, which would include ditching, backfilling,

replacing of pavement, etc. Information gathered indicates that this type of pipe is not used in heavily traveled localities, and cannot be used in sandy soil.

Answering a question asked by Mr. Buhler, Mayor Hammond stated that the deadline for submission of protests against formation of the proposed district had now been passed.

Mr. Ness stated that the Code provides that a protest can be withdrawn at any time before the close of the hearing, but no additional protests can be submitted.

Mrs. Wanda Buhler, 1307 Marilyn Street, stated that she filed a protest under her present married name, but that her property was recorded under her name prior to her marriage. She was directed to inform the City Clerk of the facts outlined.

Joe Saletta, 206 Griswold Avenue, stated that he did not believe that many Griswold Avenue residents were opposed to the drainage district, but they were opposed to the widening of Griswold Avenue, the possible removal of trees, and making Griswold Avenue a major throughfare. Mr. Saletta asked the Council's present policy on installation of curbs and gutters on Griswold Avenue.

Mayor Hammond stated that to his knowledge, the Council had not changed its position taken two years ago.

The City Manager stated that Griswold Avenue is presently designated as a 40-foot street. In order to utilize gas tax money, the street plan which is now in process will be cleared publicly with the Planning Commission and the Council.

Archie Dixon, 721 Enslan Avenue, asked if the property facing McHenry Avenue was included in the drainage district.

The City Manager stated that when the McHenry Avenue project was proposed and finally authorized by the State, the City Council agreed that those who dedicated rights of way for the widening of McHenry Avenue without cost to the City would not be included in a storm drainage district for assessment purposes.

The Director of Public Works stated that this property was included in the drainage district boundaries without assessment, as it will not be benefited by the proposed storm drains.

Answering a question asked by Natalie Shastid, Mr. Ness stated that owners of all properties in a district can file protests-- whether or not such property is assessed for benefit.

Answering a question by Dr. Norman Ringer, the Director of Public Works stated that if the proposed drainage district is approved, the work is scheduled to be completed in February, 1962.

Attorney John Trimbur spoke briefly in rebuttal of remarks made by Natalie Shastid, Mr. Bodes, Mrs. Ryerson, Mr. Potter and Reverend Pankey. Mr. Trimbur stated that he felt that the hearing should be closed, protests tabulated and a report made at the Council's convenience.

At the request of an individual in the audience, the City Manager discussed the presence of raw sewage in the Enslin School area during a recent storm.

Mrs. John Mensinger, 1320 Magnolia, asked whether the North Central area would be barred forever from re-initiation of a drainage district if the present proposed improvement district failed to pass.

The City Attorney stated that re-initiation of a drainage district could be started immediately.

Answering a question asked by Mr. Jack Edgar, 1011 Enslin Avenue, the City Attorney stated that if the drainage district was not approved, the taxpayers would pay for the preliminary work done by the city in initiating the project. Mr. Grimes stated that there is no procedure in the Improvement Act of 1911 whereby residents of the area can vote on a proposed district. This is to protect the property owners -- if put to a vote at large, everyone could vote whether property owners or not.

Mr. Ness further explained that there is no procedural setup for conducting an election in a given area of the city. It would have to be a city-wide election and this is not a matter of city-wide interest.

Councilman Mitchell stated that as a layman, he had felt for many years that the City has been tardy in prompting improvements for the City, and it was quite embarrassing to have people from out of town see the condition of our local streets, the lack of sidewalks, gutters, storm drains and street lighting. He stated that the Improvement Act of 1911 enabled citizens within a given area to provide these improvements through proceedings initiated by the City government, and was hopeful that residents in other areas also would take advantage of the framework provided by this legislation. He felt it a proper city expense to give encouragement and assume the overhead expense in furnishing information to the people. However, it was his opinion that improvements in particular areas were the responsibility of area residents, and not the taxpayers. If the project failed to go through for any reason, he hoped that everyone in the City would feel that the money was well spent, and that people in other areas would work together to achieve needed improvements.

MOTION

That the hearing be continued to May 22, 1961 at 7:45 P.M.

Moved by Knoles Seconded by Arata Unanimously carried

Councilman Johansen was excused from the Council meeting.

Mayor Hammond declared a five minute recess, the meeting reconvening at 9:36 P.M.

HEARING ON APPEAL OF THE FARM LABOR OFFICE FROM DECISION OF THE BOARD OF ZONING ADJUSTMENT DENYING REZONING AT 125 TUOLUMNE

Mayor Hammond announced that the hour of 8:15 P.M. had arrived, the time set for consideration of the appeal of the Farm Labor Office from the decision of the Board of Zoning Adjustment, denying rezoning of property at 125 Tuolumne Avenue, and opened the hearing.

The City Clerk reported that notice of the hearing was published on May 27, 1961 and notices distributed and posted in the area on the same day. One letter, and a petition signed by 44 individuals opposing the rezoning were filed with the City Clerk. The City Attorney announced that he was advised by phone that the Farm Labor Office is dropping its appeal from the decision of the Board of Zoning Adjustment, and would confirm this by letter. Mr. Grimes suggested that the hearing be continued one week pending receipt of the letter formally withdrawing the appeal.

MOTION

That the meeting be continued to May 15, 1961 at 4:45 P.M.

Moved by Knoles Seconded by VanderWall Unanimously carried

CONSIDER REQUEST FOR SEWER SERVICE TO PROPERTY LOCATED AT 1825 CLAYTON AVENUE OWNED BY OTTO D. FISK 8-65

Assistant Planner Don Sanders stated that during the early part of last year, the County Planning Commission asked the City Planning Commission to make a recommendation in regard to site zoning in the area of Clayton Avenue, where Mr. Fisk's property is located (between Carver, 99 Highway and Evergreen Avenue). In December, 1960, the City Planning Commission recommended that the property north of Clayton Avenue be zoned single-family residential. In February, 1961, Mr. Fisk applied for a land use permit from the County to construct multiple family units at 1725 Clayton Avenue. At that time the County Planning Commission recommended that the use permit be denied on the basis that additional multiple family construction in the middle of solidly developed single-family area was not justifiable, as it was not near a center of activity. The City Planning Commission did recommend that if the County Planning Commission felt that this was a desirable area for multiple family zoning, the entire north section of Clayton Avenue be considered. On March 2, 1961 the County Planning Commission recommended to the Board of Supervisors that the application be denied because at that time the City had not agreed to serve the property with sewers, plus the fact that it felt the density was a little high for that area. However, the County Planning Commission stated that if the City agreed to serve this property with city sewers, its decision denying the application might be reconsidered. The Board of Supervisors denied Mr. Fisk's application on March 14, 1961. Mr. Fisk has reapplied for a land use permit and is before the Council requesting sewer service. Mr. Sanders stated that Mr. Fisk's property is contiguous to the City.

The City Manager stated that it was the staff's opinion that the matter should probably be referred to the Planning Commission for report, since Council approval of sewer service to Mr. Fisk's property to serve the requested use could be considered a reversal of the City Planning Commission's recommendation that the property north of Clayton Avenue be zoned single-family residential.

Assistant Planner Sanders stated that the property in this area has not been zoned -- it is under a land use category and no change in zoning is involved.

Mr. Otto Fisk stated that the County denied his application for a use permit at this location because of inadequate draining and lack of sewers. He said that the drainage problem has been solved by the County. The property on the south side of Clayton Avenue is zoned multiple-family. The Chairman of the County Board of Supervisors visited the property and recommended that Mr. Fisk re-apply for the use permit. The County Board of Supervisors has tabled his application pending assurance from the City that sewer service will be provided.

Assistant Planner Sanders stated that the Planning Commission's recommendation that the use permit be denied was based on the premise that a line had to be drawn where single family development was to be placed, and density in population was considered. He pointed out that since the City Planning Commission considered this matter, a shopping center has been approved at the corner of Roseburg and Carver, which may have some bearing if the matter is referred back to the Planning Commission.

MOTION

That the request of Otto Fisk for sewer service at 1725 Clayton Avenue be referred to the Planning Commission for report and recommendation

Moved by Mitchell Seconded by VanderWall Unanimously carried

Answering a question by Councilman Tabbert, the City Manager stated that it was possible to serve this area with city sewers.

HEARING ON WATER STUDY REPORT - 8:30 P.M.

Mayor Hammond announced that the hour of 8:30 P.M. had arrived, the time set for hearing of the Water Study Report, dated April 26, 1961, prepared by the Council Water Study Committee, and opened the hearing.

The City Clerk read a letter from Mrs. E. M. LeBaron, Jr., President, League of Women Voters, expressing the League's interest and approval of the City's plan for acquisition of private water companies within the city limits of Modesto. The letter urged that steps be taken to begin and complete purchase of private water systems as fast as conditions allow.

The City Clerk stated that notices of hearing were mailed to each water company operating within the City on April 14, 1961.

The report from the Water Study Committee was furnished the Council prior to the meeting.

Mr. Kennan Beard, Del Este Water Company, stated that he had reviewed the report, and commended the members of the Committee for the preparation of a concise report based on material from the Ruth & Going study. Mr. Beard suggested that he be given an opportunity to discuss with the staff the area designations for growth of private companies in outlying areas of the City. He stated that was not quite in agreement with this phase of the report and felt that it might be discussed to the mutual benefit

of both the water company and the City. Two members of the Water Committee are no longer members of the Council, and in fairness to the new members who may want to study this matter further, he suggested that they be given an opportunity to be appointed to the Committee to work with the water companies on the problems involved.

The conclusion and recommendations of the Water Study Committee in their report dated April 6, 1961 were reviewed by the Director of Public Works Ray.

The City Manager suggested that the hearing be continued to give the new members of the Council an opportunity to familiarize themselves with the problem, and enable the staff to review some of the technical points with the water companies.

MOTION

That the hearing be continued to Monday, June 5, 1961 at 4:45 P.M.

Moved by Knoles Seconded by VanderWall Unanimously carried

REPORT ON PROPOSAL TO ESTABLISH A REDEVELOPMENT AGENCY 9-85

A report containing a resume of urban renewal activities during the formative stages of the program in Stockton was furnished each Council member prior to the meeting.

A report from the City Manager to the Mayor and members of the City Council, subject, "I. Procedures for Establishing a Redevelopment Agency. II. Requirements to Qualify for Federal Assistance in a Redevelopment Program," dated May 8, 1961, was presented to each member of the Council, and a copy ordered filed for the records.

The report was reviewed by the City Manager. Mr. Miller stated that direction from the Council was needed if we are to get the "Workable Program" material in shape to submit to The Housing and Home Finance Agency for federal assistance.

Answering a question by Mayor Hammond, Harry Quinn, chairman of the Downtown Improvement Committee, stated that the Committee needed from the Council at this time an indication of interest in declaring a need for a redevelopment agency. The next step would be a meeting of a larger group and the Committee felt that this should be held after the Council has indicated some direction. Mr. Quinn said that the Downtown Committee has recommended that a redevelopment agency be formed, which would permit application for federal financial assistance while it is still available.

Councilman Mitchell stated that if the City proceeds before the property owners involved are willing to, the property owners may feel that the Council is intervening in their prerogative, that premature action by the Council might promote antagonism. It was his opinion that it might be better for the group to hold their meeting and let the owners express willingness to accept leadership of a public agency.

Mayor Hammond stated that the Downtown Committee has been meeting for several months, and property owners who are members of the Committee have recommended that the Council take action.

The City Manager pointed out that a redevelopment agency is not established for a particular area or group of property owners in the City, and establishment of a redevelopment agency should not be dependent upon the judgment of any single group of property owners. The need for an agency is determined by a study of blighted areas in the community, and such an agency would carry forward the projects approved by the Council. The agency will cover the entire city and will be financed by the entire city. In well-conceived programs, the difference between cost of property acquired and its sale price is picked up by an increase in the assessed value in the area. Mr. Miller said that creation of an agency does not indicate that the city is interested in any particular project.

Answering a question asked by Mayor Hammond, Mr. Quinn stated that the Downtown Committee plans to expand, and the Committee feels that the best time to hold a general meeting of downtown property owners would be after the City has established a redevelopment agency.

After general discussion by the Council of the steps necessary to establish the agency, Councilman Mitchell suggested that the Council could adopt the resolution declaring a need for the agency, with the understanding that the Mayor would not appoint the members until an expression of interest and request for a specific project has been received, presumably from the Chamber of Commerce or the Downtown Committee.

The City Attorney stated that if the Council adopted the resolution declaring a need for the agency and authorized the appointments, the appointments would still require Council approval by resolution.

Mayor Hammond stated that the possibility of the Council acting as the redevelopment agency should be considered.

The City Attorney read a proposed resolution declaring a need for a redevelopment agency.

RESOLUTION NO. 61-212

A RESOLUTION DECLARING A NEED FOR AN AGENCY TO FUNCTION, AUTHORIZING AND DIRECTING THE APPOINTMENT OF MEMBERS OF THE AGENCY, AND FOR OTHER PURPOSES

Introduced by Knoles Seconded by Arata

Ayes: Arata, Knoles, Mitchell, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Johansen

MOTION

That the staff be authorized to proceed with the preparation of a Workable Program application for the city in accordance with paragraph III of City Manager's Report, dated May 8, 1961

Moved by VanderWall Seconded by Tabbert Unanimously carried

REPORTS FROM THE PLANNING COMMISSION - None

APPROPRIATION TRANSFERS - None

REPORT ON LEGISLATIVE MATTERS - None

MATTERS FOR THE GOOD OF THE COMMUNITY

REQUEST OF FONNIE BARTHOLOMEW, CHAIRMAN RALLY COMMITTEE, MODESTO TRAVEL TRAILER CLUB RE: USE OF DEL WEBB FIELD (Item 3 of agenda)

The City Manager stated that the Modesto Travel Trailer Club was holding its last meeting for some time on the following day and would like some indication of approval from the Council on its request to use Del Webb Field from October 13, through 15, 1961, to sponsor a rally of Travel Trailer Clubs of California. This indication of approval would allow the Trailer Club to proceed with its plans, subject to final Council approval.

MOTION

That the Council indicates its approval of the request of Modesto Travel Trailer Club for the use of Del Webb Field for a rally of Travel Trailer Clubs of California from October 13 through 15, 1961, subject to final Council approval.

Moved by VanderWall Seconded by Knoles Unanimously carried

REPORT BY THE DIRECTOR OF PUBLIC WORKS ON COST OF DEMOLITION AND REMOVAL OF THE BUILDINGS AND OTHER STRUCTURES LOCATED AT 1204 SIXTH STREET, MODESTO, CALIFORNIA 12-05

The City Attorney stated that a report from the Director of Public Works indicates that the cost of demolishing the buildings and other structures at 1204 Sixth Street was \$250. Demolition of the structures was authorized by Resolution No. 61-139. Mr. Grimes stated that a resolution setting a public hearing to confirm the report of the Director of Public Works and assessing the cost of the work against the real property was necessary.

RESOLUTION NO. 61-213

A RESOLUTION SETTING A HEARING ON CONFIRMATION OF THE REPORT OF THE DIRECTOR OF PUBLIC WORKS CONCERNING THE WORK OF DEMOLISHING AND REMOVING THE DWELLING AND OTHER STRUCTURES LOCATED AT 1204 SIXTH 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

Introduced by Mitchell Seconded by VanderWall

Ayes: Arata, Knoles, Mitchell, Tabbert, VanderWall, Mayor
Mayor Hammond

Noes: None Absent: Johansen

May 22, 1961 at 7:45 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

PRESENTATION OF ANNUAL INVENTORY OF FIXED ASSETS OF THE CITY OF MODESTO 12-105

A copy of the Annual Inventory of Fixed Assets of the City of Modesto was presented to the Council, and a copy to the City Auditor. The total value of real and personal property owned by the City is \$7,643,633.81, plus Civil Defense items in the amount of \$43,350.10. The inventory was order filed.

REQUEST BY DOUG CARMODY TO ATTEND WORLD TRAFFIC ENGINEERS' CONFERENCE IN WASHINGTON, D. C.

The request of Doug Carmody, Director of Parking and Traffic, to attend the World Traffic Engineers' Conference in Washington, D.C., on August 23, 1961, was considered by the Council. Mr. Carmody has been asked to prepare and present one of the featured papers at the conference. The invitation stems from the high rating of Modesto's traffic engineering program in the United States. Mr. Carmody asked that the City pay all or a part of the cost.

MOTION

That the request of the Director of Parking and Traffic to attend the World Traffic Engineers' Conference in Washington, D.C. on August 23, 1961 be approved, the City to pay all regular expenses.

Moved by Knoles Seconded by Mitchell Unanimously carried

ADJOURNMENT


MOTION

That the meeting now in session be adjourned

Moved by Arata Seconded by Knoles Unanimously carried

The meeting adjourned at 10:44 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: Arata, Mitchell, Tabbert, VanderWall,
Mayor Hammond

Councilman Knoles arrived at 4:10 P.M.
Councilman Johansen arrived at 4:19 P.M.

Absent: None

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

Reverend R. Truman Northrup gave the invocation.

APPROVAL OF MINUTES

Council members having received copies of the minutes of the Council meeting of April 10 and April 18, 1961, and the same being available for public inspection, and there being no objections, the minutes were approved.

STATEMENT BY DON BODES AND NATALIE SHASTID - DISTRICT NO. 8

With the unanimous consent of the Council, Mr. Bodes stated that at the Council meeting of May 8, 1961, attorney John Trimbur, speaking in behalf of his clients, protesting the formation of District No. 8, declared that the drainage project now underway in Stockton served a square mile area for a cost of \$150,000. Mr. Bodes stated that in the interest of accuracy, facts were secured on the Stockton project which he wished to present to the Council, including a letter from the Director of Public Works, San Joaquin County, together with a map of the Waterloo drainage area. This letter explained that the contract for a total of \$208,382.07 includes only the first stage of the ultimate drainage, or the trunk line, three small laterals, and a sump pumping plant. The drainage area actually covers 311 acres, approximately 1/2 square mile. The system is designed for a ten-year storm basis, while the City's system is more conservatively designed for a five-year storm basis. Mr. Bodes stated that his purpose in presenting this statement was to give the area residents and the Council accurate information. The letter from the San Joaquin County Director of Public Works, with the map, was filed with the City Clerk, and the Clerk was directed to send Mr. Trimbur a copy of the letter.

NATALIE SHASTID - PRESENTATION OF LETTERS - DISTRICT NO. 8

Mrs. Natalie Shastid, 1020 Carolyn Avenue, presented to the Council letters from residents in the area indicating their feelings in regard to the proposed drainage district. The letters were ordered filed.

PRELIMINARY REPORT ON TABULATION OF PROTESTS - DISTRICT NO. 8

With the unanimous consent of the Council, the City Manager stated that a preliminary tabulation of protests to the formation of District No. 8 indicated 534 protests and two withdrawals were received at the time of the hearing; total protests with zero assessment (McHenry Avenue) 2; Total protests verified 482; total protests which could not be verified, 16 (The City Attorney stated that an opinion was being prepared by the Bond Counsel to aid in the verification); percentage of total area with verified protests, 47.09; percentage of total area with unverified protests, 1.09.

With the inclusion of the zero assessment area and the two protests received from properties on McHenry Avenue, the percentage of the total area with unverified protests, approximately 44%; percentage of total area with unverified protests, approximately 1%.

The City Attorney stated that an exact tabulation would be available at the meeting of May 22, 1961.

LETTER FROM STANISLAUS COUNTY FOURTH OF JULY CELEBRATION COMMITTEE
RE: ANNUAL ALLOCATION FOR CELEBRATION 1-100

The City Clerk read a letter from H. E. Zimmerman, Secretary-Treasurer of the Stanislaus County Fourth of July Celebration Committee, dated May 8, 1961, requesting that the City pay the \$750 budgeted annually, to be applied toward the expenses of the annual Fourth of July parade and fireworks.

The City Clerk stated that \$750 has been budgeted for this purpose.

MOTION

That the request of the Stanislaus County Fourth of July Celebration Committee for \$750 be approved

Moved by VanderWall Seconded by Arata Unanimously carried

LETTER FROM MRS. LETA COLLINS, 215 HACKBERRY AVENUE, AND MRS. MARY STIEFVATER, 215 $\frac{1}{2}$ HACKBERRY AVE., RE: GARDEN REFUSE PICKUP

A letter from Mrs. Leta Collins and Mary Stiefvater, dated April 25, 1961 protesting the discontinuance of garden refuse pickup service was read by the City Clerk.

The City Clerk was directed to answer the letter.

RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR INSTALLATION OF
WATER LINES IN PARK MANOR 3B SUBDIVISION/2-2

AND PARK MANOR 3A SUBDIVISION
RESOLUTION NO. 61-214

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
THE CALLING FOR BIDS FOR INSTALLATION OF WATER LINES IN PARK
MANOR 3B SUBDIVISION AND PARK MANOR 3A SUBDIVISION

Introduced by Arata Seconded by VanderWall

Ayes: Arata, Knoles, Mitchell, Tabbert, VanderWall, Mayor Hammond
Noes: None Absent: Johansen

June 1, 1961 at 2:15 P.M. in the City Clerk's office was set as
the time and place for opening of bids.

RESOLUTION AWARDING BID FOR IMPROVEMENT OF VIRGINIA AVENUE

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

CONSIDER AWARD OF BID FOR WATER LINE, MONTGOMERY VILLAGE NO. 4

Director of Public Works Ray stated that no bids were received on this project. The engineer's estimate for installation by city forces is \$3,140.36.

The City Manager recommended that the work be performed by city Forces.

RESOLUTION NO. 61-215

A RESOLUTION AUTHORIZING WORK TO BE PERFORMED BY CITY FORCES FOR INSTALLATION OF WATER LINE, MONTGOMERY VILLAGE NO. 4

Introduced by Arata Seconded by Mitchell

Ayes: Arata, Knoles, Mitchell, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Johansen

RESOLUTION AWARDING CONTRACT FOR CONSTRUCTION OF ADDITION TO NINTH STREET PARKING LOT 2-12

The City Manager stated that three bids were received, the low bid of \$13,882 submitted by George Reed. Mr. Miller recommended that the contract be awarded to George Reed.

RESOLUTION NO. 61-216

A RESOLUTION ACCEPTING THE BID OF GEORGE REED FOR CONSTRUCTION OF ADDITION TO NINTH STREET PARKING LOT IN THE SUM OF \$13,882

Introduced by Arata Seconded by Knoles

Ayes: Arata, Knoles, Mitchell, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Johansen

Councilman Arata was excused from the Council Chambers.

RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR THE INSTALLATION OF WATER LINES IN YORKSHIRE MANOR NOS. 2 AND 3 SUBDIVISIONS

RESOLUTION NO. 61-217

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR INSTALLATION OF WATER LINES IN YORKSHIRE MANOR NOS. 2 AND 3 SUBDIVISIONS

Introduced by Knoles Seconded by VanderWall

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

Noes: None Absent: Arata, Johansen

June 1, 1961 at 2:00 P.M. in the City Clerk's office was set as the time and place for opening bids.

Councilman Johansen arrived at 4:19 P.M.

RESOLUTION APPROVING LEASE AGREEMENT BETWEEN CITY OF MODESTO AND
MODESTO CIVIL AIR PATROL SQUADRON NO. 50 FOR USE OF PHOENIX
AVENUE FIRE STATION 2-28

The City Attorney stated that the proposed lease agreement covered the lease of the Phoenix Avenue Fire Station to the Modesto Civil Air Patrol Squadron No. 50 on a month to month tenancy commencing on May 1, 1961 for a rental of \$1.00. The lease may be cancelled by 30-day written notice. Mr. Grimes stated that the Empire Fire District has furnished a letter waiving provisions of their agreement with the city concerning use of the building.

RESOLUTION NO. 61-218

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND
MODESTO CIVIL AIR PATROL SQUADRON NO. 50 FOR USE OF PHOENIX
AVENUE FIRE STATION

Introduced by VanderWall Seconded by Knoles

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

Noes: None Absent: Arata

Councilman Arata returned to the Council meeting.

RESOLUTION APPROVING SUBDIVISION AGREEMENT AND FINAL MAP FOR
YORKSHIRE MANOR NO. 3 SUBDIVISION

The City Manager stated that the final map was in order. The City Attorney reported that the subdivision agreement was signed, cash bond for \$3,000 posted, tax and assessment certificates received, and all fees paid.

RESOLUTION NO. 61-219

A RESOLUTION APPROVING THE FINAL MAP OF THE YORKSHIRE MANOR NO. 3
SUBDIVISION OF THE CITY OF MODESTO

Introduced by Mitchell Seconded by Knoles

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

Noes: None Absent: None

RESOLUTION APPROVING SUBDIVISION AGREEMENT AND FINAL MAP FOR
YORKSHIRE MANOR NO. 2 SUBDIVISION

The City Manager stated that the final map was in order.

The City Attorney stated that the subdivision agreement was signed, all fees paid, a cash bond for \$12,800 posted, certificate from the assessor, and bond for taxes on property received.

RESOLUTION NO. 61-220

A RESOLUTION APPROVING THE FINAL MAP OF THE YORKSHIRE MANOR NO. 2 SUBDIVISION OF THE CITY OF MODESTO

Introduced by VanderWall Seconded by Arata

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

Noes: None Absent: None

RECOMMENDATION FOR COMMENCEMENT OF PROCEEDINGS FOR ANNEXATION OF EAST FLOYD NO. 3 ADDITION

The City Manager stated that Planning Commission Resolution No. 711 recommends the commencement of proceedings for the annexation of East Floyd No. 3 Addition to the city.

RESOLUTION NO. 61-221

A RESOLUTION GIVING NOTICE OF THE PROPOSED ANNEXATION TO THE CITY OF MODESTO OF UNINHABITED TERRITORY DESCRIBED HEREIN AND DESIGNATED AS EAST FLOYD NO. 3 ADDITION AND GIVING NOTICE OF TIME AND PLACE FOR HEARING PROTESTS THERETO

Introduced by Knoles Seconded by Johansen

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

Noes: None Absent: None

June 26, 1961 at 8:00 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

RESOLUTION ACCEPTING IMPROVEMENTS IN MORAN ESTATES UNIT NO. 1 SUBDIVISION AS COMPLETE AND AUTHORIZING RELEASE OF IMPROVEMENT BOND

The City Manager stated that all work required by the subdivision agreement has been completed to the city's satisfaction and recommended that the work be accepted as complete and release of the improvement bond authorized.

RESOLUTION NO. 61-222

A RESOLUTION AUTHORIZING THE RELEASE OF SUBDIVISION IMPROVEMENT BOND TO FRESNO GUARANTEE SAVINGS AND LOAN ASSOCIATION FILED TO GUARANTEE IMPROVEMENTS IN MORAN ESTATES UNIT NO. 1 SUBDIVISION

Introduced by VanderWall Seconded by Arata

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

Noes: None Absent: None

CONSIDER OFFER OF SETTLEMENT FOR HOLIDAY PAY LITIGATION BY CLAIMANTS 2-67

At the request of the City Attorney, and with the unanimous consent of the Council, this item was held over to be considered in executive session at the end of the meeting.

CONSIDER PARKING MATTERS 2-70

(a) Offer of city employees for rental of spaces in parking garage on monthly basis

(b) Consider possible removal of exemption for city owned vehicles from parking meter fees

(c) Consider increasing time limit from three hours to ten hours in basement of city hall garage

The City Manager stated that there is space in the basement of the city hall parking lot which is not now being utilized. Mr. Miller stated that city personnel have been asked to park city cars in the basement rather than on the street level parking lot. City employees have offered to rent spaces in the basement garage for parking their private cars on a \$5.00 per month basis.

Mr. Miller suggested that the Council consider issuance of parking stickers to the City Land Agent, Airport Manager, the Librarian and City-County Health Officer, who are required to come to the city hall periodically, and to the Finance Director, Assistant City Attorney, and head janitor.

The City Manager asked the Council to also consider lengthening the time limit for the city hall parking garage to all-day parking, perhaps allowing an individual who has parked four hours to park all day for ten cents more. Mr. Miller stated that details have not been worked out as yet.

Answering a question asked by Councilman VanderWall, Mr. Miller stated that parking in the basement has increased a little, but there are approximately 15 spaces which are not used regularly.

Councilman Arata stated that the basement parking area would probably be used more extensively during the hot weather, and approved the suggestion lengthening the time limit to all-day parking.

Director of Traffic Carmody described the various types of meters which could be installed to allow all-day parking for 50 cents. Mr. Carmody stated that the preferable meter would be the one requiring a straight 5¢ an hour rate with a Miller Meter, taking nickels, dimes and quarters.

Councilman Mitchell stated that there was a need for all day parking for attorneys and out-of-town people having business at the courthouse who would be willing to utilize the all-day parking at 10¢ an hour. If this proved unsatisfactory, it would be a simple matter to lower the rate to 5¢ per hour.

Marking off a section of the garage for all-day parking was discussed. Mr. Carmody stated that setting off a portion of the garage for all-day parking and leaving the rest on an hourly basis would cause confusion.

MOTION

That the City Attorney be directed to prepare a resolution changing the time limits in the basement of the city hall parking lot from a three-hour maximum to a ten-hour maximum.

Moved by Arata Seconded by VanderWall Unanimously carried

No action was taken on Item (a) pertaining to the offer of city employees for rental of spaces in the parking garage on a monthly basis.

No action was taken on Item (c), exemption of certain private cars used in city business from parking meters at the city hall parking lot.

(b) Consider possible removal of exemption for city owned vehicles from parking meter fees

The City Manager stated that the municipal code now permits city-owned vehicles with "E" license plates to park without putting money in meters when on official business. He said that this has created some resentment on the part of the public who see enforcement officers bypass these cars. Mr. Miller recommended that this exemption be eliminated, except in the basement parking lot, and city employees using city cars be required to place money in the meters. These fees would be refunded to the employees by the city. This would also eliminate resentment of employees of other governmental agencies who are not exempted from paying the parking fees.

Mayor Hammond stated that this would create additional bookkeeping and felt a change would create more problems from a public relations standpoint than it would solve.

It was Councilman Mitchell's opinion that the morale of city employees would take a "nosedive" if they were given traffic citations while on city business, as he doubted that fines paid for violation of a city ordinance were properly reimbursable. He cited several examples, if the code were changed, that might tend to create more public resentment than exists at present.

Councilman Mitchell suggested that the plan outlined by the Manager be tried on a trial basis without a change in the code, but no action was taken by the Council.

MOTION

That no change be made in the ordinance covering the exemption of city cars from paying parking fees.

Moved by Knoles Seconded by Tabbert

The motion carried.

HEARING ON GALLAGHER PROPERTY CLOSING (McHENRY AVENUE ALLEY)

Mayor Hammond announced that the hour of 4:30 P.M. had arrived, the time set for consideration of the closing of the alley off McHenry Avenue (Gallagher property), and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Bee on April 21, 1961 and notices posted and distributed to property owners in the area on May 3, 1961. Two letters of protest were filed with the City Clerk.

Assistant Planner Fey stated that the part-width alley under discussion was located west of McHenry and north of Griswold in Block 727, adjacent to Lots 1 and 2. The alley extends 152 feet in back of the parcel owned by Mr. Gallagher, and extends an additional 26.2 feet further north into the parcel identified as the Wagoner parcel. This part-width alley was dedicated to the city some years ago on the assumption that an additional ten feet would be dedicated to the west. This additional ten feet was not dedicated, and Mr. Gallagher has submitted to the Planning Commission an application that the part-width alley be vacated. Mr. Wagoner, who leases the property into which 26.2 feet of the alley extends, and Deet Eichel, who owns the property to the north of the Wagoner parcel, have been using the alley. The vacation and abandonment of the alley were considered by the Planning Commission on February 21, 1961 and vacation and abandonment of the part-width alley recommended on the reasoning at the time that Mr. Wagoner and Dr. Gallagher would reach an agreement whereby Mr. Wagoner would be permitted access across Dr. Gallagher's property. The four basic points considered by the Planning Commission were: The ten-foot alley is too narrow for proper traffic movement; the alley deadends in the middle of the block; the alley was offered for dedication and accepted by the city on the basis that adjoining property owners would dedicate sufficient right of way to provide a standard 20-foot alley through the block. This dedication has never been made.

Answering a question by Councilman Mitchell, Mr. Fey stated that Dr. Calker, owner of the property west of the alley, has indicated that he does not wish to dedicate the additional ten feet. This property was apparently originally subdivided with no alleys serving the property facing on McHenry Avenue.

Mr. Fey stated that abandonment of the alley has been cleared with the various utility companies. A utility easement would be retained by the city over the entire ten feet.

Francis Halley, attorney at law, representing Deet Eichel, Inc., and Jess Wagoner, presented copies of a sketch of the area to the Council. Mr. Halley stated that this part-width alley was dedicated to the city by the Modesto Schools in 1950. When Dr. Gallagher purchased his property, the deed of dedication of the alley was a matter of public record. Mr. Halley stated that he did not feel that the city, now owning this property, should deed it back at the request of a property owner. The alley is used by Mr. Eichel and Mr. Wagoner about fifty times a day, but is not generally used by customers. There is no access to the rear of Mr. Wagoner's property unless he has the right to use this alley. Four businesses on the Eichel property also use the alley. When Mr. Wagoner leased the property, he acquired letters from the city which assured him that the part-width alley was an alley

and could be used. As a result, Mr. Wagoner removed four olive trees and fences, mapped out the alley and installed curbs. At Dr. Gallagher's objection, the curbs were removed. When Mr. Eichel purchased his property, he was assured by the City Engineer's Office that this was an alley and could be used for that purpose.

Mr. Halley stated that in looking over the files, he could find no indication that the Fire Department has been consulted in the closing of the alley. It was his opinion that some provision should be made for ingress and egress from Griswold Avenue, and for the fire matter alone, felt it extremely important that the alley be kept open. Mr. Halley stated that he had taken the liberty of asking the Fire Chief and Assistant Fire Chief to visit the area, and asked that the Council secure their recommendation on the closing of the alley. In the event that business buildings are eventually built on the Eichel property, there will be no access to the rear if the alley is closed.

The City Manager stated that the Fire Department always prefers maximum access provided by alleys, and the Police Department prefers that alleys be closed.

Mr. Halley stated that after the decision of the Planning Commission to close the alley, he prepared an agreement which stated that Mr. Wagoner and Mr. Eichel would blacktop the ten-foot portion, they would put up a fence if desired, they would paint lines wherever required, they would put up signs setting the speed limit in the alley at 5 miles per hour, and insofar as possible restrict the use of the alley to their employees and themselves. Dr. Gallagher did not sign the agreement, stating he would rather wait until the alley is abandoned before discussing the matter. Mr. Halley stated that once the alley is closed, his clients will have no bargaining position at all.

Answering a question by Councilman VanderWall, Mr. Halley stated that Mr. Eichel is willing to cooperate by way of dedication.

Answering a question asked by Councilman Mitchell, the City Attorney stated that it would be appropriate to refer the matter back to the Planning Commission for further consideration in view of changed circumstances.

Councilman Mitchell stated that he would be reluctant to reverse the decision of the Planning Commission if it could be avoided, but he was also reluctant to abandon city property which is being used.

The City Attorney stated that in order to avoid the necessity of republishing and readvertising, the hearing could be continued for a period of thirty days or so, and in the meantime the matter could be referred back to the Planning Commission for further report.

Councilman Mitchell stated that this might be a good time to secure a dedication of land from the Eichel property, which ties in with the existing part-width alley so that it will be available in the event dedications are given by the other property owners involved.

Mrs. Vera Winger, 120 Griswold Avenue, stated that the alley exit is in front of her property. She agreed that the alley is used and agreed that a railing of some type was once in existence. Since the railing was removed, Mrs. Winger stated that they have not been using the alley at all, but have been using the black-top of Dr. Gallagher's parking lot. She also pointed out that Dr. Cilker's residence is located on the back of his property next to the alley. She also said that the alley was in a very rough condition.

Mr. Halley stated that Mr. Wagoner had kept the alley improved until Dr. Gallagher objected to his using it. He agreed that it is now in poor condition. The barrier was removed by Mr. Wagoner at the request of Dr. Gallagher, and Mr. Halley stated that his clients are willing to replace the barrier.

Deet Eichel spoke briefly in favor of having the alley left open.

MOTION

That the hearing be continued and the matter referred to the Planning Commission for further consideration.

Moved by Arata Seconded by Mitchell Unanimously carried

The hearing was continued to June 12, 1961 at 8:45 P.M. in the Council Chambers, City Hall.

CONTINUATION OF HEARING ON LOCATION OF FARM LABOR OFFICE

The City Clerk read a letter from Maurice P. McCaffrey, Chief Counsel, State of California Department of Employment, Sacramento, withdrawing that department's appeal from the decision of the Board of Zoning Adjustment denying its use of premises for a farm labor office on Tuolumne Boulevard.

MOTION

That the withdrawal of the appeal of the Department of Employment from the decision of the Board of Zoning Adjustment be approved.

Moved by VanderWall Seconded by Johansen Unanimously carried

RESOLUTION REFERRING PETITION FOR ANNEXATION OF THE GISH ADDITION TO THE PLANNING COMMISSION FOR REPORT 6-95

The City Manager stated that the Gish Addition proposed for annexation is a 10-acre parcel located between Conant and Carver Road, at the extreme northwest corner of the City of Modesto. A map of the area was furnished the Council members with the agenda.

RESOLUTION NO. 61-223

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

Introduced by Arata Seconded by Knoles

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

Noes: None Absent: None

CONSIDER SALE OF CITY PROPERTY TO STATE OF CALIFORNIA FOR FREEWAY PURPOSES

The City Manager stated that the right of way contract provides for the sale of 398 square feet of property to the State of California from the southwest corner of the property recently acquired from Edward Mulligan for the corporation yard site. The sale price is \$1,700 and the State is given the right to remove the garage partially located on the subject property.

ORDINANCE NO. 460-C.S. entitled

"AN ORDINANCE AUTHORIZING THE SALE OF A CERTAIN PARCEL OF REAL PROPERTY BELONGING TO THE CITY OF MODESTO TO THE STATE OF CALIFORNIA"

was introduced and order printed and published as required by the Charter.

Moved by Johansen Seconded by Arata

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

Noes: None Absent: None

RESOLUTION APPROVING AGREEMENT CANCELING NAKAGAWA FARMS LEASE ON HANGAR AT AIRPORT

The City Attorney stated that the Airport Manager has requested that the Nakagawa lease for a portion of Hangar No. 5 be cancelled effective June 1, 1961.

RESOLUTION NO. 61-224

A RESOLUTION TERMINATING AGREEMENT BETWEEN THE CITY OF MODESTO AND GEORGE NAKAGAWA AND FRANK NAKAGAWA FOR LEASE OF PORTION OF HANGAR NO. 5 AT MODESTO CITY-COUNTY AIRPORT

Introduced by Knoles Seconded by VanderWall

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

Noes: None Absent: None

RESOLUTION APPROVING LEASE FOR AIRPORT HANGAR TO DONALD P. LaTOURETTE, M. D.

The City Attorney stated that the proposed lease covers the leasing of a portion of Airport Hangar No. 5 to Donald P. LaTourette, M.D., for a period of one year, commencing June 1, 1961.

RESOLUTION NO. 61-225

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND DONALD P. LaTOURETTE, M.D., FOR LEASE OF PORTION OF HANGAR NO. 5 AT MODESTO CITY-COUNTY AIRPORT

Introduced by Arata Seconded by Knoles

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

Noes: None Absent: None

RESOLUTION CHANGING THE SWIMMING POOL ADMISSION FEES 6-120

Director of Parks and Recreation Cowie stated that the city operated at a loss of \$2,331 during the 1960 summer swimming program. Mr. Cowie submitted a proposed increase in rates which he stated would make the program self-supporting. The proposed rates are listed in memorandum dated May 11, 1961, Subject, "Charges for Swimming Pool Use - Summer Program", a copy of which is on file with the record of the minutes.

MOTION

That the City Attorney be instructed to prepare a resolution changing the rates for the summer swimming program as outlined in the memorandum dated May 11, 1961 from Director of Parks and Recreation Cowie.

Moved by VanderWall Seconded by Johansen Unanimously carried

REPORTS FROM THE PLANNING COMMISSION - None

APPROPRIATION TRANSFERS 7-05

The City Manager stated that the City Clerk has requested a \$1,500 transfer from the General Fund, General Reserve (101-600) to Miscellaneous Unclassified, Elections (65-238) to cover the increased costs of the general municipal election held on April 11, 1961.

Answering a question asked by Mayor Hammond, the City Clerk stated that the deficit was caused by the increased costs in the prevailing wages for the election workers.

RESOLUTION NO. 61-226

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$1,500 FOR INCREASED COST OF GENERAL MUNICIPAL ELECTION

Introduced by Arata Seconded by Mitchell

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

Noes: None Absent: None

REPORT ON LEGISLATIVE MATTERS 7-20

The City Manager reported on the status of the following bills before the State legislature:

SB-1031 - to restore the doctrine of governmental immunity from tort liability;

AB-2045 - Mandatory 15 working days vacation for all policemen. This measure was defeated by the Assembly on May 2, 1961;

SB-1294 - Local Option in Lieu Tax - City Street Deficiencies

The City Manager stated that the Council had as yet taken no action on this bill, which would authorize all counties to impose a vehicle license fee of one per cent of market value. The State will collect and distribute the tax. Mr. Miller read the excerpt from the League of California Cities bulletin of April 11, 1961 outlining the bill. This local-option program, if approved by all counties, can raise about 65 million dollars annually.

The City Manager pointed out that the bill gives counties the right to impose the tax, but does not require them to do it. The League urged that all city officials give the bill complete support by writing their legislators.

Mayor Hammond directed that action on this measure be withheld pending further study by the Council.

REPORTS FROM PERSONNEL COMMISSION AND STAFF ON PERSONNEL MATTERS(a) Report on withdrawal of recommendation on paying for holidays worked

The City Manager stated that at the suggestion of the Personnel Commission, a poll of opinion of city employees was taken which indicates that a majority of the employees prefer the present system of granting compensating time off for holidays worked, and paying for the time only if it cannot be taken. As a result of the poll, the Commission has voted to withdraw its recommendation that pay be given for holidays worked.

(b) Resolution establishing division of Office Service Clerk Classification in Grade I and II and establishment of salary

Laverne Eilerts, Supervisor, Central Office Services, stated that last December a working leadman for the Central Office Services crew was appointed on a temporary basis, at no increase in salary, to supervise the crew of four in an effort to improve efficiency of operation. The leadman was placed in charge and given responsibility and authority to organize the work, and as a result, the quantity and quality of the work has improved.

Miss Eilerts recommended that a position be created entitled "Office Service Clerk II" with a pay range increase of 7½%, and that the pay range for "Office Service Clerk I" be decreased 2½% to provide a pay differential of ten per cent for the working leadman.

The City Manager stated that the Personnel Commission has recommended the requested change.

RESOLUTION NO. 61-227

A RESOLUTION REVISING THE POSITION CLASSIFICATION PLAN FOR THE CITY OF MODESTO

Introduced by VanderWall Seconded by Knoles

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

Noes: None Absent: None

RESOLUTION NO. 61-228

A RESOLUTION AMENDING RESOLUTION NO. 61-95 ENTITLED "A RESOLUTION ESTABLISHING SALARY SCHEDULES AND FIXING THE COMPENSATION FOR POSITIONS IN THE CITY SERVICE"

Introduced by Knoles Seconded by Johansen

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

Noes: None Absent: None

(c) Report by Mayor Hammond of meeting with Personnel Commission

Mayor Hammond stated that at a meeting between himself, Councilmen Arata and Knoles, Personnel Commission Chairman Alford and Personnel Commissioner Morgenson, agreement was reached upon the following points:

1. That the initiative in personnel matters would come from either the Personnel Commission or the Manager;
2. That the Commission and the Manager would agree, if possible, on joint recommendations;
3. That where such agreement was not reached, the Council would want to have both points of view presented;
4. That if a separate staff recommendation of such matters is to be presented to the Council, then the Commission should have ample notice and opportunity to make a concurrent presentation to the Council.

MOTION

That the four recommendations outlined by Mayor Hammond be approved

Moved by Arata Seconded by Mayor Hammond Unanimously carried

MATTERS FOR THE GOOD OF THE COMMUNITYREPORT ON STATUS OF CONTROL TOWER PROJECT - MOESTO CITY-COUNTY AIRPORT

Director of Public Works Ray stated that a few months ago the Council and Board of Supervisors took action to request an extension of time for the preparation of the grant agreement for the control tower, and request of F.A.A. that additional funds be provided to take care of the increased cost estimates. A letter was received from the F.A.A., approving the extension of time to August 1, 1961, but no mention was made of additional funds.

Mr. Ray stated that bills are presently before both Houses of Congress which propose, among other things, that airport control towers be built at 100% federal expense. This has apparently resulted in freezing present control tower fund allocations. The city is now in a position of awaiting the outcome of the pending bills, proceeding with preparation of plans with the anticipation of paying the additional amount required from sponsors' funds, or proceeding with the possibility that plans prepared will be of no benefit to the city if the project is dropped by the city and county in the event the bills are passed by Congress.

Mr. Ray stated that it would not be possible to complete plans and specifications and submit a grant agreement by June 30, even if the city and county decided to proceed on the basis of our present arrangement with the F.A.A. Funds presently allocated become null and void after June 30. It was Mr. Ray's feeling that the city should hold up the project pending the outcome of the bills before Congress.

No action was taken by the Council.

REPORT ON STATUS OF PROPOSED IMPROVEMENTS ON YOSEMITE BOULEVARD

The City Manager stated that the aerial survey prints of Yosemite Boulevard were received this afternoon. A list of property owners and tenants is being prepared.

REPORT ON TUOLUMNE RIVER BRIDGE AT 7TH STREET

The City Manager stated that a report from the Division of Highways on the condition of the 7th Street Bridge has been received. The investigation was made on April 26, 1961 and indicates that the condition of the bridge has not changed from previous reports. The bridge is posted for: (a) 12 tons per vehicle; (b) 15 tons per truck and 1 axle trailer; (c) 24 tons for other semi-trailer combinations; (d) 10 miles per hour for vehicles over five tons. All regulatory signs were properly in place. The Police Department has been asked to insist that heavy truck units maintain the 10-mile speed limit.

The report was ordered filed.

PRESENTATION OF FINANCIAL STATEMENT FOR MONTH OF APRIL, 1961

A copy of the Financial Statement for the month of April, 1961 was presented to each member of the Council.

The Council adjourned to executive session at 6:06 P.M. and reconvened to regular session at 6:26 P.M.

CONSIDER OFFER OF SETTLEMENT FOR HOLIDAY PAY LITIGATION

The City Attorney stated that a letter dated May 12, 1961 has been received from Robert Elledge, attorney, representing the 22 claimants in the holiday pay matter. The letter stated that the claimants were willing to settle all demands for vacation and holiday compensation for the sum of \$30,257.43.

The City Manager stated that the background for the holiday pay claims was laid long before any of the present Council members were in office. The courts have established that pay is due the claimants--those who have left the city service through retirement or other means are entitled to be paid for holidays worked; those who are still employed by the city may be paid, or the city has the right to give compensating time off in lieu of cash payment. It was Mr. Miller's opinion that it would be in the city's interest to resolve the matter completely at this time.

The City Attorney stated that the claims in the original complaint were in excess of \$100,000, covering the period from March 1, 1944 through June 30, 1951.

The City Manager stated that the city's records do not indicate that this amount was owed by the city.

Mayor Hammond stated that the records were audited by a certified public accountant who found the amount owed by the city to be between \$24,000 and \$25,000, and an offer of settlement of \$25,000 would assure all claimants a fair and just settlement.

The City Attorney stated that Robert T. Anderson, special counsel for the city in this matter, has recommended that \$25,000 be offered in full settlement of the holiday pay claims.

MOTION

That the City Attorney be authorized to submit a counter offer for settlement of all of the claims for the aggregate cost of \$25,000, settlement to be accepted within ten days after the offer.

Moved by VanderWall Seconded by Johansen Unanimously carried

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by VanderWall Seconded by Arata Unanimously carried

The meeting adjourned at 6:35 P.M.

ATTEST:


Rex E. Gailfus, City Clerk

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

The City Clerk called the roll and there were:

Present: Councilmen: Arata, Johansen, Mitchell, Tabbert,
VanderWall, Mayor Hammond
Councilman Knoles arrived at 7:35 P.M.

Absent: None

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

Reverend Luverne Sands gave the invocation.

Council members having received copies of the minutes of the Council meetings of April 17 and April 24, 1961 and the same being available for public inspection, and there being no objections, the minutes were approved.

LETTER FROM CLEVELAND STOCKTON, PRESIDENT, GREATER MODESTO CHAMBER OF COMMERCE, RE: REDEVELOPMENT AGENCY

A letter from Cleveland Stockton, President, Greater Modesto Chamber of Commerce, dated May 16, 1961 endorsing the action of the City Council in establishing a Redevelopment Agency was read by the City Clerk.

The letter was ordered filed.

LETTER FROM FRANK ANDREWS REGARDING ARTICLE IN MODESTO BEE AND EARLY STANISLAUS COUNTY RECORDS

The City Clerk summarized a letter from Frank Andrews dated May 18, 1961 subject, "Copy of a Feature Article in Modesto Bee May 10, to be Filed for Future Records". Attached to the letter was an article featured in the Modesto Bee entitled "Modestan Recalls Forced Landing in Sierra Valley," which gave early experiences of Mr. Andrews as a free lance motion picture photographer. The letter was ordered filed.

CONSIDER BIDS FOR FAIRWAY TRACTOR AND MOWER

Deputy City Manager Keefe stated that three bids were received for the fairway tractor and mower, the low bid submitted by Brady-Holmes Company for \$3,820. Mr. Keefe recommended that the bid of Brady-Holmes be accepted.

RESOLUTION NO. 61-229

A RESOLUTION ACCEPTING THE BID OF \$3,820 FROM BRADY-HOLMES COMPANY, SACRAMENTO, CALIFORNIA, FOR GOLF COURSE FAIRWAY TRACTOR AND MOWER

Introduced by VanderWall Seconded by Arata

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

Noes: None Absent: None

RESOLUTION AWARDING BID FOR FURNISHING ROCK CHIPS

Deputy City Manager Keefe stated that informal quotations were received from four local companies for 5/16" x No. 8 rock chips, the low bid submitted by Standard Materials Co. at \$2.85 per ton. Mr. Keefe recommended that the bid of Standard Materials Co. be accepted.

RESOLUTION NO. 61-230

A RESOLUTION ACCEPTING THE BID OF STANDARD MATERIALS COMPANY IN THE SUM OF \$2.85 PER TON FOR THE FURNISHING OF APPROXIMATELY 2,000 TONS OF 5/16" x NO. 8 ROCK CHIPS FOR SEAL COATING

Introduced by Johansen Seconded by Mitchell

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

Noes: None Absent: None

RESOLUTION AWARDING BID FOR IMPROVEMENT OF VIRGINIA AVENUE

Director of Public Works Ray stated the engineer's estimate for the improvement of Virginia Avenue was \$14,624, and the low bid received for the improvement of Virginia Avenue, submitted by George Reed, was \$16,306. Since this bid exceeded the engineer's estimate, it was necessary to secure approval of the Division of Highways before the contract could be awarded. By letter dated May 18, 1961 the Division of Highways has approved award of the contract for the improvement of Virginia Avenue to the low bidder.

The City Manager recommended that the contract be awarded to George Reed.

RESOLUTION NO. 61-231

A RESOLUTION ACCEPTING THE BID OF GEORGE REED IN THE SUM OF \$16,306 FOR THE IMPROVEMENT OF VIRGINIA AVENUE

Introduced by Arata Seconded by VanderWall

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

Noes: None Absent: None

RESOLUTION AWARDING BID FOR WATER PIPE

Director of Public Works Ray stated that two bids were received for 8" and 10" cast iron pipe and alternate 8" and 10" asbestos cement pipe, the low bid received from Johns-Manville Corporation for 8" and 10" asbestos cement pipe for \$19,485. The City Manager recommended that the bid be awarded to Johns-Manville Corporation.

RESOLUTION NO. 61-232

A RESOLUTION ACCEPTING THE BID OF JOHNS-MANVILLE CORPORATION IN THE SUM OF \$19,485 FOR 6,000 FEET OF 8" ASBESTOS CEMENT PIPE AND 2,700 FEET OF 10" ASBESTOS CEMENT PIPE

Introduced by Knoles Seconded by Tabbert

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

Noes: None Absent: None

RESOLUTION AWARDING BID FOR CHLORINATION STATION, SEWAGE TREATMENT PLANT

Director of Public Works Ray stated that only one bid of \$32,500 was received, which almost doubles the engineer's estimate of \$17,500. Mr. Ray recommended that the bid be rejected. Two different types of work are involved in the project -- grading, and construction of a small building. Since it cannot be completed in time to be of benefit during the summer season, Mr. Ray proposed that the project be held over until fall. At that time, the project will be readvertised and the two types of work listed separately so that the companies specializing in the two types of work can submit separate bids.

RESOLUTION NO. 61-233

A RESOLUTION REJECTING ALL BIDS FOR THE CONSTRUCTION OF A CHLORINATION STATION, SEWAGE TREATMENT PLANT

Introduced by VanderWall Seconded by Arata

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

Noes: None Absent: None

RESOLUTION CALLING FOR BIDS FOR LEGAL ADVERTISING (1961-62) 1-40

City Clerk Gailfus stated that this was an annual call for bids covering legal advertising for the City for the coming fiscal year.

RESOLUTION NO. 61-234

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING THE CALL FOR BIDS FOR THE PUBLICATION AND PRINTING OF THE OFFICIAL ADVERTISING FOR THE FISCAL YEAR 1961-62

Introduced by Arata Seconded by Johansen

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

Noes: None Absent: None

June 8, 1961 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 FOR IMPROVEMENT OF BRIGGSMORE AVENUE BETWEEN THE ALLEY EAST OF ALOHA WAY AND McHENRY AVENUE, AND THE IMPROVEMENT OF NORTHERN BOULEVARD BETWEEN McHENRY AVENUE AND LUNDQUIST TRACT

The City Manager stated that a call for bids was necessary in order to proceed with the improvement of Briggsmore Avenue between the alley east of Aloha Way and McHenry Avenue, and the improvement of Northern Boulevard between McHenry Avenue and Lundquist Tract.

RESOLUTION NO. 61-235

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR IMPROVEMENT OF BRIGGSMORE AVENUE BETWEEN THE ALLEY EAST OF ALOHA WAY AND McHENRY AVENUE, AND THE IMPROVEMENT OF NORTHERN BOULEVARD BETWEEN McHENRY AVENUE AND LUNDQUIST TRACT

Introduced by VanderWall Seconded by Tabbert

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

Noes: None Absent: None

June 1, 1961 at 2:45 P.M. in the City Clerk's office was set as the time and place for opening of bids.

RESOLUTION AWARDING BID FOR FURNISHING ANNUAL ROAD OIL REQUIREMENTS

Deputy City Manager Keefe stated that bids were received from George Reed and Hedgecock-Putnam Company. In analyzing the bids and the free time allowed for excess time tanker or boot loads, it was determined that Hedgecock-Putnam was the low bidder. Mr. Keefe recommended that the contract be awarded to Hedgecock-Putnam Company.

RESOLUTION NO. 61-236

A RESOLUTION ACCEPTING THE BID OF HEDGECOCK-PUTNAM COMPANY FOR THE FURNISHING OF APPROXIMATELY 1,000 TONS OF LIQUID ASPHALT FOR ANNUAL ROAD OIL REQUIREMENTS

Introduced by VanderWall Seconded by Johansen

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

Noes: None Absent: None

HEARING ON BUILDING REMOVAL - 1204 SIXTH STREET 1-70

Mayor Hammond announced that the hour of 7:45 P.M. had arrived, the time set for the consideration of the report of the removal of the building and structures located at 1204 Sixth Street, Modesto, and opened the hearing.

The City Clerk's report indicated that copies of Resolution No. 61-213 setting the date of the hearing were sent by registered mail to the listed owners on May 15, 1961.

Director of Public Works Ray certified that all of the work of demolishing and removing the structures was completed on April 22, 1961 in accordance with Council Resolution No. 61-139, at a cost of \$250. This is the amount of the assessment against the parcel of land.

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

The City Attorney stated that under the provisions of the Uniform Building Code, a resolution confirming the report of the Director of Public Works was necessary.

RESOLUTION NO. 61-237

A RESOLUTION CONFIRMING THE REPORT OF THE DIRECTOR OF PUBLIC WORKS CONCERNING THE WORK OF DEMOLISHING AND REMOVING THE DWELLING AND OTHER STRUCTURES LOCATED AT 1204 - 6TH 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

Introduced by Arata Seconded by VanderWall

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

Noes: None Absent: None

CONTINUATION OF HEARING ON IMPROVEMENT DISTRICT NO. 8 - 7:45 P.M.

Mayor Hammond announced that the hour of 7:45 P.M. had arrived, the time set for continuation of the hearing of the proposed formation of Improvement District No. 8, and opened the hearing.

The City Clerk announced that the total number of protests received was 534; the total number of withdrawals, 6; total number of duplicate protests, 34; total protests with zero assessments on McHenry Avenue, 2; total protests verified, 478; total protests unverified, 16; total area in proposed drainage district excluding zero assessment area on McHenry Avenue and State of California property on Virginia Avenue, 11,576,737 square feet; total area with verified protests, 5,451,298 square feet; percentage of total area, 47.09%; total area with unverified protests, 144,756 square feet; percentage of total area, 1.25%.

Mr. Gailfus, City Clerk, read the following tabulation covering the entire District including the zero assessment area in the District. Protests received from the Elks and Zimmerman properties on McHenry are included. Total number of protests received, 534; total number of withdrawals, 6 (one withdrawal was received from a parcel which had not protested); total number of duplicate protests, 34; total protests verified, 478; total protests which could not be verified, 16; total area in proposed district, 12,767,006 square feet; total area with verified protests, 5,562,255 square feet; percentage of total area, 43.57%; total area with unverified protests, 151,389 square feet; percentage of total area 1.19%.

The City Manager stated that the last tabulation given by the City Clerk is the one required by State law.

Mayor Hammond stated that the tabulation indicated that the total area protesting, including McHenry Avenue property, was 43.57% and, omitting the McHenry frontage, the total area protesting was 47.09%.

Director of Public Works Ray stated that if there had been no withdrawals, the total area protesting would be 44.04%, a difference of roughly 1/2 of one per cent.

The City Manager cleared two questions asked at the previous hearing: (1) If the improvement district is approved, this will not freeze the 40-foot width on Griswold Avenue; (2) The inlets and outlets shown on the map of the proposed district can be shifted to avoid damage to landscaping, so long as they remain in the same intersections.

Herbert E. Stevenot, 1237 Grinnell, stated that a small storm caused water to stand in yards and enter garages in his neighborhood, and although approval of the district would be a financial burden to many, approval of the district appeared to be the only way in which the flooding problem could be solved.

John M. Trimbur, attorney, 812 13th Street, spoke in opposition to the proposed drainage district, for the following reasons:

A vast majority of the people in the area are opposed to the district; if public property, Enslin School and property owned by the City of Modesto along Northern Boulevard, were omitted from the area, more than 50% would be opposed to formation of the district; other areas have constructed drainage districts at less cost. Mr. Trimbur's clients, who own a 16-acre parcel in the area, have been assessed \$27,000, which is more than \$1500 per acre. Mr. Trimbur stated that the fact that property owners along McHenry Avenue were advised that they could not vote against the project should also be considered, and he felt that only the figures excluding the McHenry Avenue properties should be considered. Mr. Trimbur said that he had carefully read the Council resolution, and could not determine whether McHenry Avenue was included or excluded from the District.

Mr. Edwin Ness, representative of the bond counsel for the City, stated that Mr. Sturgess, bond counsel, wrote to the City Attorney, clearly defining his intent and interpretation with respect to the property on McHenry Avenue, to the effect that the property on McHenry Avenue is included within the District and the owners had the right to vote even though the property is not assessed. This was occasioned by the fact that the McHenry property owners had already paid their share by other means.

The City Manager stated that he visited the Waterloo Road drainage project in San Joaquin County mentioned by Mr. Trimbur and learned that this project does not drain a square mile area. It is part of a project which will drain 311 acres and is designed on a ten-year storm basis, which is larger than the one designed for the North Central area. This project, at a cost of approximately \$200,000, entails installation of one large drain along one side of the area, with two short laterals, which is just a beginning of the project. Since there is no river into

which the drainage water can flow, a pumping plant and sump are being constructed at a cost of \$50,000. Mr. Miller stated that there was no basis for comparison of the two projects, and when the Stockton project is completed to encompass the entire 311 acres, four pumps will have been installed.

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

Director of Public Works Ray reported on the inadequacy of the dry wells and sanitary sewers to handle the storm waters in the North Central area.

Answering a question asked by Councilman Tabbert relative to the installation of dry wells in the North Central area, Mr. Ray stated that dry wells are installed at City expense, except in new subdivisions.

Answering a question asked by Councilman Mitchell, the City Attorney stated that the Charter generally requires four affirmative votes for the Council to act on an ordinance or resolution.

Mr. Ness stated that a constitutional requirement provides that a four-fifths vote is necessary to pass a resolution of public convenience and necessity, which overrides the Charter majority of four requirement.

Mayor Hammond stated that the proposed drainage district has been thoroughly considered by all the taxpayers in the area, and in the time honored tradition of democratic government, the majority should prevail and the "green light" given for the improvement district to move ahead.

RESOLUTION NO. 989-S.P.

RESOLUTION FINDING AND DETERMINING THAT THE PUBLIC CONVENIENCE AND NECESSITY REQUIRE THE CONSTRUCTION OF IMPROVEMENTS IN IMPROVEMENT DISTRICT NO. 8, CITY OF MODESTO, STANISLAUS COUNTY, CALIFORNIA

Introduced by VanderWall Seconded by Arata

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

Noes: None Absent: None

RESOLUTION NO. 990-S.P.

RESOLUTION OVERRULING PROTESTS

Introduced by VanderWall Seconded by Arata

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

Noes: None Absent: None

RESOLUTION NO. 991-S.P.

RESOLUTION ORDERING THE WORK, IMPROVEMENT DISTRICT NO. 8, CITY OF MODESTO, STANISLAUS COUNTY, CALIFORNIA

Introduced by VanderWall Seconded by Knoles

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

Noes: None Absent: None

Director of Public Works Ray stated that six bids were received, the low offer submitted by E. R. Goold of Stockton, California, in the sum of \$427,141.90. Mr. Ray said that this figure was below the City Engineer's estimate of \$443,435. Mr. Ray recommended that award be made to the low bidder, E.R.Goold.

RESOLUTION NO. 992-S.P.

RESOLUTION OF AWARD OF CONTRACT

Introduced by Knoles Seconded by Johansen

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

Noes: None Absent: None

HEARING ON APPEAL OF RUSSELL BRIGGS FROM DECISION OF PLANNING COMMISSION DENYING REZONING ON McHENRY AVENUE 4-28

Mayor Hammond announced that the hour of 8:00 P. M. had arrived, the time set for hearing of the appeal of Russell Briggs to the decision of the Planning Commission denying the rezoning of a parcel of property located at the southwest corner of McHenry and Bowen Avenues, and opened the hearing.

The City Clerk reported that notice of hearing was published in the Modesto Bee on May 11, 1961 and notices posted in the area on May 11, 1961. No written protests were filed with the City Clerk.

Assistant Planner Fey indicated on a map the location of the property under consideration for rezoning. The property, at the southwest corner of Bowen and McHenry Avenues, is approximately 150 feet by 150 feet, and the proposed use is for the construction of a Tidewater Associated service station.

Dale Smith, 302 Northwood Drive, opposing the rezoning, referred to a letter written by the City Planning Commission and addressed to the Council containing four recommendations for the zoning of this area, as follows:

(1) Zoning should be considered on the basis of areas or zones, not on the basis of individual properties;

(2) The amount of commercial zoning should be reasonably in harmony with present or early future needs;

(3) McHenry Avenue now has enough commercial zoning to take care of 59,500 population; in fact, the City of Modesto now has enough commercial property to take care of a population of 350,000;

(4) Commercial zoning on major streets, as elsewhere, should be of a cluster, or zoning in depth character, and not of strip type strung along the highway.

Mr. Smith stated that rezoning the property in question would violate each of the points listed above and requested that the Council adhere to the recommendations set forth in the letter written by the Planning Commission.

Russell Briggs, 1809 McHenry Avenue, mentioned briefly his interest and participation in community projects, particularly Improvement District No. 10, his activities as a member of McHenry Avenue Improvement Club, and his support in the improvement of McHenry Avenue and the widening of the bridge over Lateral No. 3. He pointed out that he was not a direct recipient in many of the projects, but his interest lay only in the furtherance of the community.

Mr. Briggs pointed out to the Council the areas near his property which have already been commercially zoned. A motel is to be built across the street, which has been approved by the Planning Commission and the Council. He stated that if his property is rezoned, ten feet will be dedicated to widen Bowen Avenue and the required amount to widen McHenry Avenue will also be dedicated.

Leon Squire, a resident in the neighborhood, stated that since McHenry Avenue property will inevitably be zoned for commercial purposes, a service station at the proposed location would not be as objectionable as many other types of businesses that might be approved for the property. It was Mr. Squire's opinion that denying Mr. Brigg's request for rezoning would merely be a delaying action.

Richard Giddings, 1330 Magnolia Avenue, spoke briefly in favor of the rezoning. He stated that McHenry Avenue is a logical place for commercial growth in the northern part of Modesto. It is surrounded on all sides by commercial development, and it was his opinion that no one would care to have a home fronting on McHenry Avenue. The Council's policy forestalls commercial zoning, and the policy of growth prohibits the use of the land for residential purposes. Mr. Giddings said that the land thus becomes "no man's land." He asked that the Council reconsider the zoning of McHenry Avenue, and also that it give favorable consideration to Mr. Brigg's request.

John Thompson, 301 West Bowen, stated that he purchased his home two months ago assuming that it would remain a quiet residential area. He opposed the rezoning of Mr. Briggs' property.

The following spoke briefly in opposition to the rezoning:

Mrs. Leonard Day, 1408 Tokay Avenue; Mrs. Robert Purvis, Sherwood Forest; Al Lund, 305 Bowen Avenue.

Mark Randy, 2224 McHenry Avenue, spoke briefly in favor of the rezoning, for the principal reason that it would hasten the improvement and widening of McHenry Avenue.

The statement by Mr. Randy that rezoning of Mr. Briggs' property would constitute planned development was discussed by the Council.

Lewis Hawkins, attorney, spoke briefly in favor of the rezoning. Mr. Hawkins said that he was speaking in favor of the rezoning as a citizen, and not as an attorney representing Mr. Briggs.

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

Answering a question by Councilman Mitchell, the City Attorney stated that Planning Commission Resolution No. 704 indicated that Mr. Briggs' application for rezoning was unanimously denied by the Planning Commission.

Answering a question by Councilman Tabbert, the Assistant Director of Public Works stated that the existing right of way of McHenry Avenue at Bowen is 50 feet. Dedications of rights of way in this area were discussed by the Council,

Mayor Hammond stated that after thorough review of the Planning Commission minutes, plus the policy adopted by the Council on the rezoning of McHenry Avenue, it was his opinion that Mr. Briggs' appeal from the decision of the Planning Commission should be denied.

RESOLUTION NO. 61-238

A RESOLUTION AFFIRMING THE DECISION OF THE PLANNING COMMISSION DENYING THE REQUEST OF H. RUSSELL BRIGGS THAT SECTION 17 OF THE ZONING MAP BE AMENDED TO REZONE PROPERTY LOCATED AT THE SOUTHWEST CORNER OF McHENRY AVENUE AND BOWEN AVENUE, ON THE BASIS OF FINDINGS SET FORTH IN PLANNING COMMISSION RESOLUTION NO. 704, DATED APRIL 18, 1961

Introduced by Johansen Seconded by Mitchell

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

Noes: None Absent: None

HEARING ON PROPOSED REZONING OF SECTION MAP 16 McHENRY AVENUE AT TOKAY AND FLOYD (MARK RANDY PROPERTY)

Mayor Hammond announced that the hour of 8:05 P.M. had arrived, the time set for consideration of the proposed rezoning of property at Tokay and Floyd Avenues, requested by Mark Randy, and opened the hearing.

The City Clerk reported that notice of hearing was published in the Modesto Bee on May 11, 1961 and notices posted and delivered in the area on May 11, 1961. No written protests were received by the City Clerk.

Assistant Planner Russ Fey stated that Mr. Randy's application requests that this property be zoned from C-1 and R-3 to Planned Development zoning for the construction of a discount house retail operation. Mr. Fey indicated on a map the property under consideration. Uses proposed for the 80,000 square foot building are: food market, men's, women's and children's wear, jewelry, fountain service, beauty shop, barber shop, home furnishings and other uses commonly found in a discount house. The development phase is as follows: That the entire construction program be accomplished in one phase, construction to commence within ninety days after approval of the application by the City Council and to be completed not later than eighteen months after date of approval of the application by the Council.

Dale Smith, 302 Northwood Drive, opposing the rezoning, referred to the four recommendations relating to McHenry Avenue zoning made by the City Planning Commission in its letter to the City Council, which Mr. Smith listed earlier in the meeting in opposition to the rezoning of the Briggs property on the corner of Bowen and McHenry Avenues. Mr. Smith stated that the City has a tremendous amount of undeveloped area between the proposed discount house and the downtown area where stores are for rent, and whenever approval is given for a retail type of business on the fringe area of Modesto, the position of the properties already available is weakened, including the proposed urban redevelopment program.

Robert Husted, 221 Bowen, objected to the construction of a discount house in this location because of the amount of traffic which would be drawn to this area.

Mrs. Robert Purvis, Sherwood Forest, and Mrs. Leonard Day, spoke briefly in opposition to the proposed planned development.

The following spoke in favor of the planned development: Lewis Hawkins, attorney; Russell Briggs; Don Schmidt, speaking for American Transit Mix Co., 2402 McHenry Avenue.

Mark Randy, applicant for the planned development, stated that he had owned the property for some time and has tried to plan a use that will benefit the community. He discussed the commercialization which has already taken place in this area of McHenry Avenue and the availability of parking facilities.

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

Answering a question asked by Councilman Mitchell, Assistant Planner Fey listed the uses permitted under C-1 and C-2 zoning classifications.

Approval of Mr. Randy's application for planned development was recommended by Planning Commission Resolution No. 705, by a 4 - 3 vote. Answering a question asked by Councilman Mitchell, Mr. Fey stated that the staff did not make a recommendation to the Planning Commission on the proposed rezoning.

RESOLUTION NO. 61-239

A RESOLUTION DENYING THE APPLICATION OF MARK RANDY TO RECLASSIFY CERTAIN PROPERTY IN SECTION 16 OF THE ZONING MAP AND REQUESTING FURTHER REPORT FROM THE PLANNING COMMISSION IN ACCORDANCE WITH SECTION 10-2.2114 OF THE MUNICIPAL CODE.

Introduced by VanderWall Seconded by Johansen

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

Noes: . None Absent: None

HEARING ON PROPOSED REZONING OF SECTION MAP 16, McHENRY AVENUE AT FLOYD (DEETER PROPERTY)

Mayor Hammond announced that the hour of 8:10 P.M. had arrived, the time set for consideration of the application of John Deeter for the rezoning of property located between Floyd and Kavanagh Avenues from single-family, R-1, to Planned Development, P-D, and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Bee on May 11, 1961 and notices posted and distributed in the area on May 11, 1961. No written protests were filed with the City Clerk.

Assistant Planner Fey stated that the application of Mr. Deeter requests the rezoning of property from single-family R-1 to planned development, P-D. The property is 13 acres in area and is part of a 20-acre parcel owned by the applicant. Mr. Fey indicated the area on a map. The application, which was approved by the Planning Commission (Res. No. 702) covers the construction of a combination of own-your-own apartments and rental apartment units, with the following development schedule:

Phase I: To include 28 rental apartments and 22 "own-your-own" apartments. Construction shall commence no later than July 1, 1961 and be completed on or before May 31, 1962.

Phase II: To include 24 rental apartments and 22 "own-your-own" apartments. Construction shall commence no later than September, 1962 and be completed on or before August 31, 1963.

Mr. Deeter stated that he was available if the Council wished to ask questions.

Joe Roddy, 412 Floyd Avenue, stated that he was opposed to the rezoning and informed the Council that a petition opposing the planned development, containing 55 signatures, had been presented the Planning Commission.

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

ORDINANCE NO. 461-C.S. entitled

"AN ORDINANCE AMENDING SECTION MAP 16 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (DEETER)"

Moved by Mayor Hammond Seconded by Johansen

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

Noes: None Absent: None

RESOLUTION NO. 61-240

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED-DEVELOPMENT ZONE, P-D (3) (DEETER)

Introduced by Mayor Hammond Seconded by Arata

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

Noes: None Absent: None

HEARING ON APPLICATION FOR CARNIVAL USE PERMIT (AMERICAN LEGION)

Mayor Hammond announced that the hour of 8:30 P.M. had arrived, the time set for consideration of an application for a carnival use permit made by the American Legion, and opened the hearing.

The City Clerk reported that notice of hearing was published in the Modesto Bee on May 12, 1961 and notices posted and delivered in the area on May 11, 1961. One written protest was received by the City Clerk.

The City Manager stated that a petition protesting the granting of a use permit was filed with the Planning Commission.

Lee Hampson, representing the American Legion, withdrew the application for a carnival use permit, stating that this decision was reached after learning that the presence of a carnival in the City would present a police and parking problem.

MOTION

That the withdrawal of the application of the American Legion for a carnival use permit be approved

Moved by VanderWall Seconded by Tabbert Unanimously carried

Robert Smith, 128 Laurel Street, stated that he protested the granting of a use permit to the American Legion for the carnival show, and thanked Mr. Hampson for withdrawal of the application.

The Council meeting recessed at 9:45 P.M., reconvening at 9:53 P.M.

ADOPTION OF ORDINANCE NO. 460-C.S., SALE OF PROPERTY TO STATE OF CALIFORNIA, FREEWAY PURPOSES

ORDINANCE NO. 460-C.S. entitled

"AN ORDINANCE AUTHORIZING THE SALE OF A CERTAIN PARCEL OF REAL PROPERTY BELONGING TO THE CITY OF MODESTO TO THE STATE OF CALIFORNIA"

introduced on May 15, 1961 and having been printed and published as required by the Charter, was moved and adopted.

Moved by Knoles Seconded by VanderWall

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

Noes: None Absent: None

RESOLUTION APPROVING LEASE AGREEMENT BETWEEN CITY AND MODESTO UNITY CHURCH FOR OFFICE SPACE IN COMMUNITY SERVICE CENTER

The City Attorney stated that the proposed lease agreement covers the lease of Room 202 of the Community Service Center to the Modesto Unity Church for the term of one year beginning June 1, 1961 at the rate of \$55 per month.

RESOLUTION NO. 61-241

A RESOLUTION APPROVING LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO UNITY CHURCH FOR OFFICE SPACE IN COMMUNITY SERVICE CENTER

Introduced by Johansen Seconded by Arata

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

Noes: None Absent: None

RESOLUTION ACCEPTING AS COMPLETE THE REMOVAL OF THE RIGGS BUILDING ON THE 9TH AND J STREETS PARKING LOT UNDER CONTRACT WITH DORRITY AND SON

The City Manager stated that the Traffic Engineer has certified that all the work has been completed in accordance with the contract, there were no time extensions and \$1.00 has been received by the City for the privilege of removing the building. The City Manager recommended that the work be accepted as complete, and that notice of completion be filed.

RESOLUTION NO. 61-242

A RESOLUTION ACCEPTING THE DEMOLITION OF THE RIGGS BUILDING ON I STREET BY DORRITY AND SON

Introduced by Arata Seconded by Knoles

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

Noes: None Absent: None Page 14 5-22-61

RESOLUTION ACCEPTING THE CONSTRUCTION OF TRAFFIC SIGNALS, STREET LIGHTS AND TRAFFIC ISLANDS AT 12TH, NEEDHAM AND VIRGINIA AVENUES FROM COLLINS ELECTRICAL CO. AND AUTHORIZING FINAL PAYMENT

The City Manager stated that a report from the Director of Parking and Traffic indicates that all work in connection with the contract with Collins Electrical Company for construction of traffic signals, street lights and traffic islands at 12th, Needham and Virginia Avenues has been completed. Total cost of the work was \$4,866.

The City Manager recommended that the work be accepted, notice of completion recorded, and payment authorized.

RESOLUTION NO. 61-243

A RESOLUTION ACCEPTING THE CONSTRUCTION OF TRAFFIC SIGNALS, STREET LIGHTS AND TRAFFIC ISLANDS AT 12TH, NEEDHAM AND VIRGINIA AVENUES BY COLLINS ELECTRICAL COMPANY

Introduced by Johansen Seconded by VanderWall

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

Noes: None Absent: None

RESOLUTION ESTABLISHING AND FIXING PARKING RATES AND CHARGES FOR USE OF MUNICIPAL OFF STREET PARKING FACILITIES IN THE CITY OF MODESTO AND RESCINDING RESOLUTION NO. 61-145 9-88

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

CONSIDER AGREEMENT BETWEEN CITY AND DEVELOPERS OF MEDICAL-DENTAL CENTER (MODESTO PROFESSIONAL CENTER) AT NELSON AND ORANGEBURG AVENUES

The City Manager stated that this agreement was prepared at the direction of the Council to provide sewer service to a medical-dental building to be located at Orangeburg and Nelson Avenues, at a cost of \$7,000 to the City and \$10,000 by the developers, a portion of this amount to be reimbursed to the developers as connections are made to the sewer in adjacent areas.

RESOLUTION NO. 61-244

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO PROFESSIONAL CENTER FOR CONSTRUCTION OF SUBTRUNK SEWER FOR MEDICAL-DENTAL CENTER ON THEIR PROPERTY LOCATED AT ORANGEBURG AND NELSON AVENUES

Introduced by VanderWall Seconded by Knoles

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

Noes: None Absent: None

RESOLUTION NO. 61-245

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$17,000 FROM SPECIAL CAPITAL OUTLAY FUND (321) TRAFFIC SIGNALS, 99 HIGHWAY AND COLDWELL (503) TO SUBTRUNKS AND PERIMETER SEWERS (503)

Introduced by VanderWall Seconded by Tabbert

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

Noes: None Absent: None

(a) Resolution approving plans and specifications for the construction of a subtrunk sewer and sewer lateral to serve the medical-dental center

RESOLUTION NO. 61-246

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR CONSTRUCTION OF SUBTRUNK SEWER AND SEWER LATERAL TO SERVE MEDICAL-DENTAL CENTER AT ORANGEBURG AND NELSON AVENUES

Introduced by Arata Seconded by Knoles

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

Noes: None Absent: None

June 1, 1961 at 2:30 P.M. in the City Clerk's office was set as the time and place for opening of bids.

RESOLUTION SETTING DATE FOR HEARING ON THE PROPOSED ANNEXATION OF THE EAST FLOYD ADDITION

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

REVIEW SIGNING AND CERTAIN CONSTRUCTION FEATURES OF U.S. 99 FREEWAY

The staff was directed to send a report to the Council on the signing and certain construction features of U.S. 99 Freeway, and requested to place this matter on the agenda of the June 5 meeting.

RESOLUTION APPROVING SUBDIVISION AGREEMENT AND FINAL MAP FOR GLEN AULEN SUBDIVISION

The City Attorney stated that the agreement has been signed, performance bond posted, and all fees paid. The City Manager stated that the final map was in order.

RESOLUTION NO. 61-247

A RESOLUTION APPROVING THE FINAL MAP OF THE GLEN AULEN SUBDIVISION

Introduced by Johansen Seconded by Knoles

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

Noes: None Absent: None

RESOLUTION AMENDING MAJOR STREET SYSTEM FOR GAS TAX EXPENDITURES

The City Manager stated that the proposed resolution extends the major street designations into the recently annexed areas. If these designations are approved by the State, gas tax funds can be used on the streets. The following streets are added:

Bowen Avenue, from McHenry to Tully
Briggsmore Avenue, from the east city limits to the west city limits
Coffee Road (the portion within the city)
Floyd Avenue, from McHenry Avenue to the east city limits
Northern Boulevard, adjacent to Briggsmore
Norwegian Avenue, from McHenry to the city limits

RESOLUTION NO. 61-248

A RESOLUTION DESIGNATING CERTAIN STREETS, OR A PORTION THEREOF, AS MAJOR CITY STREETS IN THE CITY OF MODESTO, STANISLAUS COUNTY

Introduced by Arata Seconded by VanderWall

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

Noes: None Absent: None

CONSIDER REQUEST FOR WATER SERVICE TO NORTH STAR ESTATES SUB-DIVISION

The City Manager stated that the developers of North Star Estates have requested that the City furnish water service to this subdivision. This development consists of 55 lots and is located between Woodrow and Standiford, east of Tidewater-Southern tracks, 1/4 mile from the present city limits.

Director of Public Works Ray stated that in order to connect this subdivision to the City's water system, it will require the construction of a main from Tully and Bowen, north on Tully to Woodrow, east on Woodrow a distance of approximately 4,000 feet, at an estimated cost of \$16,000. This does not include the cost of facilities within the subdivision itself. Mr. Ray said that a well site was needed in this general vicinity, and the tentative map as proposed shows a small lot for that purpose. He thought it more desirable to extend the main to this subdivision and acquire the well site from the developers for future development.

Mr. Ray stated that the provision of water to this subdivision becomes a matter of policy determination as to whether the City wishes to serve this section of the community. It is within the boundaries of the General Plan area. It may be assumed that if the City does not desire to serve this area, it will be served by a private water company.

Mr. Ray stated that the original investment is quite large for the number of lots involved, and felt that there should be some investment on the part of the developers, as was done recently in the Aulston Manor Subdivision. The 55 lots in the proposed subdivision would show an annual return to the City of \$2,227.50, based on the regular flat rates for residences.

Mr. Ray recommended that this area be served with City water, based on some investment on the part of the developers.

The City Manager suggested that action be withheld until a satisfactory sharing agreement can be worked out with the developers. Mr. Flory, one of the developers, stated that he was sure that a satisfactory agreement could be made.

MOTION

That approval of the request for water service to North Star Subdivision be authorized in general; subject to working out a mutually acceptable agreement requiring some investment on the part of the developers
 Moved by Mayor Hammond Seconded by Johansen Unanimously carried

CONSIDER PROJECTS PROPOSED FOR GAS TAX EXPENDITURES, 1961-62 11-1

Director of Public Works Ray listed the following gas tax projects proposed for construction and maintenance during the 1961-62 fiscal year for Council consideration and submission to the Division of Highways:

- (1) Improvement of Tully Road from 9th Street to Coldwell Avenue, an increase of \$23,800; (This is a continuing project)
- (2) Street maintenance, \$42,500;
- (3) Improvement of Bowen Avenue from Tidewater Southern Railroad to McHenry Avenue, \$32,500;
- (4) Improvement of Coffee Road within the City Limits, \$20,500;

Mr. Ray stated that \$63,960 is estimated to accrue to the City during the coming fiscal year. \$10,093 previously accrued is unbudgeted. The proposed projects exceed this amount by \$2,747. Mr. Ray proposed that this sum be taken from the Roseburg Avenue project which is currently dormant.

Mr. Ray stated that the Planning Commission recommended that sufficient funds be held in reserve for the improvement of Coldwell Avenue between Tully and College Avenue, in the event that it is determined desirable. The estimated cost of this project is \$13,500. Mr. Ray proposed that these funds be held in reserve in the Roseburg Avenue project rather than from funds estimated to be received during the coming fiscal year.

Answering a question by Councilman VanderWall, the Director of Public Works stated that no work is proposed on Roseburg Avenue until after the drainage lines are completed, as it is not possible to have two contractors working on the street at the same time.

Mr. Ray pointed out that the proposed projects must be submitted to the State by June 1st.

RESOLUTION NO. 61-249

A RESOLUTION ADOPTING AND SUBMITTING A BUDGET FOR EXPENDITURE OF FUNDS ALLOCATED FROM THE STATE HIGHWAY FUND TO CITIES

Introduced by Knoles Seconded by Tabbert

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

Noes: None Absent: None

REPORTS FROM THE PLANNING COMMISSION - None

APPROPRIATION TRANSFERS --11-48 - None

REPORT ON LEGISLATIVE MATTERS

Local Option Road and Street Tax (SB 1294) The City Manager stated that he had been advised the County Board of Supervisors is supporting this bill on the basis that it would provide another way for counties so desiring to finance local street projects. Approximately 1/4 million dollars additional revenue would be derived for Stanislaus County, and Modesto's share would be approximately \$148,000, specifically limited to street and road improvements. Adoption of the proposed tax would be optional with the counties.

Answering a question asked by Councilman Tabbert, the City Manager stated that the proposed tax could be put into effect on a county-wide basis by affirmative action of the Board of Supervisors in any county in which two-thirds or more of the population lives in the unincorporated area. Official action by city councils is required, in addition to the supervisors' action, when more than one-third of the county's population resides in cities.

MOTION

That the Council indicate support of SB 1294 - Local Option Road and Street Tax

Moved by VanderWall Seconded by Mitchell Unanimously carried

The City Manager stated that he wanted to clear the point that there was not and should not be any implication that the County Board of Supervisors has any intention of imposing the tax.

MATTERS FOR THE GOOD OF THE COMMUNITY 11-100

Zoning of McHenry Avenue

Councilman Johansen requested that the Planning Commission re-evaluate the McHenry zoning situation so that the Council will not have to continue acting on individual parcels of property, thus eliminating personalities and feuds among neighbors in the area.

Mayor Hammond stated that there was no way that the Planning Commission could legislate against property owners presenting requests for rezoning. He said that the Council policy limiting the area of McHenry beyond Briggsmore to the development of apartment houses, motels, churches, and structures of this nature, is on record, but every individual has the right to request rezoning if he so desires.

It was the opinion of Councilman Johansen that there might be areas that may never be developed for residential purposes, and the matter should be approached realistically.

The City Manager suggested that if the Council so desired, the staff could prepare a summary report of meetings held and actions taken on this matter, to be presented at the next Council meeting.

By order of the Chair, the City Clerk was directed to place this matter on the agenda of June 1, 1961.

QUARTERLY REPORT OF GREATER MODESTO CHAMBER OF COMMERCE

The quarterly report of the Greater Modesto Chamber of Commerce for the period January through March, 1961 was presented to the Council and ordered filed.

REPORT ON PROTEST TO ISSUANCE OF AN ON-SALE BEER LICENSE TO HELEN AND WILLIAM MILLER, FOR PREMISES LOCATED AT 824 NINTH STREET, MODESTO, BY CHIEF OF POLICE

The City Manager read a letter from Police Chief Bowers addressed to the Department of Alcoholic Beverage Control, Sacramento, dated May 17, 1961, protesting the issuance of an on-sale beer license to Helen and William Miller for premises located at 824 Ninth Street, Modesto. The protest was based on the belief that issuance of the license at this location would increase the high percentage of police activity already existing in this area. This location was formerly the "49 Club," which was closed because of improper conduct.

RESOLUTION NO. 61-250

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO PROTESTING THE GRANTING OF AN ON-SALE BEER AND WINE LICENSE FOR THE PREMISES AT 824 NINTH STREET

Introduced by Johansen Seconded by VanderWall

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

Noes: None Absent: None

ADJOURNMENT

MOTION

That the meeting now in session be adjourned
Moved by Knoles Seconded by Arata 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 special session this date at 4:30 P.M., as provided by Section 2-1.02 of the Modesto Municipal Code, in the Council Chambers at 801 - 11th Street, Mayor Hammond presiding, to consider an appropriation transfer of \$25,000, the settlement offer accepted by police officer claimants in connection with holiday pay litigation.

The City Clerk called the roll and there were

Present: Councilmen: Arata, Johansen, Mitchell, Tabbert,
VanderWall, Mayor Hammond
Councilman Knoles arrived at 4:33 P.M.

Absent: Councilmen: None

The City Attorney stated that the special Council meeting was called to complete settlement of the holiday pay litigation. He said that the attorney for the claimants has indicated acceptance of the City's offer of \$25,000 in complete settlement. An appropriation transfer of \$25,000 is necessary, the funds to be transferred from the General Fund, General Reserve (101-600) to Police Department Holiday Pay (Overtime) Settlement (22-131).

RESOLUTION NO. 61-251

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$25,000 FOR SETTLEMENT OF HOLIDAY PAY LITIGATION - POLICE OFFICERS

Introduced by VanderWall Seconded by Arata

Ayes: Arata, Johansen, Mitchell, Tabbert, VanderWall, Mayor Hammond
Noes: None Absent: Knoles

Councilman Knoles arrived at 4:33 P.M.

The City Attorney stated that \$4,500 was withheld for income tax purposes, the net amount of \$20,500 to be paid to the claimants.

The City Manager stated that no payments would be made until certain matters are cleared by the State. Mr. Miller pointed out that this litigation and the clearance of these claims has cost the city a total of about \$40,000, and also that the background for the holiday pay claims was laid before the present Council members and staff were in office.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned.
Moved by VanderWall Seconded by Tabbert Unanimously carried
The meeting adjourned at 4:35 P.M.

ATTEST: 
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: Arata, Johansen, Mitchell, VanderWall,
Mayor Hammond
Councilman Knoles arrived at 4:02 P.M.
Councilman Tabbert arrived at 4:27 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.

PRESENTATION OF CERTIFICATES TO POLICE PERSONNEL FOR COMPLETION
OF INTERNATIONAL CITY MANAGERS' ASSOCIATION CORRESPONDENCE COURSE
IN MUNICIPAL POLICE ADMINISTRATION

Chief of Police Bowers presented certificates for completion of International City Managers' Association Correspondence Course to the following police personnel:

Leroy Applequist; William J. Coulson; Raymond Coyle; Charles Daggs; Howard David; James Doerksen; Claus Fuhlendorf; Ann Fulmer; Merville Ikerd; Eric Larson; Robert Mathiason; Jack R. McDonald; John Meier; Ronald E. Nelson; Robert Pedersen; Leo Petersen; Norman Sturm; Merle Taylor; Don H. Watson, and Jack Woodward.

The police officers were congratulated by Chief Bowers and Mayor Hammond, in behalf of the Council.

LETTER FROM RUTH C. FLETCHER FOR MR. AND MRS. CHARLES FLETCHER RE:
APPRECIATION FOR TRAFFIC LIGHTS AND SIGNALS AT NEEDHAM AND
VIRGINIA AVENUES

A letter from Ruth C. Fletcher dated May 22, 1961, thanking the City for the installation of traffic lights at Virginia and Needham Avenues, was read by the City Clerk.

The letter was ordered filed.

LETTER FROM MAX METZGER, DIRECTOR NEW TRIBES INSTITUTE, RE:
REQUESTED CHANGE IN THE CODE REGULATION OF PUBLIC ADDRESS SYSTEMS

A letter from Max Metzger, Director, New Tribes Institute, dated May 18, 1961 was read by the City Clerk. The letter requested that the Council consider changing the regulation pertaining to public address systems on the streets of Modesto to allow operation on Thursdays from 7:00 to 9:00 P.M. (Present code regulations permit operation only between the hours of 9:00 A.M. and 5:00 P.M., except on Sundays and legal holidays when no operation is authorized). The proposed use of the public address system is for religious speaking.

The letter was referred to the staff for further report to the Council.

LETTER FROM E. W. HANE, CHIEF ADMINISTRATION OFFICER, STANISLAUS COUNTY, REGARDING JAIL CHARGES, STANISLAUS COUNTY JAIL 1-70

A letter from E. W. Hane, Chief Administration Officer, Stanislaus County, dated May 24, 1961, pertaining to the City's request that the County reduce its per diem charge for the care of City prisoners, was read by the City Clerk. It was the opinion of the Board that all cities should pay their fair share of the cost of any services performed by the County for their direct benefit, and that it would be unfair to provide a service to one city at less than cost when other cities are providing the service at their own expense. The letter listed benefits that accrue to both the City and County from various City and County operations, and through cooperative effort by the Health Department, Library, Road Department and the City-County Airport. The letter stated that the jail costs will be reviewed each year with a view to possible adjustment.

The City Manager stated that the County has never been asked to supply prisoner care at less than cost, but it has been asked to provide the care at the extra costs involved without paying costs which would in any case be assumed by the residents of the City as County taxpayers. Mr. Miller stated that computations show that the extra costs to the County are about \$1.60 per day and if this were used the charge would be in line with that of neighboring counties which charge a per diem rate of \$1.50 to \$1.75. He felt that this rate would adequately reimburse the County.

The City Manager stated that an audit shows that in a number of cases, a double charge has been made against the City when prisoners have been transferred from the jail to the County farm. The County is cooperating in correcting this overcharge. Mr. Miller recommended that the staff be authorized to pay the County the amount due under the contract before the end of the fiscal year, after adjustments determined by the audit are made.

Councilman

Answering a question by VanderWall, Mr. Miller stated that some of the charges have been paid under protest, and the rest withheld pending clearance of both the rate and the audit.

State legislation recently passed which will tend to reduce the volume of City prisoners to its former level was discussed by the Council.

No action was taken by the Council.

INTRODUCTION OF GUEST - ULRICH KLOUBERT

The City Manager introduced Ulrich Kloubert, an exchange student from Aachen, Germany, sponsored by the American Field Service, who has just completed his Senior year at Downey High School.

RESOLUTION AWARDING BID FOR VACUUM SWEEPER 2-40

The City Manager reported that one bid of \$2,978.20 was received from Lift All, Inc., North Sacramento, for a Wayne vacuum sweeper to be used for cleaning the City's parking lots.

Two bids were received for the trailer to transport the sweeper, the low bid submitted by Curtis Equipment Company, San Francisco, for \$737. Mr. Miller recommended that the bids of Lift All, Inc. and Curtis Equipment Company be accepted.

RESOLUTION NO. 61-252

A RESOLUTION ACCEPTING THE BID OF LIFT ALL, INC. IN THE SUM OF \$2,978.20 FOR THE FURNISHING OF AN INDUSTRIAL POWER VACUUM SWEEPER FOR CLEANING THE CITY'S PARKING LOTS

Introduced by Mitchell Seconded by VanderWall

AYES: Arata, Johansen, Knoles, Mitchell, VanderWall, Mayor Hammond

NOES: None ABSENT: Tabbert

RESOLUTION NO. 61-253

A RESOLUTION ACCEPTING THE BID OF CURTIS EQUIPMENT COMPANY IN THE SUM OF \$737 FOR THE FURNISHING OF A LIGHT DUTY TILT BED TRAILER TO CARRY AN INDUSTRIAL POWER VACUUM SWEEPER

Introduced by VanderWall Seconded by Arata

AYES: Arata, Johansen, Knoles, Mitchell, VanderWall, Mayor Hammond

NOES: None ABSENT: Tabbert

CONSIDER AWARD OF BID FOR WATER LINE, PARK MANOR 2-63

Assistant Director of Public Works Campbell stated that no bids were received for the installation of a water line in Park Manor Nos. 3A & 3B Subdivisions.

The City Manager recommended that the work be performed by City forces. The engineer's estimate for cost of the work is \$4,279.20.

RESOLUTION NO. 61-254

A RESOLUTION AUTHORIZING WORK TO BE PERFORMED BY CITY FORCES FOR INSTALLATION OF WATER LINE, PARK MANOR NOS. 3A & 3B SUBDIVISIONS

Introduced by VanderWall Seconded by Johansen

AYES: Arata, Johansen, Knoles, Mitchell, VanderWall, Mayor Hammond

NOES: None ABSENT: Tabbert

CONSIDER AWARD OF BID FOR WATER LINE, YORKSHIRE MANOR 2-70

Assistant Director of Public Works Campbell stated that no bids were received for the installation of a water line in Yorkshire Manor Subdivision Nos. 2 & 3. The engineer's estimate for cost of the work is \$1,659. The City Manager recommended that the work be performed by City forces.

RESOLUTION NO. 61-255

A RESOLUTION AUTHORIZING WORK TO BE PERFORMED BY CITY FORCES FOR INSTALLATION OF WATER LINE, YORKSHIRE MANOR NOS. 2 AND 3 SUB-DIVISION

Introduced by Arata Seconded by VanderWall

AYES: Arata, Johansen, Knoles, Mitchell, VanderWall, Mayor Hammond

NOES: None ABSENT: Tabbert

RESOLUTION AWARDDING BID FOR BRIGGSMORE AVENUE IMPROVEMENT

Assistant Director of Public Works Campbell stated that three bids were received, the low bid submitted by Standard Materials Co. for \$19,796.10, approximately 3 $\frac{1}{2}$ % over the City Engineer's estimate of \$19,126.95. Mr. Campbell requested that award be held over pending approval of the State.

With the consent of the Council, the award of bid was held over.

RESOLUTION AWARDDING BID FOR SEWER LINE INSTALLATION TO MEDICAL-DENTAL CENTER ON ORANGEBURG AVENUE

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

RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR THE CONSTRUCTION OF WATER LINES IN SARATOGA MANOR NO. 3 SUBDIVISION 2-82

RESOLUTION NO. 61-256

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR THE CONSTRUCTION OF WATER LINES IN SARATOGA MANOR NO. 3 SUBDIVISION

Introduced by Johansen Seconded by Arata

AYES: Arata, Johansen, Knoles, Mitchell, VanderWall, Mayor Hammond

NOES: None ABSENT: Tabbert

June 16, 1961 at 2:15 P.M. in the City Clerk's office was set as the time and place for opening of bids.

RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR CONSTRUCTION OF WATER LINES IN MONTGOMERY VILLAGE PARK SUBDIVISION

RESOLUTION NO. 61-257

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR CONSTRUCTION OF WATER LINES, MONTGOMERY VILLAGE PARK SUBDIVISION

Introduced by Knoles Seconded by Arata

AYES: Arata, Johansen, Knoles, Mitchell, VanderWall, Mayor Hammond

NOES: None ABSENT: Tabbert

June 16, 1961 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 FOR THE RELOCATION OF SANITARY SEWER FACILITIES REQUIRED BY STATE FREEWAY CONSTRUCTION

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

REQUEST FOR CONTINUATION OF HEARING ON PROPOSED CLOSING OF GALLAGHER ALLEY ON McHENRY AVENUE FROM 8:45 P.M. ON JUNE 12, 1961 TO JUNE 26, 1961 AT 8:00 P.M. 2-92

The City Manager requested that the hearing be continued from 8:45 P.M. on June 12, to June 26, 1961 at 8:00 P.M. to enable the attorney representing the applicants to be present at the Planning Commission hearing.

MOTION

That the hearing on the proposed closing of the alley adjacent to the Gallagher property on McHenry Avenue be continued from June 12 at 8:45 to June 26, 1961 at 8:00 P.M.

Moved by VanderWall Seconded by Knoles Unanimously carried

ADOPTION OF ORDINANCE NO. 461-C.S., REZONING OF SECTION MAP 16 (DEETER PROPERTY)

ORDINANCE NO. 461-C.S. entitled

"AN ORDINANCE AMENDING SECTION MAP 16 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (DEETER)"

introduced on May 22, 1961 and having been printed and published as required by the Charter, was moved and adopted.

Moved by Johansen Seconded by Mitchell

AYES: Arata, Johansen, Knoles, Mitchell, Tabbert, VanderWall, Mayor Hammond

NOES: None ABSENT: None

CONTINUATION OF ITEM 16 OF AGENDA, "REQUEST FOR CONTINUATION OF HEARING ON PROPOSED CLOSING OF GALLAGHER ALLEY ON McHENRY AVENUE"

The City Attorney stated that continuation of the hearing on proposed closing of the Gallagher alley could not be done in advance, but should be continued if necessary at the regularly scheduled time of hearing, June 12, 1961, at 8:45 P.M.

MOTION

That the motion adopted at this meeting continuing the hearing on the proposed closing of the Gallagher alley on McHenry Avenue from June 12 at 8:45 P.M. to June 26, 1961 at 8:00 P.M. be rescinded

Moved by VanderWall Seconded by Mitchell Unanimously carried

The City Clerk was directed to notify all interested persons that a delay of the hearing has been requested.

CONSIDER ORDINANCE AMENDING SEWER REGULATIONS TO CONSOLIDATE THE PRESENT SEWER LATERAL FUND WITH THE SEWER SERVICE FUND 3-1

The City Attorney stated that the proposed amendment would consolidate the "sewer lateral fund" for connection fees and the "sewer service fund" for regular service charges, thus simplifying accounting procedures, according to the Director of Finance.

ORDINANCE NO. 464-C.S. entitled

"AN ORDINANCE AMENDING SECTION 5-6.212 OF ARTICLE 2 OF CHAPTER 6 OF TITLE V OF THE MODESTO MUNICIPAL CODE AND REPEALING SECTION 5-6.111 OF ARTICLE 1 OF CHAPTER 6 OF TITLE V OF THE MODESTO MUNICIPAL CODE, RELATING TO SEWER SERVICE REVENUES"

was introduced and ordered printed and published as required by the Charter.

Moved by Knoles Seconded by Johansen

AYES: Arata, Johansen, Knoles, Mitchell, Tabbert, VanderWall, Mayor Hammond

NOES: None ABSENT: None

HEARING ON PROPOSED ANNEXATION OF THE VENT ADDITION 4:30 P.M.

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

The City Clerk reported that notice of hearing was published in the Modesto Bee and Turlock Daily Journal on May 8 and May 15, 1961 and notices mailed to all persons owning property in the area and other interested persons on May 15, 1961. 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. 462-C.S. entitled

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

was introduced and adopted, and ordered printed and published as required by the Charter.

Moved by Knoles Seconded by Arata

AYES: Arata, Johansen, Knoles, Mitchell, Tabbert, VanderWall, Mayor Hammond

NOES: None ABSENT: None

ORDINANCE AMENDING AMBULANCE REGULATIONS (MODESTO MUNICIPAL CODE) 3-20

The City Attorney stated that the proposed ordinance would amend the ambulance regulations by placing the granting of licenses on a basis of public convenience and necessity as determined by the Council after a public hearing. This would

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make the ambulance regulations based on a similar procedure to that existing for taxicab licenses.

ORDINANCE NO. 465-C.S. entitled

"AN ORDINANCE AMENDING SECTIONS 3-8.03, 3-8.05, 3-8.07, 3-8.10, AND 3-8.11 OF CHAPTER 8 OF TITLE III OF THE MODESTO MUNICIPAL CODE, ADDING SECTIONS 3-8.05.1, 3-8.05.2, 3-8.05.3, 3-8.05.4, 3-8.05.5, 3-8.05.6, 3-8.07.1, 3-8.07.2, AND 3-8.21 THERETO, AND REPEALING SECTION 3-8.09 THEREOF, RELATING TO LICENSING AND REGULATION OF AMBULANCES

was introduced and ordered printed and published as required by the Charter.

Moved by Arata Seconded by Johansen

AYES: Arata, Johansen, Knoles, Mitchell, Tabbert, VanderWall, Mayor Hammond

NOES: None ABSENT: None

RESOLUTION APPROVING SUBDIVISION AGREEMENT AND FINAL MAP FOR SARATOGA MANOR NO. 3 SUBDIVISION

The City Manager reported that the final map for Saratoga Manor No. 3 Subdivision was in order. The City Attorney stated that the necessary fees, subdivision bond, tax certificate, and bonds for taxes have been received, and Council approval needed.

RESOLUTION NO. 61-259

A RESOLUTION APPROVING THE FINAL MAP OF THE SARATOGA MANOR NO. 3 SUBDIVISION

Introduced by Johansen Seconded by Arata

AYES: Arata, Johansen, Knoles, Mitchell, Tabbert, VanderWall, Mayor Hammond

NOES: None ABSENT: None

RESOLUTION APPROVING RIGHT OF WAY AGREEMENT BETWEEN CITY OF MODESTO AND WALTER W. STORER, A. A. AUSTERLAND AND S. V. NORQUIST

The City Attorney stated that the proposed agreement provides for acquisition of right of way at 1537 Tully Road, subject to the condition that the City install curbs and gutters and improvement of the street section to the curb line. The grant deed has been received subject to approval of the right of way agreement.

Answering a question asked by the City Manager, Assistant Director of Public Works Campbell stated that the improvement of the street section to the curb line was the normal procedure following the installation of curbs and gutters in any section of the City. The City places oil dirt surfacing between the existing pavement and the new curb and gutter, normally an 8 to 10 foot strip, and in this instance about 20 feet.

Answering a question asked by the City Manager, the City Attorney stated that this improvement would not relieve the owners of future obligations to make any improvements that may be required, as this was only an obligation on the part of the City to improve the street section to the curb line and would have no effect on future proceedings,

RESOLUTION NO. 61-260

A RESOLUTION APPROVING RIGHT OF WAY AGREEMENT BETWEEN THE CITY OF MODESTO AND WALTER W. STORER, A. A. AUSTERLAND AND S. V. NORQUIST

Introduced by VanderWall Seconded by Tabbert

AYES: Arata, Johansen, Knoles, Mitchell, Tabbert, VanderWall,
Mayor Hammond

NOES: None ABSENT: None

HEARING ON PROPOSED ANNEXATION OF THE LORENZEN ADDITION 4:35 P.M.

Mayor Hammond announced that the hour of 4:35 P.M. had arrived, the time set for consideration of the annexation of the Lorenzen Addition, and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Bee and the Turlock Daily Journal on May 8, and 15, 1961, and notices mailed to all property owners and interested persons on May 15, 1961. No written protests were received by the City Clerk.

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

ORDINANCE NO. 463-C.S. entitled

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

was introduced and adopted, and ordered printed and published as required by the Charter.

Moved by Arata Seconded by Johansen

AYES: Arata, Johansen, Knoles, Mitchell, Tabbert, VanderWall,
Mayor Hammond

NOES: None ABSENT: None

HEARING ON REPORT OF SUPERINTENDENT OF STREETS ON COST OF SIDEWALK REPAIR IN FRONT OF 340-342 SEMPLE STREET 4:40 P.M. 3-75

Mayor Hammond announced that the hour of 4:40 P.M. had arrived, the time set for consideration of a report of the Superintendent of Streets on the cost of sidewalk repairs in front of 340-342 Semple Street.

Assistant Director of Public Works Campbell stated that written notice to repair the sidewalk was mailed to Edward T. Taylor, Jr., owner of the premises, on April 18, 1961. The owner failed to repair the sidewalk as required by the notice, and the work was ordered done by the Superintendent of Streets in accordance with the provisions of the Streets and Highways Code.

Cost of repairs were as follows:

Removal and replacement of 275 square feet of concrete sidewalk @ 50¢ per square foot, \$137.50; inspection, \$4.45; total cost, \$141.95, the amount to be assessed against this property.

Repairs were completed on May 17, 1961.

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

RESOLUTION NO. 61-258

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF REPAIR OF SIDEWALK IN FRONT OF PROPERTY LOCATED AT 340-342 SEMPLE STREET 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 Johansen

AYES: Arata, Johansen, Knoles, Mitchell, Tabbert, VanderWall, Mayor Hammond

NOES: None ABSENT: None

RESOLUTION CONTINUING AGREEMENT WITH RAY GADA FOR RADIO MAINTENANCE SERVICE 3-90

The City Manager reported that an analysis had been made of this service, and he recommended that the agreement with Ray Gada for radio maintenance be continued for another year, beginning June 5, 1961.

RESOLUTION NO. 61-261

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND RAY GADA

Introduced by Arata Seconded by VanderWall

AYES: Arata, Johansen, Knoles, Mitchell, Tabbert, VanderWall, Mayor Hammond

NOES: None ABSENT: None

CONSTRUCTION FEATURES RELATING TO U.S. 99 HIGHWAY RELOCATION 3-100

(a) Review signing and certain construction features of U.S. Highway 99

Director of Parking and Traffic Carmody stated that present U. S. 99 Highway will be designated "Business U.S. 99," but it will be maintained by the City and will be a City street to all intents and purposes.

Mr. Carmody reviewed drawings which have been received, showing the overhead illuminated signs and detour signing for the Modesto Freeway.

The City Manager stated that a number of discussions have been held with the State on the condition of the present U.S. 99 Highway, and the State has agreed that it is their obligation to place the street in good condition before it is turned over to the City.

Answering a question asked by Mayor Hammond, Mr. Carmody stated that the entire freeway project has gone to bid, and the contract is to be awarded and work started on this side of the river in July or August. The entire work should be completed in 1964 to the State Hospital area.

(b) Request by Council for inclusion of State Highway U.S. 99 Freeway connection in State maintained road mileage

Director of Parking and Traffic Carmody suggested that the Council ask the Division of Highways that portions of 9th Street and L Street be retained in the state mileage system. A diagram indicating the portions of streets to be so retained was presented to the Council. The areas are 9th Street, between D and L; L Street between 5th and 9th Street,--to provide for the movement of State highway traffic between the freeway and Yosemite and Maze Boulevards, which are still state highways. In order to interchange traffic between Maze and Yosemite Boulevards, and also McHenry Avenue, the State should accept as maintained mileage, 6th Street between E and M Streets, and 5th Street between Maze and south of H Street. When the new Kansas Avenue freeway is built, there will be no need for 5th and 6th Streets to interchange traffic between 99 Freeway and Maze Boulevard. Mr. Carmody stated that this matter was discussed with the State District Engineer, who suggested that an official request be made by the Mayor or Council that this be done.

MOTION

That the Mayor be authorized to write a letter to the State Division of Highways requesting that portions of certain streets be retained in the State mileage system, as outlined by the Director of Parking and Traffic.

Moved by VanderWall Seconded by Knoles Unanimously carried

FURTHER CONSIDERATION OF WATER STUDY REPORT

Mayor Hammond announced that the hour of 4:45 P.M. had arrived, the time set for further consideration of the Water Study Report.

The City Manager stated that at its meeting of February 10, 1960, the City Council accepted a report from Ruth and Going, consulting engineers, entitled "Feasibility Study Regarding the Integration of Private Water Utilities with the Municipal Water System for the City of Modesto," and at the same time considered

a report from the Water Study Committee dated February 10, 1960. The Council subsequently approved recommendations contained in paragraphs 3 and 4 of the Water Study Committee Report, which are as follows:

"(3) We have been advised that the National Board of Fire Underwriters will make a grading of this City sometime late in 1960. In view of this, and the effect it may have on insurance rates for this City, we urge that the staff be directed to contact the private water companies regarding the making of improvements as listed in the report, and as recommended by the U.S. Fire Protection Service engineers for providing increased fire protection.

"(4) We recommend that contacts be made with the private companies regarding their interests in disposing of their water supply utilities with particular emphasis on those portions within the city limits."

The City Manager reviewed a report submitted by the Water Study Committee entitled "Integration of Private Water Utilities with the Municipal Water System for the City of Modesto," dated April 6, 1961, a copy of which was previously distributed to each Council member, and a copy filed with the record of the minutes. The following findings are listed in the report: (1) The Del Este Water Company reports it is not interested in disposing of any part of its system. This is a reiteration of the position of the company on this point; (2) The George Bumgardner Water Company has indicated that at this time it does not wish to dispose of its holdings. There might be a possibility of acquisition of this system on a mutually agreeable basis if a method can be worked out whereby payment can be spread over a period of time; (3) The owner of the College Gardens Water Company has indicated a willingness to sell to the City.

The following conclusions and recommendations were made by the Water Study Committee in its report dated April 6, 1961:

"(1) We believe that the feasibility study prepared by Ruth and Going was very well and carefully prepared with its single deficiency being lack of information regarding the Del Este System. Inclusion of information on this system was not possible due to the fact that the consulting engineers were not able to secure necessary data. (2) We concur with conclusions reached by the consulting engineers that the interests of the City of Modesto and the taxpayers within the City can best be served by establishment of an integrated system to provide adequate water supply for both regular use and for fire protection. (3) We have reached the conclusion that integration can best be accomplished by acquisition of the private water systems over an unspecified period of time. Acquisition of the smaller water utilities is a relatively simple matter and can be accomplished, in our opinion, without financial hardship on the part of the City. This would also allow for integration, and making of necessary improvements to those systems, on a pay-as-you-go basis."

The report recommended that careful studies be made before steps are taken toward acquisition of any part of the Del Este Water Company holdings, due to the fact that the system is rather widespread, and in some cases acquisition of portions of the system might possibly result in severance damages.

"(4) While it has been indicated by the City Attorney that it is not feasible to arrange a lease-purchase plan for acquisition of private water utilities, we have checked with the Attorney and find that it is possible to arrange for purchase of a water system by increments (purchase of a portion of a system one year with options for succeeding years.) Any acquisition by this method would, of course, have to be acceptable to the owner of the system involved...."

"(5) We recommend that funds be budgeted for 1961-62 for acquisition of the College Gardens Water Company based on a market value of \$47,000 as of December 31, 1957, less depreciation accrued to date of purchase.

"(6) One of the recommendations made in the Ruth and Going report reads: 'As part of the Council's findings precise boundaries should be established and within this area new municipal distribution systems would be constructed as required by the orderly development of the area. These boundaries should not again be changed for at least twenty or twenty-five years.' Since submission of the Ruth and Going report a general plan for the Modesto Community has been adopted which provides for the orderly development of this community for the next twenty to twenty-five years. Therefore, if the Council agrees with the recommendation of the consultants, the frame-work is now available for the establishment of more or less precise boundaries for water service."

The conclusion reached by the Water Study Committee was that "the best policy for the City to adopt would be for the provision of water utilities within a reasonable distance from the developed urban area when it is economically feasible to do so. We are convinced that 'scatteration' of subdivision developments should be discouraged whenever and wherever possible in order to permit an orderly development from the center outward of this community, but we further believe that upon establishment of a proposed water service area this City must be prepared to provide water service anywhere within that area within reasonable economic limits."

A drawing indicating areas presently served by the City of Modesto water system and those areas served by private water companies, was attached to the report. As a result of a study of the General Plan for the development of the community which has been adopted by the City, and keeping in mind the desirability of an integrated water system for the entire community and considering the feasibility for some areas to be served by existing private water companies, the following recommendations were made regarding water service areas:

"A. Regardless of future ownership, present private systems should be expanded to serve the area between Dry Creek and the Tuolumne River and the area south of the

Tuolumne River east of the present U.S. Highway 99 except for the small area in the vicinity of La Loma Avenue presently served by the City system.

"B. The City should immediately signify its intention to provide water service to all of the remaining area involved in the general plan except in the Ceres vicinity. It should also include that area immediately adjacent to the boundaries of the general plan area bounded by Sylvan Road, Coffee Road, M.I.D. Lateral No. 3 and Mitchell Road.

"C. The staff should be directed to work out revisions to the present policy for water system extensions to provide a sound fiscal basis for extensions beyond the city limits.

"D. It is recognized that the general plan for community development will be revised from time to time which will probably include revision in the boundaries thereof. We recommend that the water service area be revised in accordance with any such boundary changes.

"E. Private water companies, subdivision developers and public agencies should be notified immediately when the City's policy for water service has been established.

"(7) The private water companies should be urged to provide water distribution systems adequate for fire protection purposes in accordance with recognized standards whenever any extensions are made in the general plan area.

"(8) In conclusion, we are in complete agreement with the statements made by the consulting engineers in the last two paragraphs on page 62 of their report: 'It is simply not feasible from an operating standpoint to have several independent water systems within one city. Even assuming the desire for cooperation by all concerned, the important element of coordination cannot be fully realized. This defect shows up particularly in the field of fire protection.'

"Thus, it is concluded that it is both desirable and necessary for all water systems to be owned and operated by one corporate body, and that since the largest and best designed system is the City of Modesto's own municipal system, it is further concluded that the City of Modesto is the agency best suited to supply water requirements to all the people in the City now, and in the future.'"

The Water Study Committee Report quoted above was submitted by Councilmen Merrill L. Adams, Chairman, Leslie G. Knoles and Dr. Thomas M. Spaulding. Mr. Adams and Dr. Spaulding are no longer Council members.

The City Manager stated that copies of this report were submitted to all interested parties and that Council action was needed on any recommendation of the Committee, particularly those which should be considered in connection with the budget for the forthcoming fiscal year.

Kennan Beard, representing Del Este Water Company, referred the Council to page 6, paragraph A. of the Water Study Committee Report dated April 6, 1961, which stated:

"A. Regardless of future ownership, present private systems should be expanded to serve the area between Dry Creek and the Tuolumne River and the area south of the Tuolumne River east of the present U.S. Highway 99, except for the small area in the vicinity of La Loma Avenue presently served by the City System,"

Mr. Beard stated that his answer to this was that his company has a certificate of convenience and necessity issued by the Public Utilities Commission, and must serve certificated areas upon customer application.

Referring to paragraph B of the report, which recommends that the City immediately signify its intention to provide water service to all of the remaining area involved in the general plan except in the Ceres vicinity, and the area immediately adjacent to the boundaries of the general plan area bounded by Sylvan Road, Coffee Road, M.I.D. Lateral No. 3 and Mitchell Road, Mr. Beard stated that in order to reach many of these areas, the City would be required to parallel many of the Del Este Water Company's mains and service areas, creating wasteful expenditures of City funds. He stated that no estimate of the cost to the City is indicated in this report. Another factor is that in many cases the subdivider has free choice as to who is to install water facilities, and the City and the privately owned water company are placed in a competitive position. The City may, by its offer of extending sewer service, make a better deal for the subdivider in some areas, involving themselves to a far greater financial responsibility than for water lines alone. Some of the areas outlined in the general plan are beyond the perimeter served by the present sewer system, which if enlarged again, compound the financial burden of the taxpayers within the city limits.

Referring to paragraph 6b., on the last page of the report, relative to the recommendation of the committee that a legal opinion be obtained from the City Attorney regarding the expansion of areas outside the city limits, but within areas which have been established by the Public Utilities Commission as service areas for private water companies, Mr. Beard stated that this recommendation left a question in his mind as to the intent of the City contained in the question--whether a clarification of the City's right to serve, or a question of Del Este's right to serve in these established areas, if the City decides to provide service outside of its corporate boundaries in the certificated area of privately owned water companies.

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

A map indicating the areas served by the City and the privately owned water companies was presented to the Council and reviewed by the City Manager.

Mayor Hammond stated that the City was primarily concerned with the service to which the people are entitled, and hoped that there would not be too much conflict from a competitive standpoint or a duplication of lines to areas which are heavily served by one company or another. He felt that these points could be worked out at a later date by mutual negotiation, even though the Council approved the

general intent to serve these areas.

Referring to the competition between the City and privately owned companies, Mr. Beard stated that it was more of a potential problem than an actual problem--the potential problem is always there inasmuch as both have a legal right to serve the same areas involved outside the city limits.

Mr. Beard stated that if the Council intended to accept the report as it is, it could be interpreted to mean, under paragraph B, page 6, that the City intended to provide water service in all of the areas indicated on the map. He asked if his interpretation was too rigid.

Mayor Hammond stated that acceptance of the report would be subject to the laws of economics and to changes.

Mr. Beard stated that if the Council accepted the recommendation stating that "the City should immediately signify its intention to provide water service to all of the remaining area involved in the general plan except in the Ceres vicinity," it does signify the City's responsibility to serve and the City has actually obligated itself to serve those areas, regardless of where they may be.

Councilman Tabbert asked if this recommendation could not be tempered by the statement in the first paragraph on page 6 of the report, which reads "We have studied this plan, keeping in mind the desirability of an integrated water system for the entire community, but also remembering that under present conditions it may be more feasible for some areas to be served by existing private water companies."

Councilman Knoles stated that this was the intention of the Water Study Committee.

The City Manager referred to a sentence on page 5 of the report qualifying the recommendation referred to by Mr. Beard, which reads ".....we further believe that upon establishment of a proposed water service area this City must be prepared to provide water service anywhere within that area within reasonable economic limits."

Mr. Miller stated that the City is now serving areas with sewer service where Del Este and other privately owned water companies are furnishing water service, and the City has no intention to furnish water to these areas.

Councilman Mitchell stated that he was in favor of the report as written, with the explanation and qualifications. It was his understanding that the ultimate recommendation was that the entire city area be served by the City system, and he hoped that the City and the private companies could agree that the private companies would build their systems to City standards so that when the City acquired or condemned the systems, the City would receive a system compatible with its own and the water companies would have a more valuable system to sell.

The City Manager suggested that the report be adopted as a policy guide and that a resolution be prepared setting forth the particulars as to the general policy.

Answering a question asked by Councilman VanderWall, the City Manager stated that private water companies, under their franchises, build new water lines in accordance with board of fire underwriter standards within the city limits, but the City has no jurisdiction over installations outside the city limits.

MOTION

That the report be adopted as a guide for the preparation by the staff of a draft of a resolution setting forth Council policy on the purchase of private water companies and serving of water in the general plan area

Moved by Knoles Seconded by VanderWall Unanimously carried

REPORT ON ACTION ON ZONING McHENRY AVENUE

A report entitled "Zoning of McHenry Avenue North of M.I.D. Lateral No. 3," dated June 2, 1961 prepared by Director of Planning Smeath at the direction of the Council was presented to the Council members prior to the meeting.

Referring to the paragraph entitled "Jurisdiction and Use" on page 1 of the report, Councilman Mitchell, formerly a member of the County Planning Commission, stated that facts pertaining to established commercial uses in this area were actually as follows: American Transit Mix Company was at its present location prior to the institution of any County zoning and is there merely as a continuation of a pre-existing use that became nonconforming upon adoption of the county zoning ordinance for that area;

A permit was granted for operation of a nursery as it was the feeling of the County Planning Commission at that time that it was not a heavy commercial use, that it was immediately adjacent to the transit mix company and not too much in violation of a non-commercial use;

A land use permit was granted for a real estate office, the County Planning Commission feeling that no residence would be constructed next to the transit mix company;

The owner of the veterinarian's office and kennels obtained County approval for this use and purchased the land prior to going into military service, and while in the service the property was rezoned. A variance or permit was granted this owner to develop the property to its present use.

Mr. Mitchell stated that it was his understanding that the highway frontage zoning placed further out on McHenry was against the advice and recommendation of the County Planning Commission--it's recommendations were overruled by the County Board of Supervisors.

Councilman Johansen stated that there are possible areas along McHenry which can never be used for residential purposes, and felt that this problem should be reviewed.

It was Mayor Hammond's opinion that no changes should be made in the zoning of this property. He stated that many cities have residential areas fronting on major streets.

Councilman Mitchell stated that Martin Schuler, the County Planner, had told him that although the County Planning Commission had tried to hold the zoning for residential purposes or its present uses until it was annexed to the City, Mr. Schuler indicated that no person today would ever build a single-family residence on McHenry Avenue. Rather than the City Planning Commission and the Council being faced with recurring requests for rezoning by property owners wishing to put their land to beneficial use, it was Councilman Mitchell's opinion that the City Planning Commission should review the matter, taking into consideration the residential uses on the streets immediately to either side of McHenry, and present a plan whereby property owners with frontage on McHenry Avenue can develop their properties to uses which will not constitute strip zoning. Mr. Mitchell suggested several possible alternatives -- R-3 Zoning, with multiple family or apartment houses, with limited rights of access to the highway; the possibility of large owners developing commercially if they put in a frontage road with limited access onto McHenry. Mr. Mitchell did not feel that the Council could ignore the problem or continue to keep it residential.

Residential areas fronting major streets and highways were discussed by the Council.

Director of Planning Smeath stated that it was imperative that the Council and people of the community realize that there is not enough demand for commercial development or multiple family residences to fill up the major streets. One of the problems to be faced is properties along major streets are valued by their owners far in excess of ordinary residential lots. Agreeing with Councilman Mitchell, Mr. Smeath felt that it was imperative that the Planning Commission present specific plans for these areas.

Councilman Johansen stated that residential tracts fronting freeways were discussed with the Mayor of Ontario on a recent visit, and land fronting freeways are at their lowest ebb in this area. People can therefore afford to buy the land for residential purposes. Mr. Johansen thought it would be in order for a committee of Planning Commission members or a combined Council and Planning Commission Committee, to make a study of the situation and submit recommendations.

Councilman Knoles stated that the points agreed upon at the joint meeting of the City and County Planning Commissions, Board of Supervisors and Council should still hold, and he felt that the longer the Council held to its position not to extend the commercial area on McHenry, the fewer requests for rezoning would be received.

MOTION

That the following be accepted as Council Policy: That the frontage of McHenry Avenue must be made available for special, large-space, planned development uses which are harmonious uses on a major street and yet will not contribute to string commercial development; That in the area north of Modesto along McHenry Avenue, neither the City nor the County should approve individual, scattered types of businesses.

Moved by Knoles Seconded by Johansen Unanimously carried

RESOLUTION ESTABLISHING AND FIXING PARKING RATES AND CHARGES FOR USE OF MUNICIPAL OFF-STREET PARKING FACILITIES

CONSIDER CHANGING MAXIMUM PARKING TIME IN BASEMENT OF CITY HALL GARAGE

The City Manager stated that the Council has indicated its desire to change the maximum time limit in the basement garage of the City Hall from three to ten hours. In view of the long limit and the uniform hourly charge, Mr. Miller recommended that a no maximum time limit be established at 10¢ per hour.

RESOLUTION NO. 61-262

A RESOLUTION ESTABLISHING AND FIXING PARKING RATES AND CHARGES FOR USE OF MUNICIPAL OFF-STREET PARKING FACILITIES IN THE CITY OF MODESTO AND RESCINDING RESOLUTION NO. 61-145

Introduced by Knoles Seconded by Johansen

AYES: Arata, Johansen, Knoles, Mitchell, Tabbert, VanderWall, Mayor Hammond

NOES: None ABSENT: None

CONSIDER AGREEMENT WITH DEVELOPERS OF NORTH STAR ESTATES SUBDIVISION FOR WATER SERVICE

Assistant Director of Public Works Campbell stated that the proposed agreement covers extension of water lines to the North Star Estates Subdivision at an estimated cost of \$16,000. The agreement provides that the subdividers will annex as soon as reasonably possible, the City agrees to install water lines on the same terms and conditions as if the subdividers were within the City. The subdividers agree to provide any easements necessary to connect the mains to existing or proposed water system, and the City reserves the right to charge the property owners or users a higher rate for water than charged in the City. The subdividers agree to cause all improvements to fully comply with County subdivision requirements, including the following additional requirements:

(1) Street trees acceptable to the City to be installed by subdividers; (2) Subdividers agree to pay \$20 per lot for park fee; (3) Subdividers agree to convey a pump site free and clear to the City; (4) Subdividers agree to make a cash contribution towards the construction in the amount of \$2,000; (5) To insure reasonable return from the City investment, that the subdividers pay 1/2 the water charges on an annual basis for lots not included on the final map.

Development of a well in the subdivision was discussed by Mr. Campbell. Answering a question asked by the City Manager, Mr. Campbell stated that the \$16,000 represents the cost of the extension of the water line to the subdivision, and does not include the lines within the subdivision, nor the development of the well. \$2,000 would be paid by the subdividers. The City is committed to the development of the well prior to the installation of the improvements within the subdivision, which means that development of the well would be immediate. The City is also committed to completion of the water line within 90 days after the filing of the final map of the subdivision. This is a normal

procedure, but is written specifically in this agreement. Sidewalks will be installed in the subdivision. County and City subdivision requirements were discussed by the Council.

RESOLUTION NO. 61-263

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND DEVELOPERS OF NORTH STAR ESTATES SUBDIVISION

Introduced by Knoles Seconded by VanderWall

AYES: Arata, Johansen, Knoles, Mitchell, Tabbert, VanderWall, Mayor Hammond

NOES: None ABSENT: None

RESOLUTION APPROVING SUBDIVISION AGREEMENT AND FINAL MAP FOR MONTGOMERY VILLAGE PARK SUBDIVISION 10-20

Assistant Director of Public Works Campbell stated that the final map was in order and filed with the City Clerk.

The City Attorney stated that all fees have been paid, performance bond, and necessary certificates have been received.

RESOLUTION NO. 61-264

A RESOLUTION APPROVING THE FINAL MAP OF THE MONTGOMERY VILLAGE PARK SUBDIVISION

Introduced by Mitchell Seconded by Johansen

AYES: Arata, Johansen, Knoles, Mitchell, Tabbert, VanderWall, Mayor Hammond

NOES: None ABSENT: None

SUBMISSION OF PROPOSED PARK PLAN, PART 1, LAND

The City Manager stated the the Park Plan, Part 1, Land, was "accepted" by the Planning Commission on March 7, 1961, and that it was not "adopted" as indicated on the cover page. Copies were distributed to the Council members for their review and consideration.

CONSIDER REQUEST FOR SEWER SERVICE TO PROPERTY LOCATED AT 437 EL VISTA OWNED BY RETHA CONE

The City Manager stated that ^{the} owner of property at 437 El Vista has requested that sewer service be provided. The property is contiguous to the City, and the property owner has agreed to comply with the usual requirements. The City Manager recommended that the sewer service be approved.

MOTION

That the request for sewer service to property located at 437 El Vista be approved

Moved by VanderWall Seconded by Arata Unanimously carried

REQUEST BY F. M. BRACK TO HAVE CITY RESURFACE HIS WALL NEXT TO THE 10TH AND H STREET PARKING LOT

Director of Traffic Carmody stated that F.M. Brack has requested that the City resurface the wall of his building next to the 10th and H Street parking lot leased by the City. Mr. Brack has given the City permission to erect lights for the lot on his building. It was Mr. Carmody's opinion that this was probably a matter to be resolved between Mr. Brack and the landlord.

MOTION

That the request of F.M. Brack for resurfacing of wall next to 10th and H Street parking lot be denied

Moved by Knoles Seconded by VanderWall Unanimously carried

RESOLUTION APPROVING CONTRACT WITH STATE PERSONNEL BOARD FOR CONTINUANCE OF EXAMINING SERVICES 10-80

RESOLUTION NO. 61-265

A RESOLUTION APPROVING CONTRACT BETWEEN THE CITY OF MODESTO AND STATE PERSONNEL BOARD (July 1, 1961 to June 30, 1962)

Introduced by VanderWall Seconded by Tabbert

AYES: Arata, Johansen, Knoles, Mitchell, Tabbert, VanderWall, Mayor Hammond

NOES: None ABSENT: None

CONSIDER APPLICATION FOR SEWER SERVICE, CLAYTON AVENUE (O.D. FISK)

The City Manager briefly reviewed the background of Mr. Fisk's request for sewer service to his property at 1825 Clayton Avenue, which is outside the city limits. Mr. Fisk applied for a use permit from the County Planning Commission to erect a seven-unit apartment house. This was referred to the City Planning Commission, which recommended denial of the application. The County Planning Commission also denied the application, stating that it would reconsider the application if the City agreed to serve the property with sewer facilities, and if the applicant reduced the number of units. The application was denied by the County Board of Supervisors. Mr. Fisk reapplied to the County Planning Commission for a land use permit, and the matter tabled until the City Council acted on the request for sewer service. This was considered by the Council on May 8, 1961 at which time it referred the matter to the Planning Commission for reappraisal of its original recommendation that the property be zoned R-1. The City Planning Commission at its meeting of May 17, 1961 again recommended to the County that Mr. Fisk's application for a land use permit be denied.

Director of Planning Smeath stated that the north side of Clayton is built solidly with single-family residences, except for Mr. Fisk's property, where he proposes to build an apartment house.

Answering a question asked by Councilman Tabbert, Mr. Smeath stated that the Planning Commission has submitted a zoning plan to the County Planning Commission for the entire area east of the freeway to Carver Road, and that he would furnish the Council members a copy of the sketch and report if they so desired.

Nonconforming uses within the area were discussed by the Council.

MOTION

That the request of O.D. Fisk for sewer service at 1825 Clayton Avenue be denied

Moved by Knoles Seconded by Johansen Unanimously carried

RESOLUTION RECOMMENDING ANNEXATION OF THE GISH ADDITION

The City Manager stated that Planning Commission Resolution No. 712 recommends that proceedings be commenced for the annexation of the Gish Addition, consisting of 10.3 acres.

RESOLUTION NO. 61-266

A RESOLUTION GIVING NOTICE OF THE PROPOSED ANNEXATION TO THE CITY OF MODESTO OF UNINHABITED TERRITORY DESCRIBED HEREIN AND DESIGNATED AS GISH ADDITION AND GIVING NOTICE OF TIME AND PLACE FOR HEARING PROTESTS THERETO

Introduced by Johansen Seconded by Arata

AYES: Arata, Johansen, Knoles, Mitchell, Tabbert, VanderWall, Mayor Hammond

NOES: None ABSENT: None

July 24, 1961 at 8:00 P.M. in the Council Chambers, City Hall was set as the time and place of hearing.

RESOLUTION ESTABLISHING RATES FOR THE USE OF SWIMMING POOLS AT MODESTO AND DOWNEY HIGH SCHOOLS 11-20

The City Attorney stated that the proposed resolution covers increase in rates for the use of the swimming pools at Modesto and Downey High Schools, effective June 1, 1961.

RESOLUTION NO. 61-267

A RESOLUTION ESTABLISHING RATES FOR THE USE OF THE SWIMMING POOLS AT THE MODESTO HIGH SCHOOL AND DOWNEY HIGH SCHOOL DURING THE SUMMER VACATION SEASONS WHILE POOLS ARE BEING OPERATED BY THE CITY OF MODESTO, AND RESCINDING RESOLUTION NO. 59-265

Introduced by VanderWall Seconded by Arata

AYES: Arata, Johansen, Knoles, Mitchell, Tabbert, VanderWall, Mayor Hammond

NOES: None ABSENT: None

RESOLUTION PETITIONING THE COUNTY BOARD OF SUPERVISORS TO EXCLUDE PROPERTY WITHIN THE CITY OF MODESTO FROM THE COUNTY TAX LEVY FOR STRUCTURAL FIRE PROTECTION 11-15

The City Manager stated that each year the County of Stanislaus levies a County tax upon property within the County to provide county funds for structural fire protection of areas in the County. State law provides that the City may petition the Board of Supervisors to exclude from such tax levy, all property within the corporate limits of the City of Modesto.

Mr. Miller stated that the State law does not exempt the City from range and brush land. This will be cleared with the County. The Manager recommended that the resolution be approved.

RESOLUTION NO. 61-268

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 Knoles Seconded by Johansen

AYES: Arata, Johansen, Knoles, Mitchell, Tabbert, VanderWall, Mayor Hammond

NOES: None ABSENT: None

REQUEST FOR SEWER SERVICE - YOSEMITE BOWLING ALLEY, 2301 YOSEMITE BOULEVARD, LOTS 11 TO 22 IN BLOCK 2265 11-27

The City Manager stated that W. W. Russell has requested that sewer service be provided for a bowling alley now under construction at 2301 Yosemite Boulevard. In order to serve the property it will be necessary to extend the Miller Avenue trunk sewer a distance of 860 feet to Colfax Avenue at an estimated cost of \$12,000. The estimated cost of placing a 6" sewer lateral in Colfax Avenue between Miller Avenue and the property to be served is \$3,250, which cost will be borne by the applicant, with no refund provisions. A memorandum from the Director of Public Works dated June 1, 1961 stated that the trunk sewer on Miller Avenue is designed to serve the area north of Yosemite Boulevard and as far east as Lincoln Avenue, and proposed that a 15" diameter line be constructed at this location. An inquiry regarding sewer service has been received from the owner of a 20-acre parcel of land west of Riverside Avenue who proposes to subdivide if he can be assured of sewer service.

The City's share of the cost would be paid from sewer bond funds. Mr. Miller recommended that sewer service to 2301 Yosemite Boulevard be approved as outlined above.

MOTION

That the staff be authorized to prepare agreement between W. W. Russell and the City of Modesto for sewer service to 2301 Yosemite Boulevard

Moved by VanderWall Seconded by Arata Unanimously carried

CONSIDER AMENDMENTS TO BUILDING, PLUMBING AND ELECTRICAL CODE

The City Manager stated that during the past year the Building Inspection Division has been meeting with various building groups to discuss problems concerning the plumbing, building and electrical codes. Assistant Director of Public Works Campbell briefly reviewed the proposed changes:

Plumbing and Building Codes -- the wording has been changed to charge a double fee, or \$10, whichever is greater, whenever work is done without a permit. This change is also proposed for the Electrical Code.

Electrical Code -- In the past the National Electrical Code has been used as our guide. In some cases, primarily industrial and commercial developments, this is pre-empted by the State Electrical Safety Orders. The following proposals have been made: Adopt the 1959 National Electrical Code to apply to domestic residences and apartment houses of not more than four units, and that the latest edition of the Electrical Safety Orders of the Department of Industrial Relations of the State of California apply to all other work.

This recommendation resulted from meetings with electrical contractors in the area to eliminate overlapping of regulations. Mr. Campbell stated that state regulations are more restrictive.

ORDINANCE NO. 466-C.S. entitled
"AN ORDINANCE AMENDING SECTION 9-1.03.1 OF CHAPTER 1 OF TITLE IX OF THE MODESTO MUNICIPAL CODE, RELATING TO BUILDING REGULATIONS; AMENDING SECTION 9-2.09 OF CHAPTER 2 OF TITLE IX OF THE MODESTO MUNICIPAL CODE, RELATING TO PLUMBING CODE; AND AMENDING SECTIONS 9-3.206, 9-3.301, AND 9-3.401 OF CHAPTER 3 OF TITLE IX OF THE MODESTO MUNICIPAL CODE, RELATING TO ELECTRICAL CODE"

was introduced and ordered printed and published as required by the Charter.

Moved by Johansen Seconded by Mitchell

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

NOES: None ABSENT: None

REPORTS FROM THE PLANNING COMMISSION - None

REPORT ON LEGISLATIVE MATTERS

Local Option Road and Street Tax (SB 1294) - The City Manager stated that he reported at the last Council meeting that the Board of Supervisors supporting this bill. Mr. Miller later learned that the County has not taken action on this particular bill. As a result, Mr. Miller stated that he did not notify Sacramento of the Council's support indicated at the May 18th Council meeting.

MOTION

That the Council reaffirm its support of SB 1294 - Local Option Road and Street Tax

Moved by Knoles Seconded by VanderWall Unanimously carried

AB-2834 - The City Manager stated that this measure would change the allocation of unrefunded aviation fuel tax funds. Under present legislation, only a portion of it is allocated to airport

use, and the balance reverts to the Motor Vehicle Fuel Fund. This bill would change the method of allocation so that all of the money, except administrative costs, would be available for airports, and that a minimum of \$2,500 annually would be allocated to each city or county owning an airport. It further provides that any city, county or airport district may apply to the commission annually during the first six months of the year for allocation of funds for the acquisition and development of airports, provided the city or county has a fund at least equal to the allocation which the commission is to set up for the same purpose.

MOTION

That the Council indicate its support of AB-2834

Moved by Arata Seconded by VanderWall Unanimously carried

APPROPRIATION TRANSFERS

The City Manager stated that the following appropriation transfers were necessary:

General Fund (101)

| | |
|--|----------|
| From: General Reserve -(600) | \$15,000 |
| To: Water Line & Hydrant Ext. (503-50) | \$15,000 |

| | |
|---|-----|
| From: General Reserve -(600) | 150 |
| To: City Attorney, Office Supplies - (301-13) | 150 |

Service Working Capital Fund (512)

| | |
|---|-------|
| From: Appropriated Reserve - (600) | 3,716 |
| To: Service Working Capital.- Vacuum Sweeper (504-48) | 3,716 |

Special Gas Tax Street Improvement Fund - (207)

| | |
|---|-----|
| From: Special Gas Tax Reserve - (600) | 500 |
| To: Project 86 - Reconstruction of driveways McHenry Avenue (503) | 500 |

| | |
|---|--------|
| From: Project No. 84 - Improvement of Briggsmore Avenue (503) | 11,500 |
| To: Project No. 87 - Improvement of Briggsmore Avenue from alley east of Aloha Way to McHenry | 11,500 |

RESOLUTION NO. 61-269

A RESOLUTION APPROVING APPROPRIATION TRANSFERS

Introduced by Mitchell Seconded by Tabbert

AYES: Arata, Johansen, Knoles, Mitchell, Tabbert, VanderWall, Mayor Hammond

NOES: None ABSENT: None

MATTERS FOR THE GOOD OF THE COMMUNITY

Fred Curtis, 618 Ashby Avenue, spoke briefly to the Council on the following subjects:

- (1) Mr. Curtis stated that the actions and proposed actions of the Council are inadequately publicized;
- (2) It was Mr. Curtis' opinion that the City could operate the collection of garbage more economically than private enterprise since it does not operate for a profit and felt that the City should take over the entire operation;
- (3) That since there was economy in a combined operation, the people should benefit rather than the private garbage companies;
- (4) The ordinance prohibiting unleashed dogs in the streets should be enforced;
- (5) Bicycles are vehicles and subject to the same laws as an automobile and children should be taught to obey traffic laws.

Mr. Curtis complimented all City employees on their efficiency and devotion to duty.

Mayor Hammond stated that a public hearing would be held on the combined garden refuse and garbage collection.

Referring to Mr. Curtis' statement that the City should take over the collection of garbage, Mayor Hammond stated that it is true that the government at all levels could take over all private activities, but history has indicated that where government takes over all activity, the people as a whole suffer from lack of standards which we enjoy under a capitalistic program.

The City Attorney stated that the City has an ordinance which requires that all dogs on streets be under leash.

The City Manager stated that a City ordinance permits children to ride bicycles on sidewalks in residential areas.

REPORT ON STREET DEFICIENCIES

A copy of the Report on Street Deficiencies was presented to each Council member. The City Manager stated that the Streets and Highways Code requires that this report be made to the Council by June 1 each year. A copy was ordered filed for the record.

REPORT ON EVALUATION OF INSURANCE PROGRAM

A report prepared by Deputy City Manager Keefe, dated May 24, 1961, entitled "Evaluation of Insurance Program" was presented to each Council member. The report was prepared at the direction of the Council on February 23, 1961 that the "Evaluation of Insurance Program" prepared by Griffenhagen-Kroeger, Inc. be submitted to the Modesto Insurance Agents' Association for detailed comments, and that upon receipt of comments a report be submitted to the City Council by the staff. The report from Modesto Insurance Agents' Association dated May 1, 1961 is attached to the report submitted by Mr. Keefe.

The following recommendations were made:

- (1) One specific City staff officer be assigned the responsibility for insurance as recommended in both reports.

- (2) The staff be instructed to review each recommendation with the Insurance Agents' Association.
- (3) The staff be authorized to adopt or recommend Council adoption of those recommendations improving the insurance program agreed upon by the consultant, Association, and staff which will not increase the premium.
- (4) The staff be instructed to report to the City Council on those other recommendations improving the insurance program agreed upon by both the consultant and Association which do increase the cost of the premium, with the increased cost determined.
- (5) The staff be instructed to review with the Association those recommendations made by Griffenhagen-Kroeger, Inc., with which the Association disagrees, and to make a separate report to the City Council recommending action to be taken.
- (6) That the staff make such other recommendations regarding the City's insurance program as are developed from our analysis of the policies.

MOTION

That the procedures outlined in the memorandum dated May 24, 1961, subject, "Evaluation of Insurance Program," be accepted.

Moved by VanderWall Seconded by Tabbert Unanimously carried

REPORT ON FIRE GRADING OF MODESTO FACILITIES BY BOARD OF FIRE UNDERWRITERS

The City Manager stated that the Pacific Fire Rating Bureau has rated the City 4a on the basis of 1704 deficiency points. The previous grading was 2b. The 4a rating is the result of many factors -- growth, lowering of the overall water system grading, fire alarm system improvements which were brought to the City's attention during the previous grading, and which have not yet been made. Mr. Miller stated that a comparative tabulation of deficiency points will be furnished the Council.

Mr. Miller stated that at the request of the Council, the Fire Rating Bureau has been asked to give the City time to make certain improvements which can be made within a year or so. If this can be done within a reasonable time, it may be possible to achieve a 3b rating. This will require lowering the deficiency points to below 1500. Improvement of the private water systems within the City to meet rating standards and some changes in the City water operation would make about one-half grade difference. The City Manager stated that a report will be submitted to the Council outlining things which can be done to improve the rating.

The City Manager announced the formation of the Municipal Fire Defense Institute, a service of the American Municipal Association, nation-wide and permanent, which will work on fire rating problems. The City will be asked to join.

PRESENTATION OF PRELIMINARY BUDGET, 1961-62 FISCAL YEAR, AND
SETTING DATE FOR PUBLIC HEARING

June 13, 1961 at 4:00 P.M. in the Council Chambers was set as the first special Council meeting for consideration of the budget, the meetings to be continued until the entire budget is reviewed and each meeting limited to approximately 1½ hours.

RESOLUTION NO. 61-270

A RESOLUTION SETTING THE DATE FOR THE PUBLIC HEARING ON THE PROPOSED BUDGET FOR THE CITY OF MODESTO FOR THE FISCAL YEAR 1961-62

Introduced by Knoles Seconded by Johansen

AYES: Arata, Johansen, Knoles, Mitchell, Tabbert, VanderWall, Mayor Hammond

NOES: None ABSENT: None

June 26, 1961 at 8:00 P.M. in the Council Chambers, City Hall, was set as the time and place for public hearing of the proposed budget.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by VanderWall Seconded by Knoles Unanimously carried

The meeting adjourned at 7:24 P.M.

ATTEST:


REX E. GAILFUS
City Clerk

Modesto City Council
June 12, 1961

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, Knoles, Mitchell, Tabbert,
VanderWall, Mayor Hammond
Councilman Arata arrived at 7:35 P.M.

Absent: Councilmen: None

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

Reverend Arthur Thurman gave the invocation.

Robert Bienvenu was present as Acting City Attorney in the absence of City Attorney Allen Grimes.

LETTER FROM FRANK HELM - HELM MOTOR RENTAL DIVISION RE: TERMINATION OF CONTRACT FOR RENTALS AT CITY-COUNTY AIRPORT 1-10

A letter from Frank M. Helm dated June 1, 1961 requesting termination of contract providing rental vehicles for use of the public at the Modesto City Airport was read by the City Clerk.

The letter was referred to the staff by order of the Chair.

LETTER OF APPRECIATION FROM SALVATION ARMY FOR PERMIT TO HANG BANNERS 1-15

A letter from Lieutenant James F. Schaal, Commanding Officer, Salvation Army, dated June 7, 1961 thanking the city for use of Mancini Bowl and issuance of permit to hang Salvation Army banners upon the street during National Salvation Army Week was read by the City Clerk.

The letter was ordered filed.

RESOLUTION AWARING BID FOR IMPROVEMENT OF BRIGGSMORE AVENUE BETWEEN MCHENRY AND ALLEY IN BLOCK 6195

At the request of the City Manager, and with the consent of the Council, this matter was held over pending clearance with the State.

RESOLUTION AWARING BID FOR SEWER LINE INSTALLATION TO MEDICAL-DENTAL CENTER ON ROSEBURG AVENUE TO NELSON AVENUE 1-25

Director of Public Works Ray stated that three bids were received, the low bid of \$18,879.02 submitted by Baleme Construction Co., Inc. The engineer's estimate for the cost of the work was \$16,494. After a recheck by the City Engineer, it has been determined that the bid of Baleme Construction Co. is a reasonable bid because of soil conditions and the presence of 54 water and gas services to cross in the streets involved. The Medical-Dental group has submitted checks totaling \$10,000

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for their share in the cost of installation, a portion of which will be refunded by the city. Mr. Ray recommended that the contract be awarded to Baleme Construction Co., Inc. An appropriation transfer of \$3,500 is necessary.

RESOLUTION NO. 61-271

A RESOLUTION ACCEPTING THE BID OF BALEME CONSTRUCTION COMPANY, INC. IN THE SUM OF \$18,879.02 FOR INSTALLATION OF SEWER LINE TO MEDICAL-DENTAL BUILDING ON ROSEBURG AVENUE TO NELSON AVENUE

Introduced by Knoles Seconded by VanderWall

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

Noes: None Absent: None

RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR RELOCATION OF SANITARY SEWER FACILITIES REQUIRED BY CONSTRUCTION OF STATE FREEWAY IN THE CITY 1-40

At the request of the Director of Public Works and with the consent of the Council, this matter was held over pending clearance of easement rights of way by the State.

ADOPTION OF ORDINANCE NO. 464-C.S., CHANGE IN SEWER LATERAL FUND

ORDINANCE NO. 464-C.S. entitled

"AN ORDINANCE AMENDING SECTION 5-6.212 OF ARTICLE 2 OF CHAPTER 6 OF TITLE V OF THE MODESTO MUNICIPAL CODE AND REPEALING SECTION 5-6.111 OF ARTICLE 1 OF CHAPTER 6 OF TITLE V OF THE MODESTO MUNICIPAL CODE, RELATING TO SEWER SERVICE REVENUES."

introduced on June 5, 1961, and having been printed and published as required by the Charter, was moved and adopted.

Moved by VanderWall Seconded by Knoles

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

Noes: None Absent: None

ADOPTION OF ORDINANCE NO. 465-C.S., REGULATION OF AMBULANCES

ORDINANCE NO. 465-C.S. entitled

"AN ORDINANCE AMENDING SECTIONS 3-8.03, 3-8.05, 3-8.07, 3-8.10, AND 3-8.11 OF CHAPTER 8 OF TITLE III OF THE MODESTO MUNICIPAL CODE, ADDING SECTIONS 3-8.05.1, 3-8.05.2, 3-8.05.3, 3-8.05.4, 3-8.05.5, 3-8.05.6, 3-8.07.1, 3-8.07.2, AND 3-8.21 THERETO, AND REPEALING SECTION 3-8.09 THEREOF, RELATING TO LICENSING AND REGULATION OF AMBULANCES"

introduced on June 5, 1961, and having been printed and published as required by the Charter, was moved and adopted.

Moved by Arata Seconded by Johansen

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

Noes: None Absent: None

ADOPTION OF ORDINANCE NO. 466-C.S., AMENDING MUNICIPAL CODE -
BUILDING, PLUMBING AND ELECTRICAL REGULATIONS

ORDINANCE NO. 466-C.S. entitled

"AN ORDINANCE AMENDING SECTION 9-1.03.1 OF CHAPTER 1 OF TITLE IX OF THE MODESTO MUNICIPAL CODE, RELATING TO BUILDING REGULATIONS, AMENDING SECTION 9-2.09 OF CHAPTER 2 OF TITLE IX OF THE MODESTO MUNICIPAL CODE, RELATING TO PLUMBING CODE; AND AMENDING SECTIONS 9-3.206, 9-3.301 AND 9-3.401 OF CHAPTER 3 OF TITLE IX OF THE MODESTO MUNICIPAL CODE, RELATING TO ELECTRICAL CODE"

introduced on June 5, 1961, and having been printed and published as required by the Charter, was moved and adopted.

Moved by Johansen Seconded by Arata

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

Noes: None Absent: None

RESOLUTION ACCEPTING AS COMPLETE THE FURNISHING, MANUFACTURING
AND INSTALLATION OF DRAPERIES IN THE CITY HALL AND AUTHORIZING
PAYMENT 1-70

The City Manager reported that installation of draperies in the City Hall has been completed by Gordo's Draperies.

RESOLUTION NO. 61-278

A RESOLUTION ACCEPTING THE FURNISHING, MANUFACTURING AND INSTALLATION OF DRAPERIES IN THE CITY HALL BY GORDO'S DRAPERIES

Introduced by Mitchell Seconded by VanderWall

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

Noes: None Absent: None

REPORT ON ELECTION COST (GENERAL MUNICIPAL ELECTION IN APRIL)
AND REQUEST FOR TRANSFER OF \$316 FROM THE GENERAL RESERVE

A tabulation of election costs was furnished to the Council prior to the meeting. The City Clerk reported that \$9,000 was budgeted for the municipal election, \$1,500 was appropriated in May, 1961, and an additional sum of \$316 is needed. The increased costs over the 1959 election were due primarily to salaries for extra help, increased number of ballots required, \$400 charged by the County Clerk for use of equipment and forms, and \$187 for proposition folders. \$6,278 will be reimbursed by Modesto Schools for their share of the costs.

At the suggestion of the City Manager, action on the appropriation transfer was withheld until later in the meeting.

RECONSIDER PARKING ARRANGEMENTS AT 9TH STREET PARKING LOT 1-90

Director of Parking and Traffic Carmody suggested that the Council reconsider the stall arrangements for the 9th and J Street parking lot. He stated that Mr. Lewis, from whom the city leases the lot, has requested that the Council consider changing the spaces next to the Lotus Restaurant. Under the plan suggested by Mr. Carmody, the 20 spaces now in this area would be cut down to 15. Mr. Carmody also suggested that the two aisles in the lot be connected, which could be accomplished by eliminating four spaces. By closing the entrance to the alley, three spaces could be added, which would mean a loss of only one space if the aisles were connected.

Mr. Carmody stated that all bumpers are being eliminated and combined meter post-bumpers installed, and it would be best if the arrangements chosen were to be final. Removal of the bumpers will permit more effective use of the new sweeper.

Difficulties experienced in parking near the Lotus Cafe were discussed by the Council.

Answering a question asked by Councilman Arata, Mr. Carmody stated that each parking stall on this lot averages \$200 per year. He stated that he had not discussed the loss of revenue which would result from rearrangement of the parking stalls, with the owner of the lot.

Mayor Hammond stated that he realized the arrangement of the parking lot was unsatisfactory, but felt that all possible parking stalls should be retained.

Mr. Carmody pointed out the advantages of connecting the two aisles.

MOTION

That the plan outlined by Director of Parking and Traffic Carmody to connect the two aisles of the 9th and J Street parking lot be approved, and that the parking stalls next to the Lotus Cafe remain unchanged.

Moved by Mayor Hammond Seconded by Arata The motion carried.

CONSIDER CLOSING OF THE MUNICIPAL GOLF COURSE (9-HOLE) AT 4:30 P.M. ON JULY 4, 1961

The City Manager stated that ending the starting time at the Municipal Golf Course at 4:30 P.M. on July 4, 1961 will enable the golfers to clear the golf course by 7:00 P.M., the anticipated time the public will gather to view the fireworks at Del Webb Field.

MOTION

That the starting time at Municipal Golf Course end at 4:30 P.M. on July 4, 1961.

Moved by Arata Seconded by Knoles Unanimously carried

CONSIDER RENTAL OF CITY OWNED PROPERTY AT 430 BRIGGSMORE AVENUE

The City Manager stated that Mrs. Bonnie Ulloa has offered to rent city property at 430 Briggsmore Avenue on a month to month tenancy for \$40 per month. This property was purchased by the city for the extension of Northern Boulevard.

RESOLUTION NO. 61-272

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND MRS. BONNIE ULLOA FOR THE RENTAL OF CITY-OWNED PROPERTY AT 430 BRIGGSMORE AVENUE ON A MONTH TO MONTH TENANCY BEGINNING JUNE 1, 1961 AT A RENTAL RATE OF \$40 PER MONTH

Introduced by Knoles Seconded by Arata

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

Noes: None Absent: None

CONSIDER RENTAL OF CITY-OWNED PROPERTY AT 1435 CARVER ROAD

The City Manager stated that Mrs. Billie Altstatt has offered to rent city property at 1435 Carver Road on a month to month tenancy for \$45 per month. This property was purchased by the city for use as Garrison School Park site.

RESOLUTION NO. 61-273

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND MRS. BILLIE ALTSTATT FOR THE RENTAL OF CITY-OWNED PROPERTY AT 1435 CARVER ROAD ON A MONTH TO MONTH TENANCY BEGINNING JUNE 1, 1961 AT A RENTAL RATE OF \$45 PER MONTH

Introduced by Arata Seconded by Johansen

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

Noes: None Absent: None

CONSIDER PAINTING OF FOUR FIRE STATIONS

The City Manager stated that \$5,800 has been budgeted for painting fire stations Nos. 1, 2, 3 and 4. The proposal and specifications have been prepared so that any or all bids may be accepted.

RESOLUTION NO. 61-274

A RESOLUTION APPROVING PROPOSAL AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR THE PAINTING OF THE EXTERIORS OF FIRE STATIONS NOS. 1, 2, 3 AND 4

Introduced by VanderWall Seconded by Arata

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

Noes: None Absent: None

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June 21, 1961 at 10:00 A.M. in the City Clerk's office was set as the time and place for opening of bids.

CONSIDER REQUEST BY M. & E.T. FOR SIDEWALK VARIANCE AT PROPERTY LOCATED AT CORNER OF 11TH AND E STREETS

The City Manager stated that William B. Reynolds, Superintendent, Modesto & Empire Traction Co., has requested permission to complete the following improvements in Block 80: (1) Install driveover type curb and gutter along the entire north side of "E" Street between the alley and 11th Street; (2) Install plant mix paving in sidewalk area between the alley and 11th Street. The area at present serves as a team track facility. There are no sidewalks or curbs in this section at the present time. This is an industrial area with a minimum of pedestrian traffic.

Director of Public Works Ray stated that a driveover type of curb was preferable in this particular location due to the fact that it is necessary to install short sections of it between railroad tracks. Mr. Reynolds has been informed of the provisions of the resolution adopted by the City Council in 1958 which provides that variances shall be granted on a temporary basis and that a bond or cash deposit be posted with the city guaranteeing the installation of improvements meeting standard requirements, upon demand by the city. However, Mr. Ray stated that it was difficult to determine whether sidewalks might ever be needed in this particular industrial area of the city. If such a bond is required, the estimated cost of the improvements is \$735.

It was the decision of the Council that no bond be required.

RESOLUTION NO. 61-275

A RESOLUTION GRANTING A VARIANCE TO MODESTO AND EMPIRE TRACTION COMPANY TO PERMIT TEMPORARY INSTALLATION OF PLANT-MIX SURFACING IN THE SIDEWALK AREA OF THEIR "E" STREET FRONTAGE

Introduced by VanderWall Seconded by Tabbert

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

Noes: None Absent: None

HEARING ON PROPOSED REZONING OF SECTION MAP 18 - PROPERTY ON PRESCOTT ROAD - LANCE ELLIS APPLICATION 8:00 P.M. 3-15

Mayor Hammond announced that the hour of 8:00 P.M. had arrived, the time set for consideration of the proposed rezoning from single-family zone, R-1, to Planned Development zone, P-D., property located on the east side of Prescott Road, north of M.I.D. Lateral No. 3, requested by Lance Ellis, and opened the hearing.

The City Clerk reported that notice of hearing was published in the Modesto Bee on May 30, 1961, and notices mailed and the area posted on May 31, 1961. No written protests to the proposed rezoning were filed with the City Clerk.

Director of Planning Smeath stated that Lance Ellis has submitted an application for a planned development zone, which was approved by the Planning Commission subject to conditions and development schedule outlined in Planning Commission Resolution No. 796. The area under consideration was indicated on a map. Mr. Smeath stated that this area has been designed to engineering standards tentatively approved by the Planning Commission and the Council. The plot plan on file with the Director of Planning was displayed and described by Mr. Smeath. This location is shown on the General Plan for a neighborhood shopping center.

Answering a question asked by Councilman VanderWall, Mr. Smeath stated that the area immediately south of the area under discussion is still in the unincorporated area of the county. The Planning Commission expressed the opinion, and the staff has recommended, that this area also be planned development-commercial and that uses be permitted which will tie in with the proposed planned development requested by Mr. Ellis.

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

At the request of Councilman Knoles, Mr. Smeath indicated on a map the location of a motel which is being constructed in the area.

ORDINANCE NO. 467-C.S. entitled

" AN ORDINANCE AMENDING SECTION MAP 18 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (ELLIS)"

was introduced and ordered printed and published as required by the Charter.

Moved by Knoles Seconded by Mitchell

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

Noes: None Absent: None

RESOLUTION NO. 61-276

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED-DEVELOPMENT ZONE, P-D (5) (ELLIS)

Introduced by Arata Seconded by VanderWall

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

Noes: None Absent: None

REPORTS FROM THE PLANNING COMMISSION - None

REPORT ON LEGISLATIVE MATTERS

City Manager Miller stated that the Council's position on various measures has been brought to the attention of the legislature. The present session of the legislature is almost over.

APPROPRIATION TRANSFERS

The City Manager stated that the following appropriations were necessary:

FROM: General Fund, General Reserve (101-600)
TO: Elections, Miscellaneous Unclassified (65-238), \$316;
FROM: Special Fund for Capital Outlay, General Reserve (321-600)
TO: Subtrunk and perimeter sewers (503), \$3,500

RESOLUTION NO. 61-277

A RESOLUTION APPROVING APPROPRIATION TRANSFERS

Introduced by VanderWall Seconded by Tabbert

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

Noes: None Absent: None

MATTERS FOR THE GOOD OF THE COMMUNITY

ANNOUNCEMENT OF VACATION PLANS - COUNCILMAN MITCHELL

Councilman Mitchell stated that due to vacation plans, he would be absent from the next four regular Council meetings.

REPORT ON TRIP TO SAN LEANDRO AND STOCKTON ON DOWNTOWN DEVELOPMENT AND URBAN RENEWAL PROJECTS

At the request of the City Manager, and with the consent of the Council, this matter was held over to be heard later in the meeting.

REPORT ON DISCUSSION OF RIVER PARK WITH REPRESENTATIVES OF STATE DIVISION OF BEACHES AND PARKS

City Manager Miller reported on a recent tour of the area between Legion Park and the bridge, with Mr. DeTurk, Head of the Division of Beaches and Parks, State Department of Natural Resources, and two staff members from Stockton. Mr. Miller stated that they were impressed with the improvements made in Legion Park and the recreational possibilities of the area. The prospects of getting this into the State park system or plan was discussed.

REPORT ON YOSEMITE BOULEVARD IMPROVEMENT PROJECT

The City Manager reported on a meeting with various Yosemite Boulevard property owners at which Councilman Arata was present. A temporary committee, with Nick Tocco Chairman, has been appointed. An aerial survey of the area has been completed, upon which the center line of the street and a 45 foot right of way on each side has been indicated. A list has been made of all the parcels, the frontage, addresses of tenants and owners and turned over to the Committee. A meeting with the property owners and tenants is scheduled for Monday evening, June 19, 1961 in the Multi-purpose Room, City Hall.

REPORT ON STANISLAUS COUNTY HIGHWAY ADVISORY COMMITTEE - STATE CHAMBER OF COMMERCE MEETING - OAKDALE, CALIFORNIA BY COUNCILMAN VANDERWALL

Councilman VanderWall stated that the improvement of Yosemite Boulevard was discussed at the meeting of the Stanislaus County Highway Advisory Committee, the State Division of Highways and State Chamber of Commerce Meeting at Oakdale. J. G. Meyer, District Engineer, Division of Highways, stated that the improvement of Yosemite Boulevard should be pursued because of a proposed parallel road to be constructed. Another matter discussed was the awarding of bids for the construction of U.S. 99 Highway freeway within the next 30-90 days, construction costs to be in excess of \$6,000,000.

A report entitled "Construction Program for State Highways in Stanislaus County 1962-63 Budget," as recommended by the Stanislaus County Highway Advisory Committee, was presented to each Council member.

REPORT ON PUBLICITY BEING GIVEN CITY OF MODESTO IN CERTAIN NEWS-PAPER ARTICLES

The City Manager stated that a fine series of articles relating to the city and community firms have been published in the Sunday editions of the San Francisco Examiner. Clint Mosher, one of the Examiner's top reporters, spent three weeks in Modesto getting background material for the articles dealing with families who influenced the growth of the city. Mr. Miller stated that copies of the articles would be furnished the Council members and interested parties.

PRESENTATION OF FINANCIAL STATEMENT FOR MONTH OF MAY, 1961

The Financial Statement for the month of May, 1961 was presented to the Council.

HEARING ON PROPOSED REZONING OF SECTION MAP NO. 32, PROPERTY BETWEEN 7TH & 8TH STREETS, NEAR L STREET 8:15 P.M. 4-50

Mayor Hammond announced that the hour of 8:15 P.M. had arrived, the time set for consideration of the proposed rezoning of Section Map No. 32, to reclassify property listed below from General-Commercial Zone, C-2, to Commercial-Industrial Zone, C-M, and opened the hearing.

The City Clerk announced that notice of hearing was published in the Modesto Bee on May 30, 1961 and notices mailed on May 31, 1961. The area was posted on May 31, 1961. No written protests to the proposed rezoning were filed with the City Clerk.

The following property is proposed for rezoning:

All of Blocks 43 and 44
 Lots 1 through 4 in Block 31
 Lots 1 through 16 in Block 32
 Lots 1 through 16 in Block 33
 Lots 13 through 16 and the south 15 feet of Lot 12 in Block 34.
 Lots 13 through 16 and the south 15 feet of Lot 12, Lots 17 through 20 and the south 15 feet of Lot 21 in Block 42
 Lots 1 through 4 and Lots 29 through 32 in Block 45, such property fronting on both sides of 7th Street and west side of 8th Street, and extending from the south side of G Street to the north side of I Street. Page 9 6-12-61

Director of Planning Smeath stated that the proposed rezoning of this area has been initiated by the Planning Commission to change the zoning from General-Commercial Zone, C-2, to Commercial-Industrial Zone, C-M. Some of the surrounding area is zoned M-1, one small corner R-3, and the area north is R-3. Mr. Smeath stated that the Planning Commission believes that the proposed rezoning change is in conformance with general plan proposals, and that it is now time to make the change. There are now several M-1 uses in the area and there are almost no uses that would be made nonconforming. Almost every use there is permitted in a C-M Zone. The north end of the Farish Pontiac Garage (about 34 feet) extends into an R-3 Zone. Mr. Farish has been told that this will be corrected in the future. Mr. Smeath stated that the Planning Commission has voted unanimously in favor of the proposed rezoning. No protests were filed with the Planning Commission.

Answering a question asked by Councilman VanderWall, Mr. Smeath stated that under present zoning ordinances, C-1 and C-2 uses are permitted uses in a C-M Zone.

Answering a question asked by Councilman Arata, Mr. Smeath stated that rezoning of the north end of the Farish Pontiac Garage will be accomplished at the same time that adjacent homes in the area are rezoned.

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

ORDINANCE NO. 468-C.S. entitled

"AN ORDINANCE AMENDING SECTION MAP 32 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (BLOCKS 43, 44, PORTIONS OF BLOCKS 31, 32, 33, 34, 42 AND 45)"

was introduced and ordered printed and published as required by the Charter.

Moved by Arata Seconded by Johansen

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

Noes: None Absent: None

HEARING ON PROPOSED REZONING OF SECTION MAP NO. 19 - CARVER ROAD
AND ORANGEBURG AVENUE AREA 8:30 P.M. 5-105

Mayor Hammond announced that the hour of 8:30 P.M. had arrived, the time set for consideration of the proposed rezoning of property located on the east side of Carver Road, north of Orangeburg Avenue to include the northern corner of Carver and Tully from Single-Family Zone, R-1, to Neighborhood-Commercial Zone, C-1, and opened the hearing.

The City Clerk reported that notice of hearing was published in the Modesto Bee on May 30, 1961 and notices mailed on May 31, 1961. The area was posted on May 31, 1961. No written protests were received by the City Clerk.

Director of Planning Smeath indicated on a map the area under consideration. Planning Commission Resolution No. 701 unanimously recommends to the Council that this area, Lots 1 through 3, and the west 100 feet of Lots 4 and 5 in Block 6082, be reclassified from Single-Family Zone, R-1, to Neighborhood-Commercial, C-1.

Mr. Smeath stated that the area contains three nonconforming uses which, under present regulations, cannot be structurally altered or enlarged to more effectively serve the adjacent residential neighborhood. These businesses were established while still in the County, when there were few residences in the area. When annexed to the city, they were automatically zoned R-1, Residential, and have been nonconforming for several years. The owner of an existing single-family home located between two commercial uses finds it difficult to use the home as a residence and is restricted from putting it to any other use. The proposed rezoning includes the service station immediately on the corner of Orangeburg and Carver, to the north a single-family dwelling, a parking lot, grocery store, the street, and another grocery store. After consideration at two hearings, the Planning Commission determined that this area could properly be rezoned to C-1.

Mr. Smeath stated that the dwelling on the east side of the service station next to the alley is not included in the proposed rezoning. In response to a question asked by Councilman Tabbert, Mr. Smeath stated that this dwelling was not included in the proposed rezoning because it is a good dwelling of brick structure, would be costly to modify, has a residence on the side of it, with residences across the street, and it could properly remain residential.

Answering a question asked by a member of the audience, Mr. Smeath stated that a small lot on the east side of the north grocery store, approximately 40' x 50', and individually owned, is included in the proposed rezoning.

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

ORDINANCE NO. 469-C.S. entitled

"AN ORDINANCE AMENDING SECTION MAP 19 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (CARVER-ORANGEBURG AREA)"

was introduced and order printed and published as required by the Charter.

Moved by VanderWall Seconded by Tabbert

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

Noes: None Absent: None

REPORT ON TRIP TO SAN LEANDRO AND STOCKTON ON DOWNTOWN DEVELOPMENT AND URBAN RENEWAL PROJECTS

Harry Quinn, Chairman of the Downtown Improvement Committee, made a brief report of a trip to Stockton and San Leandro to view urban renewal projects.

In San Leandro the group met with the Mayor, the City Manager and most of his staff, and individuals handling the redevelopment project, in a question and answer session which proved very informative. The San Leandro project was viewed, which consists of a five-block area in the downtown section. The City Council is acting as the redevelopment agency, and the program is being carried out entirely with private and local funds -- no federal funds are involved. All of the planning is done, bids are being advertised, and funds are available. The San Leandro plan involves a mall, or plaza, street relocations, parking arrangements, and placement of buildings.

In Stockton, the redevelopment agency is a separate body and federal funds are being used. Two projects are underway in Stockton, and both were viewed. One project is a nine-block area in the downtown "skidrow" section. The project is not yet started, but the deterioration was noted and information was received in connection with procedural plans. Federal funds have already been obtained, and acquisition of property will soon start. Out of 167 buildings in this area, only three will remain. Considerable progress has been made on another housing redevelopment with the use of federal funds. Demolition has already been accomplished and land is being sold and new buildings will be constructed shortly.

Councilmen Arata, Tabbert and Johansen, the City Manager and Mayor Hammond joined members of the Downtown Committee on parts or all of the trip.

Councilman Arata stated that in San Leandro, the City Council acts as the Redevelopment Agency, meeting regularly following their regular council meetings. He pointed out that some of the city's regular council meetings last until midnight.

Councilman Johansen stated that in visiting various renewal projects, it was becoming more and more apparent that traffic flow is being planned to discourage traffic through business districts. Streets are being closed to encourage pedestrians. Traffic patterns are designed to facilitate travel to the downtown area. As examples, Mr. Johansen cited Riverside, Pomona and San Leandro.

Councilman Tabbert stated that he was very impressed with the cultural center created by San Leandro. Associated with the library are various types of auditoriums, classrooms, or gathering rooms which seem to serve the community very well. Cost of the building, including the land, was approximately \$2,000,000. Mr. Tabbert stated that the city should alert itself to a possible influx of individuals displaced by demolition of "skidrow" in Stockton.

It was Mayor Hammond's opinion that once an urban renewal program is started, the community should study rehabilitation needs constantly, so as not to permit blighted areas to grow and develop to the degree they have in the past.

City Manager Miller reported on the beginning of the shore line development in San Leandro for public recreation use.

REPORT ON MODESTO EMPLOYMENT STATUS

The City Manager reported that the federal government has found that Modesto has an exceedingly high unemployment rate. Mr. Miller stated that a further report will be made to the Council as to what this may mean in the way of assistance on public projects or assistance to industries in a position to utilize it. This finding has enabled one industry in the city to secure additional contracts.

HEARING ON PROPOSED ALLEY CLOSING ON McHENRY AND GRISWOLD AVENUES (GALLAGHER ALLEY) 8:45 P.M. 6-50

The City Clerk reported that the Planning Commission has requested that the Council continue this hearing to June 26, 1961 at 7:45 P.M.

RESOLUTION NO. 993-S.P.

A RESOLUTION CONTINUING THE HEARING OF RESOLUTION OF INTENTION TO VACATE AND ABANDON A PART-WIDTH ALLEY WEST OF McHENRY NORTH OF GRISWOLD IN BLOCK 727 ADJACENT TO LOTS 1 AND 2, IN THE CITY OF MODESTO (GALLAGHER ALLEY)

Introduced by VanderWall Seconded by Knoles

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

Noes: None Absent: None

June 26, 1961 in the Council Chambers, City Hall, was set as the time and place for continuation of the hearing.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by Arata Seconded by Johansen Unanimously carried

The meeting adjourned at 8:49 P.M.

ATTEST: 
CITY CLERK

The Council of the City of Modesto met in special session this date at 4:00 P.M., as provided by Section 201.02 of the Modesto Municipal Code, in the Council Chambers at 801 11th Street, Mayor Hammond presiding, to consider the preliminary budget for the fiscal year 1961-62.

The City Clerk called the roll and there were

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

Absent: Councilmen: None

Budget Summary and revenue estimates, pages I through XIII, and
1 through 14

The City Manager briefly reviewed the budget summary and revenue estimates of all of the funds involved in the budget.

Summary of 1960-61 Budget by Funds pages 2 and 3

Deputy City Manager Keefe explained the method by which these figures are presented.

Estimate of Secured Property Taxes 1961-62 page 4

Director of Finance Bird explained that the estimated increase of 4% is based on figures of past years. Differences between secured and unsecured properties were defined and discussed.

Comparative Study of Actual and Estimated Expenditures page 13

The City Manager stated that "Street Trees" and "Parks" have been set up separately by the Parks and Recreation Department in order to determine the cost of each.

City Council page 17

The only change from the previous budget was an increase of Conference Expense.

City Manager page 19

Proposed expenditures were discussed, and no changes made.

City Attorney page 21

Discussion was held over because of the absence of the City Attorney from the meeting.

City Clerk and Auditor page 23 5-40

Legal expenditures were discussed. No changes in the budget were made.

Finance page 25 5-110

Accounting and Purchasing - Director of Finance Bird explained that the increase in Salaries covers normal step increases and filling all authorized positions. Cost of rental of IBM equipment

was discussed. No changes were made by the Council.

Adjournment

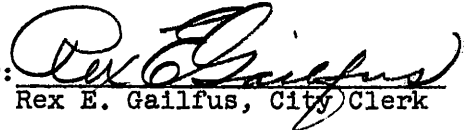
MOTION

That the special meeting now in session be adjourned until 4:00 P.M., Thursday, June 15, 1961 to give further consideration to the preliminary budget for the fiscal year 1961-62.

Moved by Johansen Seconded by Knoles 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 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, Mayor Hammond presiding, to consider the preliminary budget for the fiscal year 1961-62.

The City Clerk called the roll and there were:

Present: Councilmen: Johansen, Knoles, Tabbert, VanderWall,
Mayor Hammond
Councilman Arata arrived at 4:02 P.M.

Absent: Councilmen: Mitchell

LIBRARY FUND (62) Page 91

Regular Salaries and Wages (110)

Salaries of library employees paid by the City were explained by Mr. Hamilton.

Supplemental Request for Rental of Real Property Page 90

The proposed opening of a new branch library in the Roosevelt Center area was discussed. The City Manager stated that the County has approved its portion of the operating budget for the proposed new branch.

Upon request, Mr. Hamilton outlined the joint city-county operation of the library program.

Salaries of library branch personnel were discussed, Mr. Hamilton stating that the County pays for salaries of all personnel with the exception of janitorial services, which are paid by the City.

Mr. Hamilton stated that no building is available in the area at this time. The amount requested is based on an estimated \$200 per month rental for an eight-months period.

Contractual Services Page 90

Mr. Hamilton stated that this \$1,400 request would cover janitorial service at the new branch, expansion of service in the Children's Room, which was available one morning only last year; additional part time help in the evenings in the Reference Room, which is crowded at this time with students; part time help for film forums and discussion groups in the former council chambers in the library.

It was Mayor Hammond's opinion that the needed basic services should be supplied first.

Parking lot facilities near the library were discussed.

MOTION

That the Council indicates its favorable consideration for the rental of real property (\$1,600 only) for the proposed library branch in the Roosevelt Center area, but that "Contractual Services" and "Books and Periodicals" be left open for further review at the end of the budget hearings when it can be determined if funds are available for these purposes

Moved by Mayor Hammond Seconded by Arata Unanimously carried

PERSONNEL Page 29

Because of the absence of the Personnel Technician, the Personnel Department budget hearing was held over.

PLANNING DEPARTMENT Page 31Salaries & Wages, Extra help (120)

Director of Planning Smeath stated funds for extra help were not requested this fiscal year because the Department felt the work could be better performed by regular full time help.

Services, Professional and Other (235)

Mr. Smeath stated that the major portion of this item covered the production of maps and reports which must be prepared outside the Department.

Books & Periodicals (302)

Mr. Smeath stated that the increase of \$100 in this fund covers the periodical, "The Zoning Digest," which has in the past been erroneously budgeted under 401.

SUPPLEMENTAL REQUEST - SALARIES & WAGES, REGULAR

Mr. Smeath stated that an additional Associate Planner would enable the Department to spend more time on project planning and specific design problems in the community. He said that approval of an additional Stenographer-Clerk would eliminate a part time typist and permit the hiring of a high skilled individual able to relieve the Administrative Aide II of a majority of her stenographic and clerical duties.

With the unanimous consent of the Council, no action was taken on the supplemental requests pending review of the entire budget.

CITY HALL BUILDING Page 33M & R Equipment & Other (223)M & R Buildings and Grounds (224)

The City Manager stated that the increase of budgeted funds in these two categories has been occasioned because guarantees have run out and because of possible increase in cost of repairs and maintenance.

Services, Professional and Other (235)

The City Manager stated that this covers service on the filters for the air conditioning, elevator maintenance, etc.

Services of the Janitor Leadman were discussed.

FIRE DEPARTMENT Page 35M & R Buildings and Grounds (224)

Fire Chief Wemyss stated that the funds budgeted for this purpose will be used to renovate the interior of Fire Station No. 2 and interior plastering, miscellaneous plumbing repairs and broken window replacements at Fire Station No. 1.

Custodial Supplies (304)

The decrease in requested funds this fiscal year was due to the fact that supplies for the "Sleeper Program" were purchased from this fund last fiscal year and are not recurring expenses.

Upon request, the "Sleeper Program" was described by Chief Wemyss. Mr. Wemyss stated that the program was good, but it was difficult to secure personnel who would stay for any great length of time.

The effect of the shortage of Fire Department personnel on the fire grading was discussed by Chief Wemyss.

SUPPLEMENTAL REQUEST - FIRE PREVENTION OFFICER Page 34

Chief Wemyss discussed the request for an additional position of Fire Prevention Officer to work in the Fire Prevention Bureau with the Fire Marshal.

POLICE DEPARTMENT Page 38Contractual Service (240)

The City Manager recommended that this item be reduced from \$95,000 to \$47,500 -- new State legislation will result in a decrease in the cost of city prisoners in the county jail.

Salaries & Wages, Overtime (130)

Chief of Police Bowers stated that these funds are used to pay for overtime services at time of separation of any employee, and a portion is used to pay for services authorized by the Council for officers supervising the parking of cars at the Baseball Park.

Salaries & Wages, Extra Help (120)

Chief Bowers stated that this fund paid for extra secretarial help and peak work loads, janitorial relief during his vacation and days off, and extra help to license bicycles at schools.

Other Special Charges (429)

Chief Bowers stated that this was the training and special investigation account, the reserve police dinner given by the City yearly, and junior traffic patrol, delinquency control and various institutes.

Radar Replacement (504)

The effectiveness of the requested radar equipment replacement was discussed by Chief Bowers.

DISASTER AND CIVIL DEFENSE Page 41

Salaries & Wages, Regular (110)

The City Manager stated that this was one-third of the Deputy City Manager's salary.

Tools, Shop, Field Supplies (308)

The City Manager stated that these items constituted operating expense. Uniforms, batteries, police whistles, and ammunition are purchased with this fund.

ADJOURNMENT

MOTION

That this special meeting be adjourned until Tuesday, June 20, 1961 at 4:00 P.M. for further consideration of the preliminary budget.

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 Hammond presiding.

The City Clerk called the roll and there were:

Present: Councilmen: Johansen, Tabbert, VanderWall, Mayor Hammond
Councilman Arata arrived at 4:04 P.M.
Councilman Knoles arrived at 4:06 P.M.

Absent: Councilmen: Mitchell

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

Reverend Dale E. Sherwood gave the invocation.

APPROVAL OF MINUTES

Council members having received copies of the minutes of the Council meeting of May 1, 1961 and the same being available for public inspection, and there being no objections, the minutes were approved.

PETITIONS, REMONSTRANCES AND COMMUNICATIONS

LETTER FROM FRANK ANDREWS REGARDING GREATER DON PEDRO DAM, AND NOTICE OF APPLICATION FOR LICENSE 1-10

A letter from Frank Andrews, subject, "Present Plans for So-Called Greater Don Pedro Must be Abandoned as Unsound and Unpractical," dated June 12, 1961 was summarized by the City Clerk. A notice of application for license by the Turlock Irrigation District and Modesto Irrigation District issued by the United States of America Federal Power Commission, Project No. 2299, was attached to the letter.

The letter was ordered filed.

LETTER FROM CAL PURVIANCE, PARADE CHAIRMAN, FOURTH OF JULY CELEBRATION COMMITTEE, INVITING COUNCIL MEMBERS TO RIDE IN PARADE 1-20

A letter from Cal Purviance, Parade Chairman, Fourth of July Celebration Committee, inviting Council members to ride in the Fourth of July parade, was read by the City Clerk.

The City Clerk was directed to secure names of Council members able to participate.

LETTER FROM REV. CHARLES M. SPENCER, PASTOR, COLLEGE AVENUE CONGREGATIONAL CHURCH, REGARDING PROGRAM OF URBAN RENEWAL

A letter from Reverend Charles M. Spencer, Pastor, College Avenue Congregational Church, offering cooperation of his Church in the urban development program, was read by the City Clerk. Reverend Spencer requested a copy of the report on 9th Street prepared by the staff.

The letter was referred to the staff to provide the information requested.

CONSIDER AWARD OF BID FOR WATER LINE, SARATOGA MANOR NO. 3 SUBDIVISION

Director of Public Works Ray stated that no bids were received for the installation of a water line in Saratoga Manor No. 3 Sub-division. The engineer's estimate for installation of the water line is \$1,419.40. The City Manager recommended that the work be performed by City forces.

RESOLUTION NO. 61-279

A RESOLUTION AUTHORIZING WORK TO BE PERFORMED BY CITY FORCES FOR CONSTRUCTION OF WATER LINE, SARATOGA MANOR NO. 3 SUBDIVISION

Introduced by VanderWall Seconded by Johansen

AYES: Arata, Johansen, Knoles, Tabbert, VanderWall, Mayor Hammond

NOES: None ABSENT: Mitchell

CONSIDER AWARD OF BID FOR WATER LINE, MONTGOMERY VILLAGE PARK SUB-DIVISION 1-25

Director of Public Works Ray stated that no bids were received for the installation of a water line in Montgomery Village Park Sub-division. The engineer's estimate for installation of the water line is \$1,088.62. The City Manager recommended that the work be performed by City forces.

RESOLUTION NO. 61-280

A RESOLUTION AUTHORIZING WORK TO BE PERFORMED BY CITY FORCES FOR INSTALLATION OF WATER LINE, MONTGOMERY VILLAGE PARK SUBDIVISION

Introduced by Arata Seconded by Tabbert

AYES: Arata, Johansen, Knoles, Tabbert, VanderWall, Mayor Hammond

NOES: None ABSENT: Mitchell

CONSIDER AWARD OF BID FOR LEGAL ADVERTISING, YEAR 1961-62

A tabulation furnished the Council by the City Clerk indicated that two bids were received, the low bid submitted by Modesto Tribune for the City's legal advertising for the fiscal year 1961-62.

RESOLUTION NO. 61-281

A RESOLUTION ACCEPTING THE BID OF THE MODESTO TRIBUNE FOR LEGAL ADVERTISING FOR THE FISCAL YEAR 1961-62

Introduced by Johansen Seconded by Knoles

AYES: Johansen, Knoles, Tabbert, Mayor Hammond

NOES: Arata, VanderWall ABSENT: Mitchell

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR THE RELOCATION OF SANITARY SEWER FACILITIES REQUIRED BY STATE FREEWAY CONSTRUCTION

RESOLUTION NO. 61-282

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR RELOCATION OF SANITARY SEWER FACILITIES REQUIRED BY CONSTRUCTION OF STATE FREEWAY IN THE CITY

Introduced by Knoles Seconded by Arata

AYES: Arata, Johansen, Knoles, Tabbert, VanderWall, Mayor Hammond

NOES: None ABSENT: Mitchell

July 11, 1961 at 2:00 P.M. in the City Clerk's office was set as the time and place for opening of bids.

RESOLUTION AWARDDING BID FOR IMPROVEMENT OF BRIGGSMORE AVENUE AND NORTHERN BOULEVARD BETWEEN McHENRY AND ALLEY IN BLOCK 6195

Director of Public Works Ray stated that bids for this project were opened on June 1, 1961. Three bids were received, the low bid submitted by Standard Materials Company for \$19,796.10. Since this bid exceeded the engineer's estimate by 3 1/2%, it was necessary to obtain approval from the State Division of Highways before making the award. This approval has been received. Cost of construction of Northern Boulevard is \$8,510.90 (not gas tax funds); cost of construction of Briggsmore is \$11,285.20 (gas tax funds). Mr. Ray stated that \$11,500 was set up for the gas tax project, which will not be sufficient to cover all of the engineering costs of the project.

RESOLUTION NO. 61-283

A RESOLUTION ACCEPTING THE BID OF STANDARD MATERIALS COMPANY IN THE SUM OF \$19,796.10 FOR IMPROVEMENT OF BRIGGSMORE AVENUE AND NORTHERN BOULEVARD BETWEEN McHENRY AVENUE AND ALLEY IN BLOCK 6195

Introduced by Arata Seconded by Johansen

AYES: Arata, Johansen, Knoles, Tabbert, VanderWall, Mayor Hammond

NOES: None ABSENT: Mitchell

ADOPTION OF ORDINANCE NO. 467-C.S., REZONING SECTION MAP 18 (ELLIS PROPERTY) 2-10

ORDINANCE NO. 467-C.S. entitled

"AN ORDINANCE AMENDING SECTION MAP 18 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (ELLIS)"

introduced on June 12, 1961 and published as required by the Charter, was moved and adopted.

Moved by Johansen Seconded by Knoles

AYES: Arata, Johansen, Knoles, Tabbert, VanderWall, Mayor Hammond

NOES: None ABSENT: Mitchell

ADOPTION OF ORDINANCE NO. 468-C.S., REZONING OF SECTION MAP 32, PROPERTY ON 7TH AND 8TH STREETS 2-20

ORDINANCE NO. 468-C.S. entitled

"AN ORDINANCE AMENDING SECTION MAP 32 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (BLOCKS 43, 44, PORTIONS OF BLOCKS 31, 32, 33, 34, 42, AND 45)

introduced on June 12, 1961 and published as required by the Charter, was moved and adopted.

Moved by Knoles Seconded by Tabbert

AYES: Arata, Johansen, Knoles, Tabbert, VanderWall, Mayor Hammond

NOES: None ABSENT: Mitchell

ADOPTION OF ORDINANCE NO. 469-C.S., REZONING SECTION MAP 19 (CARVER-ORANGEBURG AREA)

ORDINANCE NO. 469-C.S. entitled

"AN ORDINANCE AMENDING SECTION MAP 19 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (CARVER-ORANGEBURG AREA)"

introduced on June 12, 1961 and published as required by the Charter, was moved and adopted.

Introduced by VanderWall Seconded by Arata

AYES: Arata, Johansen, Knoles, Tabbert, VanderWall, Mayor Hammond

NOES: None ABSENT: Mitchell

REPORTS FROM PERSONNEL COMMISSION

(a) Consider employment of personnel consultant firm, Griffenhagen-Kroeger, Inc., for a position classification review and recommendations on appropriate relationships between classes of positions in City service

The City Manager stated that the low bid of \$3,500 was received from Griffenhagen-Kroeger for a position classification review, which has been recommended by the Personnel Commission and the staff. Mr. Miller stated that many job assignment changes have been made since position classifications were set up in 1953-54, and a review would be of help to the Personnel Commission, staff, and the Council in resolving internal inequities. Sufficient funds are budgeted.

Answering a question asked by Mayor Hammond as to why outside consultants were necessary, Mr. Miller stated that the Personnel Commission and staff both believe that an outside firm could do the work more impartially. Griffenhagen-Kroeger originally set up the position classifications now in use.

RESOLUTION NO. 61-284

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND GRIFFENHAGEN-KROEGER, INC., FOR A RESURVEY OF THE CITY'S POSITION CLASSIFICATION PLAN

Introduced by Knoles Seconded by Tabbert

AYES: Arata, Johansen, Knoles, Tabbert, VanderWall, Mayor Hammond

NOES: None ABSENT: Mitchell

(b) Report on matter of salaries of Chief Pump Maintenance Man, Pump Maintenance Man and Pump Operators

The City Manager recommended that this matter be held over pending the classification study to be made by Griffenhagen-Kroeger. There were no objections by the Council.

CONSIDER ENGAGEMENT OF GILBERT J. NICKERSON TO BE RENTAL AGENT FOR THE CITY OWNED (CORPORATION YARD) PROPERTY WHICH IS SUBJECT TO POSSIBLE RENTAL.

Deputy City Manager Keefe stated that there are twelve units on the property recently purchased by the City for corporation yard purposes which are subject to possible rental until the City is ready to develop the property. The staff recommended that Gilbert J. Nickerson be engaged as rental agent for the property, his fee to be one-half month's rent for each twelve months period, and 5% of the monthly rental collected, or a minimum of \$3.00 per month. If tenants do not remain for a full year, the tenant is replaced at no further cost for the remainder of the year. It is estimated that \$400 to \$500 per month can be derived from rental of the units.

MOTION

That the staff be authorized to engage the services of Gilbert J. Nickerson as rental agent for City-owned property (corporation yard site), as outlined by the Deputy City Manager

Moved by Johansen Seconded by Arata Unanimously carried

RESOLUTION WITHDRAWING CERTAIN DESCRIBED TERRITORY FROM THE FIRE PROTECTION DISTRICTS BY REASON OF ITS ANNEXATION TO THE CITY OF MODESTO

- (a) Kirkpatrick Addition from the McHenry-Dry Creek Fire Protection District;

RESOLUTION NO. 61-285

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

Introduced by Arata Seconded by Knoles

AYES: Arata, Johansen, Knoles, Tabbert, VanderWall, Mayor Hammond

NOES: None ABSENT: Mitchell

(b) Lorenzen Addition from the McHenry-Dry Creek Fire Protection District;

RESOLUTION NO. 61-286

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

Introduced by Knoles Seconded by Tabbert

AYES: Arata, Johansen, Knoles, Tabbert, VanderWall, Mayor Hammond

NOES: None ABSENT: Mitchell

(c) Tuttle Addition from the Woodland Fire Protection District;

RESOLUTION NO. 61-287

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

Introduced by Johansen Seconded by Tabbert

AYES: Arata, Johansen, Knoles, Tabbert, VanderWall, Mayor Hammond

NOES: None ABSENT: Mitchell

(d) Vent Addition from the Woodland Fire Protection District;

RESOLUTION NO. 61-288

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

Introduced by Knoles Seconded by Arata

AYES: Arata, Johansen, Knoles, Tabbert, VanderWall, Mayor Hammond

NOES: None ABSENT: Mitchell

FINAL RECOMMENDATIONS FOR CHANGE IN UNIFORM SUBDIVISION REGULATIONS

Director of Planning Smeath reported that the Subdivision Committee of the City-County Committee has submitted final recommendations for uniform subdivision regulations. Assistant Director of Public Works Campbell was a member of this Committee. These recommendations were reviewed by the Planning Commission at its meeting of June 6, the proposals approved in substance, and recommendation made that the Council approve them in principle. Copies of the final recommendations were presented to the Council.

Mayor Hammond stated that the approval of the standards would be a step forward in eliminating differences which exist within the County, and it would be of great benefit to the Planning Departments, builders and subdividers to have uniform subdivision regulations.

Assistant Director of Public Works Campbell stated that the Subdivision Committee of the City-County Committee has been meeting every two weeks for the past year. Every item appearing in the final recommendations was reviewed thoroughly to provide standards which could reasonably be used by all of the communities and the County, and will help subdividers and the staffs of the various governmental agencies to provide communities with subdivisions so constructed as to require a minimum of maintenance and give maximum benefits.

Referring to Item G, Street Name Signs, (1), Councilman Tabbert asked if the Uniform Traffic Devices Manual required that a light be installed to reflectorize the street name sign. Mr. Campbell stated that reflectorized signs have been used effectively at various locations in the City by proper placement in connection with the existing street lights.

MOTION

That the final recommendations for uniform subdivision regulations submitted by the Subdivision Committee of the City-County Committee be approved in principle

Moved by VanderWall Seconded by Tabbert Unanimously carried

RECOMMEND AMENDMENT TO STANDARD SPECIFICATIONS FOR SUBDIVISION IMPROVEMENTS

Assistant Director of Public Works Campbell stated that a letter was received from a subdivider stating that armor coat surfacing of alleys is creating a problem with local contractors, who are not interested in constructing this type of surfacing. The subdivider requested that the City consider using a different type of road-mix surfacing in lieu of the armor coat. Mr. Campbell stated that records indicate approximately six years ago when the armor coat requirement was adopted, the staff recommended that road mix be used for this purpose. After checking currently with local subdividers and engineers the staff recommends that standard specifications be amended, increasing the minimum thickness for alley surfacing to 2½ inches of road mix surfacing. This will minimize some of the maintenance problems in the northern portion of the City, where Bermuda grass has created a problem.

Answering a question asked by Mayor Hammond, Mr. Campbell stated that the City maintains surfaced alleys, and armor coat alleys are considered surfaced. Oil dirt alleys are not maintained.

Planning Commission Resolution No. 715 recommends an amendment to Section (a) (3) of the Standard Specifications, as outlined by Mr. Campbell.

RESOLUTION NO. 61-289

A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO THE STANDARD SPECIFICATIONS FOR SUBDIVISION IMPROVEMENTS

Introduced by VanderWall Seconded by Johansen

AYES: Arata, Johansen, Knoles, Tabbert, VanderWall, Mayor Hammond

NOES: None ABSENT: Mitchell

July 10, 1961 at 8:00 P.M. in the Council Chambers was set as the time and place of hearing.

RESOLUTION PROTESTING ISSUANCE OF AN ALCOHOLIC BEVERAGE LICENSE TO THE CHECKERBOARD CAFE AT 820 NORTH HIGHWAY 99 (DOYLE FONTANA)

Chief of Police Bowers stated that an application made by Doyle Fontana for an alcoholic beverage license on Tully Road was protested by the Council a short time ago. This is a reapplication for an alcoholic beverage license by Mr. Fontana at 820 North Highway 99. Mr. Bowers stated that after conferring with the District Attorney and Sheriff's office, the Police Department felt that granting the license would create a police problem, and a letter protesting the issuance of a license to Mr. Fontana was mailed to the Alcoholic Beverage Control.

RESOLUTION NO. 61-290

A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO PROTESTING THE GRANTING OF AN ON-SALE BEER AND WINE LICENSE FOR THE PREMISES AT 820 NORTH HIGHWAY 99.

Introduced by Mayor Hammond Seconded by VanderWall

AYES: Arata, Johansen, Knoles, Tabbert, VanderWall, Mayor Hammond

NOES: None ABSENT: Mitchell

CONSIDER PURCHASE OF WELL SITE FROM MODESTO CITY SCHOOLS AT GRACE M. DAVIS HIGH SCHOOL

Director of Public Works Ray stated that the City has been attempting to acquire a well site at Grace M. Davis High School from Modesto City Schools. The proposed well site is located on the Tully Avenue side of the Grace Davis High School property, and is immediately adjacent to the City's sewage lift station. The lot is 60' x 50', and the purchase price \$750. Mr. Ray recommended that the purchase of the property be approved.

RESOLUTION NO. 61-291

A RESOLUTION AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY BY THE CITY OF MODESTO FROM MODESTO CITY SCHOOL DISTRICT OF STANISLAUS COUNTY

Introduced by VanderWall Seconded by Tabbert

AYES: Arata, Johansen, Knoles, Tabbert, VanderWall, Mayor Hammond

NOES: None ABSENT: Mitchell

CONSIDER PROPOSAL FOR CENSUS ESTIMATE FOR THE CITY 4-10

The City Manager stated that State law provides that allocation of certain funds to cities may be based on either the official federal census, or on estimates made by the State Department of Finance. Available data indicates that since the official federal census of April 1, 1960 there has been a population increase

in Modesto of 1500 to 2000 persons. Allocation of funds to the City by the State is approximately \$8 per person, and potential additional revenue on the basis of the indicated population increase is \$12,000 to \$16,000 per year. Mr. Miller recommended that the staff be authorized to request a current estimate. The Department of Finance has advised that the cost would be about \$250 if no special problems calling for further analysis are found.

MOTION

That the staff be authorized to request the State Department of Finance to provide an up-to-date census estimate

Moved by Arata Seconded by Knoles Unanimously carried

REPORT ON DIFFICULTY IN CLEARING OF FINAL MAP OF SKYLANE PARK NO. 2
SUBDIVISION 4-15

The City Manager stated that this matter has been cleared by the staff and no report to the Council is necessary.

AUTHORIZATION BY THE CITY COUNCIL FOR JOHN KEEFE TO REPRESENT THE
CITY OF MODESTO IN THE PROCUREMENT OF FEDERAL SURPLUS PROPERTY

The City Manager stated that authorization by the City Council would permit Deputy City Manager Keefe to sign necessary documents in the procurement of federal surplus property.

RESOLUTION NO. 61-292

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

Introduced by Arata Seconded by VanderWall

AYES: Arata, Johansen, Knoles, Tabbert, VanderWall, Mayor Hammond

NOES: None ABSENT: Mitchell

REPORTS FROM THE PLANNING COMMISSION

SETTING DATE FOR CONSIDERATION OF MARK RANDY APPLICATION FOR REZONING
OF PROPERTY LOCATED ON EAST SIDE OF McHENRY AVENUE BETWEEN TOKAY AND
FLOYD AVENUES 4-30

MOTION

That June 26, at 7:35 P.M. be set as the time for consideration by the Council of Mark Randy's application for rezoning of property located on the east side of McHenry Avenue between Tokay and Floyd Avenues

Moved by VanderWall Seconded by Knoles Unanimously carried

REPORT ON LEGISLATIVE MATTERS - None

APPROPRIATION TRANSFERS - None

MATTERS FOR THE GOOD OF THE COMMUNITY

Jessie Reinhart, 160 Camellia Way, referred to the newspaper article which indicated that fire insurance rates within the City will be increased due to a lower fire rating, which in his opinion was due to the lack of sufficient hydrants in the City. Mr. Reinhart stated that the nearest fire hydrant to his home is 600 feet away. He stressed the need for fire protection in his area.

The City Manager stated that hydrants are needed in many areas of the City, and that lack of sufficient hydrants was only one of several reasons why the City's fire rating was lowered.

Answering a question asked by Mayor Hammond, Mr. Miller stated that the area in which Mr. Reinhart resides is served by Del Este Water Company.

Mr. Reinhart stated that he had discussed his problem with Del Este Water Co. and was told that installation of hydrants was a problem of the City.

The City Manager stated that a report would be submitted to the Council setting forth the areas in the City where additional hydrants are needed.

FRED CURTIS - CONSIDERATION OF MODESTO AS DISTRESS AREA

Fred Curtis, 618 Ashby Avenue, expressed his astonishment over the fact that the City should allow the federal government to classify Modesto as a distressed area and offer charity.

FURTHER REPORT ON MEASURES RELATING TO MODESTO AS AN AREA OF HIGH UNEMPLOYMENT

Bob Dalzell, representative from the Department of Employment, spoke briefly to the Council concerning the fact that Modesto has been rated a Class D labor surplus area. An area of substantial labor surplus is an area in which the unemployment rate is 6% or more and is expected to remain at that level for at least four months from the time the classification is made.

Mr. Dalzell pointed out that the terms "distress area" and "disaster area" have been employed by the public and the press, and not by the Department of Labor.

Mr. Dalzell stated that many communities, such as Modesto, whose economic activity is geared to agricultural cycles, experience relatively heavy unemployment for several months of the year, and have learned to live with it. Mr. Dalzell listed significant programs available to labor surplus areas.

Mr. Dalzell stated that his office records show that winter unemployment in this area during the past six years has ranged from 9 to 14% and will probably always continue to do so because of the heavy cannery and frozen food workloads in summer, and subsequent winter layoffs.

Answering a question asked by Councilman Arata, the City Manager stated that loans are available for commercial and industrial projects; loans and grants for public facilities, technical assistance and operational training.

Mr. Miller stated that the Area Redevelopment Act amends the urban renewal provisions of the existing Housing Act in two respects: (1) It permits the rehabilitation of blighted commercial and industrial areas without regard to the requirement that the area be predominantly residential in character; (2) Urban planning assistance grants of 75% can be obtained directly from the federal government instead of through the State. Mr. Miller said that a representative of H.H.F.A. (Housing & Home Finance Agency) would be here shortly to provide additional information on this program.

Mr. Miller stated that the Chamber of Commerce is cooperating with the City.

Comparative unemployment figures for the years 1960 and 1961 were read by the City Manager.

SUPPLEMENTARY REPORT ON GARBAGE AND GARDEN REFUSE COLLECTION AND DISPOSAL 5-90

A "Supplementary Report on Garbage and Garden Refuse, Collection and Disposal, Public Works Department" was submitted to each Council member prior to the meeting.

Jessie Reinhart, 160 Camellia Way, stated that it was his opinion that the City should collect garbage and garden refuse, that if the garbage companies could make money, so could the City. He also stated that if put in the hands of private garbage companies, there was no limit to the rate that could be charged.

The City Manager pointed out that the City does regulate the rates for garbage collection service.

Director of Public Works Ray stated that the report being reviewed was supplementary to a report submitted to the Council on February 23, 1961, entitled "Report on Garbage and Garden Refuse Collection and Disposal in the City of Modesto" dated February, 1961.

The following items contained in the report were reviewed by Mr. Ray:

Requested Rate Increase for Garbage Collection

Mr. Ray stated that proposed charges for garbage collection were as follows: Once a week pick-up, one can, \$1.00 (presently \$.75); once a week pick-up, 2 cans, \$1.50 (presently \$1.15); twice a week pick-up, \$2.00 (presently \$1.25). Mr. Ray stated that representatives of the Finance Department examined the books of the three operating garbage companies, and the examination indicates that the proposed increases are justified in order to give them a reasonable return on their investment. The proposed increases are based on the premise that packer collection vehicles will be used.

Answering a question asked by Mayor Hammond, Mr. Ray stated that the 75¢ per month rate has been in effect since 1945.

The estimated revenues and expenses of Modesto Garbage Company (page 2 of the report) were discussed by the Council.

Rates for collection and disposal of garden refuse were discussed. Mr. Ray stated that the garbage companies have proposed to provide this service at the rate of 75¢ per month if the service charge is collected from the customers, or 60¢ per month if payment for the service is paid by the City.

Alternative charges for combined collection and disposal of garbage and garden refuse (page 3 of supplemental report) were discussed by Mr. Ray.

Answering a question asked by Councilman VanderWall as to the amount of garden refuse which would be picked up, Mr. Ray stated that a limitation on the amount would have to be placed. He stated that the present limitation is two cubic yards for a once-a-week pick-up. The companies have submitted their proposal on this basis, with the garden refuse placed in containers or bundled. If the garden refuse is not placed in containers, or bundled, use of packer vehicles is not feasible.

Fred Curtis, 618 Ashby Avenue, stated that if every family in Modesto was required to buy an extra garbage can, a considerable investment would be made by the 11,000 families living in the City.

The City Manager stated that combined pick-up will require packer trucks. If the refuse is not buried, the City will have to buy an incinerator which will cost more than garbage cans. However, he stated that garbage cans would not be required for garden refuse -- pastboard cartons could be used. Mr. Miller stated that it was unfair to residents living in the area for the City to continue burning refuse, and the only alternatives are for the City to buy and operate an incinerator, or to have the garden refuse compacted and buried. The City Manager also pointed out that it was more expensive to operate two trucks down the same alley to pick up two different types of refuse and dispose of it by two different methods.

Mrs. E. Jaffe, 340 Fusco Avenue, asked if it would be feasible to use the shredding process for garden refuse, which is used by the City when working on trees. She stated that it was difficult to visualize residents chopping and bundling limbs, thorny rosebushes and the like.

Answering Mrs. Jaffe's question, Mr. Ray stated that the brush chippers could not be used for this purpose because of foreign objects, such as wire, sand, etc. which might be mixed with the garden refuse.

Mayor Hammond stated that the City is on record as being in favor of the use of packer-type equipment for garden refuse. A heavy investment is required for this type of equipment, and with the cost of labor continually rising, it will be less expensive for residents to do a little of the work themselves than pay someone to do it for them through tax funds. He stated that the primary reason the combined collection is being considered is to provide the greatest amount of service with the least amount of tax money.

Mrs. Jaffe stated that she expended much effort in getting the area in which she resides annexed to the City. As a result taxes were increased, and the only service received in return was garden refuse pick-up. Her neighbors wish to know whether the tax increase that came with annexation will remain as it is, and the extra cost for the combined garbage and pick-up service paid by the residents.

The City Manager pointed out that many people seem to think that garden refuse pick-up is "free", when it has been costing the taxpayers approximately \$100,000 per year. By combining disposal of the garbage and garden refuse, cost to residents will be less than it is now. Mr. Miller pointed out that the City tax rate was now 35¢ lower than it was when the area in which Mrs. Jaffe resides was annexed to the City, and that the preliminary budget for the coming fiscal year lacked \$175,000 to be in balance.

Mayor Hammond stated that under the present system, it costs each resident approximately 75¢ per month for garden refuse pick-up; by combining the pick-up, the estimated cost to each resident is 60¢ per month. Whether the 60¢ charge for garden refuse pick-up will be paid by the City, or whether it will be taken off the tax rolls and charged directly to the householder has not yet been decided. Mayor Hammond said that an increase in garbage rates is inevitable, whether the services are combined or not.

Mr. Ballard, representing the County Health Department, listed disadvantages of the present garbage collection system from a health standpoint. When people move from a home, there is no provision for collection of the remaining garbage. By the time it is collected, rodents and flies have bred and multiplied, leaving a very unhealthy and unsanitary situation. When there is more than one can of garbage, the extra garbage is not picked up for at least a week unless special arrangements have been made.

Mr. Ballard stated that many complaints are received from residents because of additional pick-up charges. There is no standard rate for additional pick-ups. Also, in many cases, people do not know that they must sign up for service at the garbage company office. Consequently, it may be a week or more before the garbage is collected. Mr. Ballard stated that until the City has compulsive garbage service, it will not be possible to have a clean City.

A. Friedman, attorney, representing the three garbage companies, stated that it was not necessary to apply for garbage service in person. He stated that the problem outlined by Mr. Ballard where people fail to sign for service immediately upon moving into the City probably arises from the fact that they have been accustomed to universal service, where nothing affirmative is done to secure it and it is picked up automatically. He stated that his clients were in favor of universal pick-up.

Councilman Knoles stated that all information possible should be given to the public within the next week or two to clear conflicting information, such as the type of containers needed for garden refuse, etc.

Councilman VanderWall stated that he would like a report from the staff as to how much two cubic yards of garden refuse would be container-wise.

Fred Curtis, 618 Ashby Avenue, briefly referred to articles in the Modesto Bee, one pertaining to the question of whether garbage collection should be operated by the City or private industry, and the other pertaining to the possibility of the City buying private water companies. He asked what the difference would be as a matter of principle. He also stated that he would like a report showing comparative costs to the City and the private garbage companies on the garbage collection operation.

Mrs. Howard Olds, 1122 La Loma, referred to a letter received from the Director of Public Works regarding the construction of curbs, gutters and sidewalks on Santa Barbara Avenue, and was informed by the City Clerk that this matter would be heard by the Council the following week.

Referring to Mr. Curtis' request for comparative costs of City and private operation, the City Manager stated that assuming that private operators and cities are of equal efficiency, there is nothing that cities cannot do more cheaply. This would apply to the operation of bowling alleys, buses, bars, etc. However, there would be no one left to pay taxes. Referring to Mr. Curtis' statement pertaining to proposed purchase of private water companies by the City, Mr. Miller stated that the City is already furnishing water to a great portion of the City, and there are fire protection problems involved which cannot be resolved under the present situation. He stated that some of the private water companies are anxious to sell to the City.

With the unanimous consent of the Council, this matter was continued until 8:30 P.M., June 26, 1961.

PROGRESS REPORT ON WATER SUPPLY ANALYSIS 10-60

The City Manager report briefly on a meeting with representatives of the San Francisco Water Department. Their general position was that their basic obligation is to furnish water to the Bay area. Mr. Miller stated that further reports will be made as matters develop.

ADJOURNMENT.

MOTION

That the meeting now in session be adjourned

Moved by Knoles Seconded by Johansen Unanimously carried

The meeting adjourned at 6:25 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, in the Council Chambers at 801 11th Street, Mayor Hammond presiding, to consider the preliminary budget for the fiscal year 1961-62.

The City Clerk called the roll and there were

Present: Councilmen: Arata, Johansen, Tabbert, VanderWall, Mayor Hammond
Councilman Knoles arrived at 4:14 P.M.

Absent: Councilmen: Mitchell

PARKS AND RECREATION - ADMINISTRATION - Pages 42-43

The City Manager stated that this year, for the first time, separate budgets have been set up for Parks and Street Trees, since these are separate operations.

Upon questioning, Director of Parks and Recreation Cowie and Superintendent of Recreation Grogan stated that the increase in the 1961-62 budget was occasioned by step increases in salaries of regular employees, salaries and wages for additional part time employees, \$1,700 increase in the adult programs, which is compensated by an increase in fees to make the programs self-supporting.

The City Manager pointed out that approximately \$40,000 of the \$83,722 expenditures shown on page 47 of the budget would be returned through revenues.

Miss Grogan stated that the adult recreation programs were now operating on a self-sustaining basis.

120 - Extra Help. - page 47

Miss Grogan stated that the figure of \$61,641 included several programs - the after-school recreation and the special Saturday events in the Parks, the program for the handicapped, the tennis program, baseball for boys, adult basketball, softball programs, and supervision of the Parks. Wage scales for part-time employees were discussed.

Upon questioning, Miss Grogan stated that the Schools, during the past two years, have contributed \$5,900 annually towards the after-school recreation program, plus furnishing and maintaining school facilities.

The City Manager stated that an attempt would be made to increase the allocation received from the Schools and County for the after-school recreation program.

MADDUX YOUTH CENTER - 33, Page 51

Revenues

Superintendent of Recreation Grogan stated that estimated revenues for Maddux Youth Center are \$3,315, including \$2,200 from the sale of candy, ice cream, soft drinks, etc.

235 - Services, Professional and Other

Miss Grogan stated these funds are budgeted for the hiring of dance bands, and are offset by revenue received through admission fees.

Attendance at Maddux Youth Center was discussed.

Modesto Community Service Center - 34, Page 53 3-0

The City Manager stated that the estimated revenue of \$8,030 for rental of the Community Service Center will more than cover the operating costs and proposed capital outlay.

Upon questioning, Miss Grogan stated that all of the rooms on the ground floor, except the auditorium, and all but two rooms upstairs are rented on a monthly basis.

Parks - 35Salaries and Wages

Director of Parks and Recreation Cowie stated that the approximately \$12,000 increase in salaries did not include additional personnel, but covered the general salary increases and step increases.

SUPPLEMENTAL REQUEST - Page 54

Mr. Cowie stated that the supplemental requests cover additional personnel and equipment needed to take care of a constantly increasing work load resulting from the acquisition of new park sites and 300 acres of subdivisions where street trees will be planted. Approximately 3,000 trees are planted each year, at a cost to the City of approximately \$7 for each tree.

The possibility of charging subdivisions for tree planting was discussed by the City Manager.

The number of personnel needed to maintain the parks was discussed.

Consideration was requested for the proposed hiring of a Park Superintendent, to supervise and coordinate all of the horticultural projects.

Mr. Cowie mentioned the pending retirement of Dwight Long next year, and the necessity of replacing him with an individual having appropriate technical training to carry on established horticultural programs and to supervise the golf course, street trees, and the parks.

STREET TREES

The City Manager suggested that the Council consider the hiring of two extra men for the street tree operation, pointing out that the program has increased to a point where approximately 3,000 trees a year are being planted.

Page 2 6/20/61

Supplemental Request - Supervisor, Children's Park

Mr. Cowie stated that a Supervisor for the Children's Park was needed and a competent person was available for the position at this time, at a cost of \$2,162, on a part-time basis for a period of approximately five months. Mr. Cowie stated that constant supervision was necessary while the park was open because of the wading pool.

MOTION

That a part-time Supervisor be hired for Children's Park as recommended by Director of Parks and Recreation Cowie

Moved by Knoles Seconded by Arata Unanimously carried

Proposed Amendments to Subdivision Regulations

Deputy City Manager Keefe stated that a proposed ordinance is being drafted to provide that the planting of street trees in subdivisions be charged to the subdividers, the fee to be established by resolution of the Council. \$7 has been determined as a fair cost for this service. Also recommended by the Planning Commission were charges to subdividers for regulatory traffic and street signs in Subdivisions.

MOTION

That proposed amendments to subdivision regulations that subdividers be charged for the planting of street trees and for regulatory street and traffic signs, be referred to the Planning Commission for study and recommendation

Moved by Arata Seconded by VanderWall Unanimously carried

The City Manager stated that a report on new regulations concerning water main extensions in subdivisions would be made to the Council at an early date.

9-HOLE MUNICIPAL GOLF COURSE 4-30

A summary of revenues and expenses in connection with the golf courses was furnished each member of the Council for study.

A survey of 18-hole golf courses comparable to Modesto's 18-hole golf course was reviewed by the City Manager. Hearing on the budget for the golf courses was held over pending review of the report by the Council.

MUSIC AND PROMOTION - 61

No changes in the budget submitted were made by the Council.

MISCELLANEOUS UNCLASSIFIED - Page 87

This item was held over.

ADJOURNMENT

MOTION

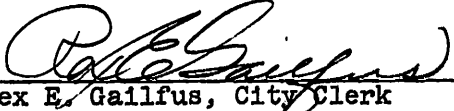
That the special meeting now in session be adjourned until 4:00 P.M. June 22, 1961

Page 3 6/20/61

Moved by Knoles Seconded by VanderWall Unanimously carried

The meeting adjourned at 5:21 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, in the Council Chambers at 801 11th Street, Mayor pro tempore VanderWall presiding, to consider the preliminary budget for the fiscal year 1961-62.

The City Clerk called the roll and there were:

Present: Councilmen: Johansen, Knoles, Tabbert, VanderWall
Councilman Arata arrived at 4:07 P.M.

Absent: Councilmen: Mitchell, Mayor Hammond

PARKS AND RECREATION - 9-Hole Golf Course Page 60

The low rate of attendance at the Dryden Golf Course in comparison to courses of other cities was discussed and attributed to the fact that the course is relatively new, clubhouse facilities have been available for only a short while, and comparisons were made with cities of much larger size than Modesto.

Andy Silva, golf pro, stated that play on the Dryden Course was steadily increasing. He pointed out that quite often monthly tickets issued at the Dryden Course were used for play at the Municipal Course, resulting in figures indicating higher play at the Municipal Course. Allowing play on family tickets during the week, and charging regular rates for play on weekends was discussed. Mr. Silva felt that the monthly ticket rates were too low.

Upon questioning, Mr. Silva stated that the Stockton Municipal Course was in operation for ten years before a profit was shown in the operation. He felt that the Modesto courses should be self-sustaining within the next three or four years.

Training classes and student fees on the 9-hole golf course were discussed. The City Manager stated that there is no fee for use of the driving range, but a fee is charged for play on the course.

Ken Gibson, 608 Catalina Way, President of Modesto Men's Golf Club, said that shade trees at the 9-hole golf course contribute to heavier play at this course during hot weather. He commented favorably on the condition of the municipal courses, stating that they were better maintained than most municipal and private courses throughout the country.

Mr. Gibson stated that in his opinion the fees for both courses should be the same. He suggested increased rates to apply to both courses. In his opinion, an increase in rates would not result in loss of play. He felt that advertising the golf courses in the Bay Area and Sacramento would provide a substantial increase in attendance.

Relieving congestion on holidays and weekends by limiting the use of family tickets to other days was discussed. The City Manager felt that this would leave more play available on holidays and weekends at regular rates with a resultant increase in revenue. Mr. Silva concurred with the City Manager that there would be an increase in revenue.

The City Manager suggested that further study be made on possible increases in the golf course rates and a report be presented to the Council when representatives of interested organizations can be present.

Eugene Vieira, new greenskeeper, was introduced to the Council.

235 - Services, Professional and Other

One-third, or \$2,200, of the contract for professional assistance at the golf courses is included in this item, the balance of the contract included in the Dryden Park Municipal Golf Course budget.

SUPPLEMENTAL REQUEST

The City Manager stated that the proposed supplemental request of \$810 would rebuild Greens No. 4 and No. 6, and cover equipment rental charges, maintenance and repair, services and gardening supplies.

DRYDEN PARK MUNICIPAL GOLF COURSE Page 63

The \$500 increase in this item was questioned. Director of Parks Cowie stated that this covered rental of equipment to continue cleaning more of the Tuolumne River bank along the golf course. Mr. Cowie said it was proposed to clean a small area each year until a point is reached where the area can be entered with a tractor and disc to cut down the weeds.

110, Salaries and Wages, Regular

Mr. Cowie stated that the increased budget covered approved salary increases and step increases.

Possible ways of reducing expenses and still maintaining a good course were discussed.

310, Garden Supplies

Mr. Cowie stated that the increase in gardening supplies covered additional fertilizer, "Nitroform," which is a little more expensive but experience has shown that it can be applied in less time. Upon questioning, Mr. Cowie stated that analysis of the dried sludge at the Sewage Treatment Plant indicates the presence of caustic substances which might be harmful to the fairway. He said that it would be used on a small portion of the fairway to test its effects. This will only add humus value, and nitrogen is needed to provide grass growth.

PUBLIC WORKS - ENGINEERING AND ADMINISTRATION - 41 Pages 64-65

Director of Public Works Ray stated that in the past, three Associate Civil Engineer positions were authorized. The proposed budget excludes one of these positions. If the work load justifies, a request will be presented to reinstate the third engineer at a later date.

218, Equipment Rental Charges

The City Manager stated that the amount budgeted exceeded the amount actually spent by \$800, but was \$200 less than budgeted for this purpose last year.

PUBLIC WORKS - ELECTRICAL218, Equipment Rental Charges

Director of Public Works Ray stated that the increase is occasioned because the City has purchased a new ladder truck which has a higher rental than the former equipment used.

210, Utilities

These charges are made by the M.I.D. for energy used by the street lights. Mr. Ray stated that it had come to his attention that in the newer areas where M.I.D. is serving with 12,000 volt power only, they are charging the City at a higher rate than the regular street lighting schedule. The reason for this was explained to the Council. Information received indicates that the City can now obtain transformers in the sizes needed that will transform the energy to the required voltage for street lighting. Mr. Ray urged that \$1,000 be budgeted to purchase one 25 KVA transformer and two 10 KVA transformers. Installation of these will save the City approximately \$100 per month. He recommended that this item budgeted under Capital Outlay be increased by \$1,000 to provide for this purchase.

MOTION

That Item 504, Transformer Replacement, in the amount of \$1,000 be added to the Public Works - Electrical budget to be used for the purchase of transformers as outlined by the Director of Public Works

Moved by Arata Seconded by Knoles Unanimously carried

PUBLIC WORKS - AIRPORT - 46

The City Manager stated that when the salary rate for the Airport Manager was established, it was based on the Airport Manager having business operations as a sideline. This matter was discussed, with Council decision that a salary reclassification should be considered by the Personnel Commission when overall salary studies are made.

PUBLIC WORKS - WATER - 50 Pages 72-73110, Salaries and Wages, Regular

Director of Public Works Ray stated that the increase was occasioned by regular salary increases, step increases, and an additional pump maintenance man.

110, Salaries and Wages - Utility Crew

The functions of the utility crew in various city projects were discussed.

Mr. Ray stated that at last Monday night's Council meeting, approval was given for the purchase of a well site at Davis High School. Amounts were budgeted on the premise that the well would be completed before the end of the 1960-61 fiscal year. Because of the delay encountered in acquiring the property, this is not possible. He requested that the balance of the fund, or \$20,750, be rebudgeted for this purpose.

Secondly, Mr. Ray stated that since preparation of the 1961-62 budget, the City's earth boring auger, which operates from a compressor, has failed completely, is no longer manufactured and repair parts are unobtainable. This equipment is needed for water main installations and Mr. Ray urged that consideration be given to budgeting Capital Outlay funds for the purchase of a replacement. The cost is approximately \$630.

MOTION

That the following items be added to the Public Works - Water Budget; Capital Outlay, 503 - \$20,750 for New Well Pump Station 24, and 504, \$630 for Auger

Moved by Arata Seconded by Johansen Unanimously carried

PUBLIC WORKS - STREETS - 51 Pages 74-75

Disposition of leaves in the fall pick-up was discussed.

ADJOURNMENT

MOTION

That the special meeting now in session be adjourned until 4:00 P.M., June 27, 1961

Moved by Knoles Seconded by Tabbert Unanimously carried

The meeting adjourned at 5:34 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.

ANNOUNCEMENT OF DEATH OF COUNCILMAN DAVID L. ARATA

Mayor Hammond announced the death of Councilman Arata, a member of the City Council since January, 1952.

The City Clerk called the roll and there were:

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

Absent: Councilmen: Mitchell

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

Reverend Richard G. Maloney gave the invocation.

APPROVAL OF MINUTES

Council members having received copies of the minutes of the Council meetings of May 8, May 15, and special meeting of May 31, 1961, and the same being available for public inspection, and there being no objections, the minutes were approved.

PRESENTATION OF CERTIFICATES OF COMPLETION OF M.J.C. COURSE IN MUNICIPAL GOVERNMENT ADMINISTRATION

Certificates of completion of the M.J.C. course in Municipal Government Administration under the tutelage of City Manager Miller, were presented to the following city employees: Charles Bird; Wayne Everett; Mary Grogan; Bernice Mitchel; Frank Reynolds; Opal Roberts; Ernest Dunham; Doris Clifford; Ross Campbell.

Mayor Hammond commended the group for their interest in City Government.

The City Manager stated that the text used for the course was prepared by the International City Managers' Association, and the individuals passing the course, subject to their final examination grades, are entitled to a certificate from this organization.

LETTER FROM E. F. DAVIS, OWNER, UNITED MAINTENANCE COMPANY, RE: THE NINE-HOLE MUNICIPAL GOLF COURSE 1-40

A letter from E. F. Davis, Manager of United Maintenance Co., dated June 19, 1961 requesting that the Council consider keeping the nine-hole Municipal Golf Course open, was read by the City Clerk.

The letter was ordered filed for future consideration.

CONSIDER REPORT FROM THE PLANNING COMMISSION ON RANDY PLANNED DEVELOPMENT REZONING 7:35 P.M. 1-50

Mayor Hammond announced that the hour of 7:35 P.M. had arrived, the time set for consideration of a report from the Planning Commission on the request of Mark Randy for rezoning of property located on the east side of McHenry Avenue between Tokay and Floyd Avenue, from Multiple Family Zone, R-3, and Neighborhood Commercial Zone, C-1, to Planned Development Zone, P-D.

The City Manager stated that the Planning Commission, by Resolution No. 705 adopted April 18, 1961, recommended to the Council that the rezoning be approved. At a public hearing held May 22, 1961, the Council denied Mr. Randy's request for rezoning and referred the matter back to the Planning Commission for further study. Mr. Miller stated that Planning Commission Resolution No. 717 reaffirms the Planning Commission's previous position that the rezoning be approved.

Carlos J. Badger, attorney at law, 1245 Sycamore, representing Mr. Randy, presented pictures recently taken on McHenry Avenue. Mr. Badger presented the following arguments in favor of the requested rezoning: The only similar activities as the proposed discount house which have been successful in other cities, have been located out of the central districts in relatively low rent areas; they invite into the cities a relatively large number of people from within a radius of 15 miles, increasing the overall shopping ^{power} within cities; it will increase the tax base; it will not detract/development which has already occurred on McHenry; McHenry Avenue is already commercial and industrial out as far as and beyond the location proposed for the discount house; the Council's duty is to help all of the people of Modesto, and not just preserve the rights of a few property owners in the central district.

G. Dale Smith, 302 Northwood Drive, spoke briefly in opposition to the rezoning to planned development, stating that the Council should adhere to its established policy concerning the zoning of property on McHenry Avenue north of M.I.D. Lateral No. 3, as there is sufficient land already zoned for this type of operation. It was Mr. Smith's opinion that the construction of an 80,000 square foot discount house would change the character of the entire neighborhood and downgrade the value of residences. It would be backed up against a single-residence area, with attendant noise, confusion and debris. The approximately 400-car parking lot would contribute greatly to traffic congestion on McHenry.

Mrs. Robert Purvis, 3104 Buckingham Court, spoke briefly in opposition to the rezoning requested by Mr. Randy.

Clarence Duke, D.D.S., 405 Northwood Drive, and Mrs. Leonard Day, 148 Tokay Avenue, spoke against the rezoning of the property.

Mr. Badger spoke briefly in rebuttal of the statements made by Mr. Smith. He stated that within one-half mile of Mr. Randy's property, either way, there are only three houses occupied as single-family residences. Mr. Badger asked if the Council wished a stretch of McHenry Avenue to remain completely undeveloped for years to come, and to be a blighted area. It was his opinion that no one in the Council Chambers would purchase land on McHenry for a single-family dwelling. He stated that McHenry was a main highway and will always remain a main highway.

Answering a question asked by Mrs. Leonard Day concerning the zoning of American Transit Mix, Director of Planning Smeath stated that this property is zoned R-1, operating as a nonconforming use.

Robert Husted, 221 Bowen, spoke in opposition to the proposed planned development rezoning, particularly pointing out that a 400-car parking lot, on the basis of good business, would mean an average of 3,200 cars a day. He felt that there were other operations that would be more suitable in a predominantly residential area.

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

Mayor Hammond stated that the City has spent more money outside than inside the downtown area -- that the City had spent approximately \$200,000 on the reconstruction of McHenry Avenue, in order to permit the businesses on this street to thrive and flourish. Under the General Plan, commercial zoning is to cluster, rather than follow a strip zoning pattern, and commercial areas are to be developed about one mile apart in the interests of traffic and business survival. Mayor Hammond said that the policy of the Council and the Planning Commission relative to the spacing of commercial centers has been well known for the last few years by all property owners in the community -- that the properties should be developed on the basis of the general welfare and needs of the entire community. The Council and Planning Commissions have felt that McHenry Avenue beyond the M.I.D. Lateral should remain for large developments of a non-commercial nature.

Mayor Hammond stated that the Council has had no indication from the State that it plans to spend any more money on the further development of McHenry Avenue as a state highway. Present plans are to move the state highway to the east. Shopping-type commercial operations attract heavy traffic, and McHenry Avenue is at present heavily traveled. Mayor Hammond stated that more shopping-type commercial operations extended beyond the canal could conceivably place an additional tax burden on City taxpayers to provide street improvements in this area.

RESOLUTION NO. 61-293

A RESOLUTION REMOVING THE SUSPENSION OF RESOLUTION NO. 61-239 DENYING THE APPLICATION FOR REZONING OF MARK RANDY TO RECLASSIFY CERTAIN PROPERTY IN SECTION 16 OF THE ZONING MAP (McHENRY AVENUE)

Introduced by VanderWall Seconded by Johansen

AYES: Johansen, Knoles, Tabbert, VanderWall, Mayor Hammond

NOES: None ABSENT: Mitchell

Mr. Badger stated that his client has commercial zoning, and that the discount house would be placed on the property which is commercially zoned. He said that the traffic pattern would not be changed one per cent, but \$20,000 would have to be expended to put in a reinforcement over a drain in the property. Mr. Badger pointed out that the Planning Commission has twice recommended that the planned development be approved, the property is zoned commercial, and all that was asked was that they be permitted to move the building back into the R-1 area to save \$20,000 by using the front of the property for parking instead of placing the building over an existing drain.

CONTINUATION OF HEARING ON PROPOSED ABANDONMENT OF ALLEY ON McHENRY AVENUE (GALLAGHER), BLOCK 727 4-40

Mayor Hammond announced that the hour of 7:45 P.M. had arrived, the time set for consideration of the continued hearing on the proposed abandonment of the alley of Block 727, McHenry Avenue, and opened the hearing.

City Manager Miller stated that Planning Commission Resolution No. 721 adopted June 20, 1961, reaffirms its recommendation that the alley in Block 727, west of McHenry, north of Griswold, be vacated and abandoned, unless additional dedications for a 20-foot alley through the block are made within a reasonable period of time.

Francis Halley, attorney, representing Deet Eichel, requested that the hearing be continued until the return of Councilman Mitchell so that there would be a full quorum.

RESOLUTION NO. 994-S.P.

A RESOLUTION CONTINUING THE HEARING OF RESOLUTION OF INTENTION TO VACATE AND ABANDON A PART-WIDTH ALLEY WEST OF McHENRY NORTH OF GRISWOLD IN BLOCK 727 ADJACENT TO LOTS 1 AND 2, IN THE CITY OF MODESTO (GALLAGHER ALLEY)

Introduced by VanderWall Seconded by Tabbert

AYES: Johansen, Knoles, Tabbert, VanderWall, Mayor Hammond

NOES: None ABSENT: Mitchell

Continuation of the hearing was set for July 24, 1961 at 8:10 P.M.

HEARING ON PROPOSED ANNEXATION OF THE EAST FLOYD NO. 3 ADDITION

Mayor Hammond announced that the hour of 8:00 P.M. had arrived, the time set for consideration of the proposed annexation of East Floyd No. 3 Addition and opened the hearing.

The City Clerk stated that notice of hearing of the proposed annexation was published in the Modesto Bee and the Turlock Daily Journal on May 24 and May 31, 1961, and notices mailed to all property owners on May 24, 1961. No written protests to the proposed annexation were filed with the City Clerk.

A map of the area comprising 5.85 acres was previously presented to the Council members.

The City Manager stated that Planning Commission Resolution No. 711 recommends that the Council approve the proposed annexation.

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

ORDINANCE NO. 470-C.S. entitled

"AN ORDINANCE ANNEXING UNINHABITED TERRITORY KNOWN AS THE EAST FLOYD NO. 3 ADDITION TO THE CITY OF MODESTO"

was introduced and adopted and ordered printed and published as required by the Charter.

Moved by Knoles Seconded by VanderWall

AYES: Johansen, Knoles, Tabbert, VanderWall, Mayor Hammond

NOES: None ABSENT: Mitchell

HEARING ON THE 1961-62 BUDGET - 8:05 P.M. 4-100

Mayor Hammond announced that the hour of 8:05 P.M. had arrived, the time set for consideration of the 1961-62 budget, and opened the hearing.

The City Clerk reported that notice of hearing was published in the Modesto Bee on June 13, 1961, as required by the Charter.

The City Manager stated that the budget is prepared by the staff, presented by the Manager, and final determination made by the Council both as to expenditures and revenues. Mr. Miller said that the Council has been meeting twice a week to consider the budget, and plans to continue to do so until it has been cleared.

Fred Curtis, 618 Ashby Avenue, stated that he has found no reason to raise objections to the expenditure of tax monies by the City. He said that since Councilmen did not want a salary, he felt that a wise expenditure could be made by granting a sum of money to the Councilmen, not through the staff, to obtain the ideas of the general public. It was his opinion that there is always a certain amount of distrust when the whole thing is handled by the City government. It was his belief that a complete community enterprise should be handled through taxes as expenditures would be carefully made by trained personnel. He expressed deep confidence in qualifications of City personnel whom he has observed.

Jane Nichols, 1226 College Avenue, stated that the City budget should be altered to raise the salaries of clerical, technical and professional classes in order to keep the skilled and qualified people on the job. She felt that the number of patrolmen in cars should be increased, something should be done to curb the "dragging" of 10th Street.

Mayor Hammond stated that seven police were added to the staff last year, and that the Council has adopted a policy of not setting the salary schedules for the community, but offering working conditions and salary schedules comparable to private industry, which pays the taxes to pay the salaries. He stated that the salary schedules are reviewed by the Council several times a year.

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

HEARING ON GARBAGE AND REFUSE COLLECTION 8:30 P.M. 5-100

The City Manager stated that the garbage franchises have expired and have been extended temporarily pending clearance of the precise methods by which the collection of garbage and garden refuse will be handled. The City has been picking up garden refuse for many years, and it has reached the point where it is costing over \$100,000 per year. In the past, the City has burned the garden refuse, but this created a nuisance to residents in the area. The Council has assured these people that this will no longer be done. Mr. Miller stated that one method to dispose of the garden refuse would be through incineration. For a short time, the garden refuse was placed on a farmer's land for mulch and humus, but this was not satisfactory and of short duration. Presently, the garden refuse is being buried along with the garbage.

Mr. Miller stated that a study was made of the possible incineration of both garbage and garden refuse. It was found that the capital outlay involved for the construction of an incinerator, with the cost of operation, was not justified for a city of the size of Modesto.

Mr. Miller said that another possibility was considered, the construction of a less expensive incinerator (approximately \$35,000) of the type used by sawmills, with the possibility that the cost might be doubled if the smoke and ash problem was severe. Merits of combined garbage and garden refuse pickup have been discussed, which obviously would be less expensive than having two trucks and two crews picking them separately. This would be feasible only if the garbage and garden refuse could be disposed of simultaneously by burial, and could only be done if compacted.

Fred Curtis, 618 Ashby Avenue, requested that ample publicity be given the final hearing of this matter.

Answering a question asked by an individual in the audience, Mayor Hammond stated that the City would continue the pick-up of leaves. The City Manager stated that the leaves which fall on the street are sold to a concern for humus. Mr. Miller again explained that the chipper used by the City in the pruning of trees is not feasible for garden refuse because of foreign objects which might be mixed with it.

David Fingerle, 234 Yosemite Avenue, spoke briefly in favor of municipal garbage and garden refuse collection and disposal. He stated that he was also an advocate of municipal distribution of power.

John Feltes, 260 Roberto Avenue, spoke in favor of municipal collection and disposal of garbage and garden refuse. He doubted that wet garbage and garden refuse could be picked up in the same truck. It was his belief that the City could perform the work more efficiently and economically than private firms.

Paul Eddy, 319 Alturas Avenue, and Arthur L. Bogren, 110 Las Palmas Avenue, spoke in favor of municipal pickup of garden refuse.

Mayor Hammond stated that no matter whether the garden refuse is picked up by City crews or by combined pickup, changes will be made in the manner in which garden refuse is picked up. He said that the "pitchfork" days are over, so far as economy of operation is concerned, and garden refuse will have to be placed in containers.

Mr. Bogren presented a petition bearing fifteen signatures opposing discontinuance of City pick-up of garden refuse.

Mayor Hammond stated that the Council has been watchful for complaints concerning garbage service, and has found the garbage service adequate. The Council, on the basis of information supplied by the staff, has felt that it is to the best interests of the community to leave the collection of garbage in the hands of private ownership. The Mayor said that the Council has received no information to indicate that the City could perform this service more effectively or more economically.

Art Friedman, attorney, counsel for the garbage companies, stated that the garbage rates in the City have been the same for the last fifteen years. He pointed out the increased cost of commodities and labor during this period, and the fact that a survey indicates that Modesto Garbage Company has been furnishing garbage service at cheaper rates than any other city of a comparable size.

Fred Curtis outlined two complaints against unnamed garbage companies which had come to his attention.

Mr. Ballard, County Health Department, stated that the majority of the complaints received in connection with garbage service are against people who do not wish to have garbage service. Mr. Ballard stated that he was in favor of universal garbage service, and cited several instances where under the present system garbage is not collected. It is sometimes dumped in vacant lots, or often when people move, the last can remains in the alley because no provision has been made for its collection. This breeds flies and attracts rodents.

Attorney Friedman filed with the City Clerk numerous letters and petitions commending the service of Modesto Garbage Company.

The City Manager read a letter from H. Merker, 214 Bonita, to which was attached an editorial from the Modesto Bee, subject, "Garbage Collection is Proper City Function." The letter stated that Mr. Merker agreed with the editorial. The City Manager presented to the Council pictures furnished by the Health Department showing garbage conditions found.

The City Attorney stated that a report from Director of Public Works Ray indicates that present licenses for the garbage companies expire June 30, 1961 and that an extension of time is necessary. The report indicated that after a decision is reached by the Council, it may take approximately sixty days to complete the necessary arrangements and code revisions required to establish new permits under any revised terms or conditions. An extension of 90 days to October 1, 1961 was suggested.

RESOLUTION NO. 61-295

A RESOLUTION AUTHORIZING AN EXTENSION OF THE LICENSE OF THE MODESTO GARBAGE COMPANY FOR THE COLLECTION OF GARBAGE IN THE CITY OF MODESTO

Introduced by VanderWall Seconded by Knoles

AYES: Johansen, Knoles, Tabbert, VanderWall, Mayor Hammond

NOES: None ABSENT: Mitchell

RESOLUTION NO. 61-296

A RESOLUTION AUTHORIZING AN EXTENSION OF THE LICENSE OF THE AIRPORT GARBAGE SERVICE FOR THE COLLECTION OF GARBAGE IN THE CITY OF MODESTO

Introduced by VanderWall Seconded by Johansen

AYES: Johansen, Knoles, Tabbert, VanderWall, Mayor Hammond

NOES: None ABSENT: Mitchell

RESOLUTION NO. 61-297

A RESOLUTION AUTHORIZING AN EXTENSION OF THE LICENSE OF THE SANDERS SALVAGE COMPANY FOR THE COLLECTION OF GARBAGE IN THE CITY OF MODESTO

Introduced by Johansen Seconded by Knoles

AYES: Johansen, Knoles, Tabbert, VanderWall, Mayor Hammond

NOES: None ABSENT: Mitchell

RESOLUTION NO. 61-298

A RESOLUTION GRANTING AN EXTENSION OF THE LICENSE OF RUDY BONZI FOR THE COLLECTION OF SWILL IN THE CITY OF MODESTO

Introduced by VanderWall Seconded by Tabbert

AYES: Johansen, Knoles, Tabbert, VanderWall, Mayor Hammond

NOES: None ABSENT: Mitchell

MOTION

That the hearing on garbage and refuse collection be continued to July 3, 1961 at 4:30 P.M.

Moved by VanderWall Seconded by Knoles Unanimously carried

At the request of Councilman Tabbert, the petition submitted by Arthur Bogren opposing discontinuance of City garden refuse pick-up was read by the City Manager.

The meeting recessed at 9:40 P.M. and reconvened at 9:45 P.M.

LETTER FROM HOWARD E. OLDS, 1122 LA LOMA, REGARDING CURBS, GUTTERS AND SIDEWALKS IN BLOCK 2055

A letter from H. E. Olds dated June 18, 1961 regarding a request made by the Director of Public Works that curbs, gutters and sidewalks be installed on his property on Santa Barbara Avenue, was read by the City Clerk. The letter stated that the installation of curb, gutter and sidewalks would create a condition that would make it impossible to use his garage. This is caused by the narrowness of Santa Barbara Avenue at this point, and the presence of a number of mailboxes against the fence of adjoining property. The letter pointed out that all of the property owners on Santa Barbara have dedicated rights of way for the widening of the street except the Lengyels, asking why the City has not taken the right of way through condemnation proceedings.

Director of Public Works Ray stated that his letter referred to by Mr. Olds, was written at the request of the City Council after a petition was received from twelve property owners on the block requesting that action by the Council to require the installation of curbs, gutters and sidewalks on the Olds property be taken. Mr. Ray stated that Santa Barbara Avenue is thirty feet wide at this point, that he has checked the property several times, and could not see what effect curbs and gutters would have on access to and from the garage.

Mrs. Olds spoke briefly in support of the letter written by Mr. Olds.

MOTION

That the matter be referred to the staff for further study and report to the Council

Moved by VanderWall Seconded by Knoles Unanimously carried

LETTER FROM R. J. GIDDINGS, PRESIDENT, SAN JOAQUIN MORTGAGE COMPANY, REGARDING MOVING OF OLDER HOMES INTO NEWLY DEVELOPED DISTRICTS

A letter from R. J. Giddings, President, Roosevelt Center, Inc., dated June 21, 1961 pertaining to the issuance of permits to move old houses onto recently developed areas where the predominance of construction is either new or nearly new, resulting to the detriment of adjacent property, was read by the City Clerk. A specific instance was cited where a permit was issued to move a 45-year old home from McHenry and Morris Avenues to 320 Bowen Avenue. An immediate study of the problem was suggested, in accordance with the following:

- (1) That houses being moved be allowed into areas with a preponderance of houses of the same age and type (more than 50%);
- (2) That each move be approved by the Planning Commission and Council, after suitable hearing and public notice.

LETTER FROM ROBERT M. HUSTED, M.D. REGARDING MOVING OF OLDER HOME ON BOWEN AVENUE

With the unanimous consent of the Council, the City Clerk read a letter from Dr. Husted dated June 21, 1961 requesting that the City enact legislation to prevent moving buildings onto lots within its boundaries, specifically mentioning the old home recently moved onto a lot on the south side of Bowen Avenue in the 400 block.

The City Manager stated that there was presently nothing in the Code to prevent the placing of a house, so long as the house is structurally sound and placed in accordance with the Building Code.

Possible methods of control were discussed by the Council.

MOTION

That the matter be referred to the staff for study and investigation, and report and recommendation to the Council

Moved by VanderWall Seconded by Knoles Unanimously carried

LETTER FROM A. F. MALO, PRESIDENT, INSTITUTE OF TRAFFIC ENGINEERS, REGARDING AWARD TO CITY OF MODESTO

A letter from A. F. Malo, President, Institute of Traffic Engineers, dated June 14, 1961 stating that the City of Modesto has been voted an award by the Institute of Traffic Engineers for its traffic engineering program during 1960, was read by the City Clerk. Awards were made to only thirty-one cities throughout the country. The award, in the form of a plaque, will be presented shortly.

Only three cities in California, Los Angeles, Stockton and Modesto, received an award.

LETTER FROM CARL PAYNE, CHAIRMAN, COMMITTEE FOR FIREMEN'S BACK HOLIDAY PAY, REGARDING POSSIBLE HOLIDAY PAY SETTLEMENT 10-100

A letter from Carl Payne, Chairman, Committee for Firemen's Back Holiday Pay, dated June 21, 1961, was read by the City Clerk.

The letter asked when and how the holiday question for Fire Department personnel employed by the City of Modesto during the years 1944 to 1949 would be settled.

Mayor Hammond stated that it would be a difficult matter to settle due to the lack of records.

The City Attorney stated that the firemen's position was exactly the same as the policemen, and from a legal standpoint, the records were a matter of proof. Answering a question asked by Councilman VanderWall, Mr. Grimes stated that records for the firemen differed from those of the policemen because there were sign-on and sign-off sheets with respect to the police officers, but these documents are not available for fire department personnel.

MOTION

That the letter be referred to the City Manager for accumulation of data as to the number of firemen involved, etc. for study and suggestions as to procedure

Moved by Johansen Seconded by Knoles Unanimously carried

RESOLUTION AWARDDING BID FOR PAINTING OF FOUR FIRE STATIONS 11-25

Deputy City Manager Keefe stated that two bids were received, the low bid submitted by Don L. Davis for \$3,997. Since the low bid is \$2,000 less than originally estimated, the staff recommended that the low bid be accepted, and the offer of the contractor to sandblast the south wall of Station No. 1, and to apply a slurry coat to seal the block exterior surfaces of Station No. 4 for an additional \$240, also be accepted by the Council.

Mr. Keefe stated that Mr. Davis has submitted a letter which states that he will pay the prevailing wage rates if awarded the bid.

The City Attorney stated that the contract should be awarded on the basis called for, and the sandblasting and application of slurry coat be accomplished by a change order.

RESOLUTION NO. 61-299

A RESOLUTION ACCEPTING THE BID OF DON L. DAVIS IN THE SUM OF \$3,997 FOR PAINTING THE EXTERIORS OF FOUR FIRE STATIONS

Introduced by Knoles Seconded by VanderWall

AYES: Johansen, Knoles, Tabbert, VanderWall, Mayor Hammond

NOES: None ABSENT: Mitchell

MOTION

That a change order be issued authorizing that Don L. Davis apply a slurry coat on the exterior surfaces of Fire Station No. 4, and sand blast that portion of the south wall of Fire Station No. 1 where recommended, for an additional cost of \$240.

Moved by Knoles Seconded by Johansen Unanimously carried

ORDINANCE APPROPRIATING AND TRANSFERRING MONEY TO OPERATE THE CITY FROM JULY 1, 1961 UNTIL THE BUDGET IS APPROVED

The City Manager stated that appropriating and transferring money to operate the City from July 1, until the budget is approved is standard procedure.

The City Attorney stated that the proposed ordinance appropriated \$400,000 for this purpose, effective July 1, 1961, to be superseded by the adoption of the budget.

ORDINANCE NO. 471-C.S. entitled

"AN ORDINANCE APPROPRIATING FUNDS FOR PAYMENT OF THE USUAL CURRENT EXPENSES OF THE CITY OF MODESTO"

was introduced and adopted, and order printed and published in accordance with the Charter.

Moved by Knoles Seconded by Johansen

AYES: Johansen, Knoles, Tabbert, VanderWall, Mayor Hammond

NOES: None ABSENT: Mitchell

A REPORT ON GENERAL CARD ROOM SITUATION, AS REQUESTED BY THE CITY COUNCIL

The City Manager read a memorandum prepared by Chief of Police Bowers, Subject, "Card Rooms," dated June 20, 1961, a copy of which is on file with the record of the minutes.

The City Clerk stated that letters were received from Reverend Charles M. Spencer, College Avenue Congregational Church, and J. Paul Miller, Chairman, Committee on Public Relations and Morals, La Loma Grace Brethren Church, regarding the undesirability of card rooms within the City, and offering help with the problem.

Paul Miller, author of one of the letters mentioned, stated it had been written on behalf of the Ministerial Association, and he was present to encourage the continued exploration of the problem.

Louie Interbitzen, 302 North Santa Ana, stated that "winos" did not gamble at his establishment. He said that although the churches disapprove of card rooms, they approach the card room operators for charitable contributions.

Mayor Hammond stated that Chief Bowers' memorandum indicated that card rooms are an attraction to "winos" as a "hangout".

Hazel Norvell, 137 San Juan Drive, stated that she operated a bar and cardroom, and men with legitimate backgrounds only are hired. She stated that people are going to gamble, whether they gamble in the open or otherwise. She said that she would like to continue her business.

The owner of the Eldora Club, 915 H Street, stated that he operated a cardroom, but did not allow "winos" in the cardroom.

Jack Watson, operator of a cardroom and tavern at 1000 H Street, stated that he did not know of a city in the United States that did not have a skidrow. If 9th and H Streets are closed to winos, they will move down H Street or on 7th Street. He did not believe that they could be removed from the City. Many of them work in the fields, they live in hotels on 9th and 10th Streets, and have no other life other than the taverns and the cardrooms. He suggested stiffer supervision from the Police Department.

Frank Vaccaro, 1418 Madrone Drive, Manager of the Royal Cafe on I Street, stated that he did not cater to "winos" and has seldom had a police problem in his cardroom establishment during its 25 years of operation. He felt that it was not fair to classify his establishment with others that have been a police problem.

Answering a question asked by Mayor Hammond, Chief Bowers stated that the card games legally permissible at the present time are draw poker, lowball, Pangini and Rummy. By the "elimination of cardrooms," Chief Bowers stated that he meant elimination of card games and all forms of gambling in commercial cardrooms; this would not eliminate the playing of cards by private citizens or a group of people meeting in a private home for a card game.

Answering a question asked by Councilman VanderWall, Chief Bowers stated that more rigid policing of cardrooms would not require additional police personnel, but would take more time from other police activities.

The question of the usefulness of cardrooms to the welfare of the community was discussed by the Council.

Chief Bowers stated that cardrooms attract other kinds of gambling, and in several establishments police undercover men were referred to bookmaking runners by the operators of cardrooms. He said that this was not true of all cardrooms, but of many.

Councilman Tabbert stated that he was wholeheartedly in agreement with the Ministerial Association, but as human beings, all could not lead ideal lives, and the gambling instinct was hard to erase. Mr. Tabbert said that he was in favor of rigid enforcement of the laws available.

Councilman Knoles stated that he agreed with Councilman Tabbert, except that he did not approve of taking police personnel from duties elsewhere in the community to provide added supervision of the cardrooms. He referred to the Council's policy that recreational activities pay their own way.

Councilman Johansen stated that he has observed in various communities that cardrooms seem to attract "winos", with a resultant increase of skidrow problems, whether or not they are participants in the card games.

Mayor Hammond stated that a report of arrests in the City showed a preponderance of arrests were made in the areas where the cardrooms are located, which results in the lessening of police protection in the remainder of the community.

MOTION

That the staff be instructed to prepare the necessary documents to prohibit commercial gambling in the City of Modesto

Moved by Mayor Hammond Seconded by Johansen Unanimously carried

The staff was directed to bring back a recommendation for an effective date of the proposed ordinance prohibiting commercial gambling in the City, after discussion with cardroom operators.

CONSIDER AGREEMENT WITH STATE FOR IMPROVING SIGNALS AT DOWNEY AND NEEDHAM 14-5

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

REPORT ON CITY HALL AND PARKING GARAGE COSTS

A memorandum entitled "Cost of New City Hall and Parking Garage" dated June 21, 1961 prepared by Director of Finance Bird was previously furnished the Council.

The City Manager stated that an appropriation transfer of \$6,289 from the Special Fund for Capital Outlay was necessary to clear pending costs this fiscal year, and recommended that it be approved.

REPORT ON NEW STATE EMPLOYEES' RETIREMENT SYSTEM RATES FOR CITY OF MODESTO 14-15

The City Manager stated that a report had been received from the State Employees Retirement System that both employers' and employees' retirement rates will be reduced effective July 1, 1961 as follows: The City, as employers, 3.33%; employees' rates, from 2½% to 7½%.

CONSIDER RENEWAL OF COMPREHENSIVE LIABILITY POLICIES FOR THE CITY OF MODESTO

Director of Finance Bird stated that the City's comprehensive liability insurance policies, one covering the airport, and the other covering all other comprehensive liability except automobiles, expire on June 27, 1961. He recommended that two policies provided by the Modesto Insurance Agents Association renewing City coverage be accepted. Mr. Bird listed the limits of liability under each policy. The total premium for the renewal policies is \$15,220. A copy of a memorandum prepared by the Director of Finance entitled "Insurance Against Liability for Injury to the Public" dated June 26, 1961 is on file with the record of the minutes.

Referring to the insurance study made by Griffenhagen-Kroeger, Inc. as it affected the policies under consideration, Mr. Bird stated that there were four recommendations made that have not been complied with because of the differences of opinion between the Modesto Insurance Agents and the recommendations made by Griffenhagen-Kroeger, Inc., as follows:

- (1) "It is recommended that this insurance (public liability), presently in four policies with four different companies, be consolidated."

The Modesto Insurance Agents Association does not agree with this recommendation as it is highly probable that the premium costs would increase under one policy.

Mr. Bird stated that no action has yet been taken on this recommendation. At this point, the City has three policies. He stated that the staff wishes to study this matter further before making a final recommendation.

- (2) "It is recommended that limits of liability protection be made uniform."

The Modesto Insurance Agents Association has recommended liability limits varying according to the amounts of damages which might be expected to be claimed under the different coverages. For example, the possibilities of a major catastrophe are greater at the airport and maximum coverage has been set at \$2,000,000. Mr. Bird suggested that before the policy

is changed, the matter be studied further.

(3) "The present flat premium should be retained."

Mr. Bird stated that no conclusive information is available as to the advantages of the present flat premium, and suggested that other cities be contacted before a change is made.

(4) "It is recommended that the City obtain competitive proposals for revised programs of property and liability insurance as outlined in specific recommendations under Chapters II and V of this report, as well as for all new forms of insurance."

Mr. Bird stated that the City has not technically gone to bid and received competitive proposals, although in effect the City is dealing with 26 insurance agencies. In order to secure competitive bids it would be necessary to draw specifications which will require additional time to prepare. The staff recommended that more time be taken to study this recommendation.

The City Manager stated that the staff felt it desirable to proceed under the old pattern until the above listed matters are studied further.

RESOLUTION NO. 61-300

A RESOLUTION AUTHORIZING THE CITY TO RENEW ITS GENERAL COMPREHENSIVE LIABILITY INSURANCE AND AVIATION LIABILITY INSURANCE

Introduced by VanderWall Seconded by Knoles

AYES: Johansen, Knoles, Tabbert, VanderWall, Mayor Hammond

NOES: None ABSENT: Mitchell

ACCEPT AS COMPLETE DANIELS CONSTRUCTION COMPANY'S CONTRACT FOR THE CONSTRUCTION OF CLARIFIER AND SPIROVORTEX UNITS AT THE SEWAGE TREATMENT PLANT

The City Manager reported that the total contract price was \$441,500; the total cost was \$442,169.62, including four change orders totaling \$649.42. The contractor was given 270 calendar days within which to complete the work. Work was started on July 20, 1960, which established the completion date as April 15, 1961. The contract was completed on June 20, 1961, 66 days after the required completion date. A letter has been received from the contractor requesting a 10-day time extension due to bad weather. A check of City records indicates that the contractor was unavoidably delayed for a total of 5 days. Section 4 of the specifications, Prosecution of the Work, provides that the contractor shall pay the City the sum of \$100 per day as liquidated damage for each and every calendar day the contract remained uncompleted beyond the specified completion date. The Public Works Department recommended that the contractor be charged the actual cost of inspection during the period April 22 through May 20, 1961, in the amount of \$428.89, plus liquidated damages at the rate of \$100 per day during the period May 21, through June 20, 1961, in the amount of \$3,100. The City Manager stated that he thought this sum

would properly compensate the City for damages done by not giving the City sufficient time to place the unit into operation prior to the start of the season. The total amount of the damages to be deducted from the final contract price is \$3,520.89.

RESOLUTION NO. 61-301

A RESOLUTION ACCEPTING THE CONSTRUCTION OF CLARIFIER AND SPIRO-VORTEX UNITS AT THE SEWAGE TREATMENT PLANT

Introduced by Knoles Seconded by Tabbert

AYES: Johansen, Knoles, Tabbert, VanderWall, Mayor Hammond

NOES: None ABSENT: Mitchell

ACCEPT AS COMPLETE GEORGE REED'S CONTRACT FOR THE RECONSTRUCTION OF VIRGINIA AVENUE BETWEEN NEEDHAM AND MORRIS AVENUES 15-110

The City Manager reported that a certification from the City Engineer indicates that the contract bid price was \$16,306. The total cost of work done was \$16,265. There were no change orders. The original completion date was June 9, 1961 which was extended to June 23, 1961 because of a delay in the award of the contract. The City Manager recommended that the work be accepted and the City Clerk authorized to file a notice of completion.

RESOLUTION NO. 61-302

A RESOLUTION ACCEPTING THE RECONSTRUCTION OF VIRGINIA AVENUE BETWEEN NEEDHAM AND MORRIS AVENUES BY GEORGE REED

Introduced by VanderWall Seconded by Johansen

AYES: Johansen, Knoles, Tabbert, VanderWall, Mayor Hammond

NOES: None ABSENT: Mitchell

GIFT FROM JACQUELINE FORET FOR LANDSCAPING MATERIALS FOR MODESTO CHILDREN'S PARK 14-115

RESOLUTION NO. 61-303

A RESOLUTION ACCEPTING GIFT OF \$7.50 FROM MISS JACQUELINE FORET FOR USE AT CHILDREN'S PARK

Introduced by Knoles Seconded by VanderWall

AYES: Johansen, Knoles, Tabbert, VanderWall, Mayor Hammond

NOES: None ABSENT: Mitchell

GIFT FROM MRS. T. B. SCOTT FOR CHILDREN'S PARK

Mrs. T. B. Scott has purchased and given to the City a set of three bucket swings with frame for the Tiny Tot area in Modesto Children's Park. The swings have been installed in the Park.

A RESOLUTION ACCEPTING GIFT OF A SET OF THREE BUCKET SWINGS WITH FRAME FOR TINY TOT AREA IN MODESTO CHILDREN'S PARK FROM MRS. T. B. SCOTT

Introduced by Johansen Seconded by Knoles

AYES: Johansen, Knoles, Tabbert, VanderWall, Mayor Hammond

NOES: None ABSENT: Mitchell

REQUEST FOR SEWER SERVICE TO AREA NORTH OF M.I.D. LATERAL NO. 3
IN VICINITY OF ROSE AVENUE

The City Manager stated that the staff has received a request from property owners in the vicinity of Rose Avenue, north of M.I.D. Lateral No. 3, for City sewer service. This request was referred to the Planning Commission on June 6, 1961, and since this area is not included within the General Plan urban development limits, approval of service and facilities by the City in this area should be preceded by an amendment to the General Plan. The Planning Commission has requested that the staff present further information before it makes recommendation to the Council.

Director of Planning Smeath indicated on a map the area for which sewer service is requested and the boundaries of the General Plan.

Answering a question asked by Mayor Hammond, Director of Public Works Ray stated that the City could handle a small portion of the area if it is decided to provide service with the existing system in that particular vicinity. Mr. Ray said that a report would be submitted to the Planning Commission.

Councilman Tabbert asked if the Council, by considering this matter in a favorable manner, would be committing the City to furnish water to this area under the General Plan, which area may be under a private water company's jurisdiction.

The City Manager stated that the Council has indicated generally that the City will serve in this area wherever it is economically feasible to do so. Mr. Miller stated that the City has not limited the extension of sewers to areas where the City can also furnish water.

Answering a question asked by Councilman VanderWall, Director of Public Works Ray stated that a small subdivision in the north-west corner of this section is now served by Del Este Water Company. The balance of the area is undeveloped.

CONSIDER REVISION OF CITY'S WATER MAIN EXTENSION POLICY 15-40

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

REQUEST FOR CLOSING OF STREETS FOR "BLOCK PARTIES" ON JULY 4, 1961

Requests for closing of streets for "Block Parties" requested by John McCaffery, 1529 Cherrywood Drive, Block 1500, from 4:00 to 9:30 P.M.; Mrs. Galen Rydelius, 1334 Cypress Ave., between

Linwood and Arbor Avenue between 5:30 and 10:00 P.M.; and Rex Alexander, Purdue Avenue, between Tully and Notre Dame, from 4:00 to 9:30 P.M., were approved by the Council.

RESOLUTION NO. 61-305

A RESOLUTION AUTHORIZING THE CLOSING OF STREETS FOR FOURTH OF JULY BLOCK PARTIES (CHERRYWOOD DRIVE, CYPRESS AVENUE AND PURDUE AVENUE)

Introduced by VanderWall Seconded by Knoles

AYES: Johansen, Knoles, Tabbert, VanderWall, Mayor Hammond

NOES: None ABSENT: Mitchell

REPORTS FROM THE PLANNING COMMISSION - None

APPROPRIATION TRANSFERS

(a) Ninth Street Parking Lot

A Memorandum from Director of Parking and Traffic Carmody, subject, "Additional Costs -- 9th and J Street Parking Lot Expansion" dated June 21, 1961 was furnished the Council prior to the meeting. The report indicated that the cost of the project was under-estimated by \$1,300. An appropriation transfer of \$1,300 to cover the additional cost was requested.

Mayor Hammond stated that it was his impression that changes approved for the 9th Street parking lot could be incorporated with no additional expense.

Director of Traffic Carmody stated that some of the posts already installed had to be removed. The cost of removing the posts was \$90. The remainder of the additional costs was occasioned by a change order covering installation of an additional 3 feet of sidewalk to make a smooth transition from the new to the old existing sidewalk, which was requested by the Building Inspector; closing of the alley exit-entrance and installation of three additional meter guard posts; the raising of 20 existing guard posts to compensate for higher bumpers on the newer cars; and doubling of engineering costs because of new plans and specifications required.

Answering a question asked by Mayor Hammond pertaining to the purchase of a new vacuum sweeper, Mr. Carmody stated that all of the parking lots would not have to have meter guard posts installed in place of the existing bumpers. However, he said that the sweeper could be used more effectively if meter guard posts were installed since this would eliminate the need for hand sweeping the five-foot area between bumpers.

Answering a question asked by Councilman VanderWall, Mr. Carmody stated that the contractor installing the parking lot at 10th and H Streets has been requested to give an estimate of additional costs to install meter posts, but has not yet done so.

The City Manager stated that the following appropriation transfers were also required: \$6,289 from the Special Fund

for Capital Outlays (321) to City Hall and Parking Garage (502) to complete the City Hall financing for the present fiscal year, and \$22,800 from the General Fund, General Reserve (101-600) to Contractual Services, Police Department (22-240).

RESOLUTION NO. 61-306

A RESOLUTION APPROVING APPROPRIATION TRANSFERS

Introduced by VanderWall Seconded by Knoles

AYES: Johansen, Knoles, Tabbert, VanderWall, Mayor Hammond

NOES: None ABSENT: Mitchell

REPORT ON LEGISLATIVE MATTERS

Assembly Constitutional Amendment No. 4: The City Manager stated that a number of years ago the Council took a position that special consideration should be given to assessment of agricultural lands which are continued in agricultural use. The legislature has proposed a constitutional amendment which will make substantial changes. Mr. Miller stated that a copy of the proposed amendment would be furnished the Council.

MATTERS FOR THE GOOD OF THE COMMUNITY 15-100

Rezoning of the Randy Property

The City Manager stated that when the Randy property was rezoned, it was done on the basis of offers and assurances that street easements would be dedicated and curbs and gutters installed, etc., when requested by the City. In view of the assurance given that construction will proceed on this property, Mr. Miller recommended that the City now request that these improvements be made.

Motion

That the owners of the Randy property located on the east side of McHenry Avenue between Tokay and Floyd Avenue be required to dedicate easements, install curbs and gutters, etc., on the basis of assurances granted the City at the time the property was rezoned

Moved by Knoles Seconded by Johansen Unanimously carried

REPORT ON DISCUSSION OF AREA REDEVELOPMENT ADMINISTRATION RE: POSSIBLE PROGRAM FOR MODESTO (RELIEF OF UNEMPLOYMENT)

The City Manager reported that he has been assured that there will be some federal field staff aid on the relief of unemployment in Modesto, and that it will be handled through the State Economic Development Agency. Mr. Miller stated that a representative of the H.H.F.A. will be in Modesto all day Wednesday.

ADJOURNMENT

Councilman Knoles moved that the meeting adjourn in memory of Councilman David L. Arata, and made the following statement:

Page 19 6-26-61

"Councilman Arata has devoted nearly ten years of his life to the maintenance of strong city government in Modesto. He was a strong-willed person and as an independent thinker was not always in complete accord with his fellow-councilmen. However, his sense of honor, sportsmanship and friendship, though he might have disagreed at times, was such that one always felt Dave's warmth and dignity and good humor. The City will miss a good and faithful servant. Those of us who remain on the Council ask God's blessing on a good man."

RESOLUTION NO. 61-294

RESOLUTION ADJOURNING THE JUNE 26, 1961 MEETING OF THE MODESTO CITY COUNCIL IN RESPECT OF AND EXPRESSING ITS HIGH REGARD FOR COUNCILMAN DAVID L. ARATA AND EXTENDING SYMPATHY TO HIS FAMILY

Introduced by Knoles Seconded by VanderWall

AYES: Johansen, Knoles, Tabbert, VanderWall, Mayor Hammond

NOES: None ABSENT: Mitchell

The meeting adjourned at 11:29 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, in the Council Chambers at 801 11th Street, Mayor Hammond presiding, to consider the preliminary budget for the fiscal year 1961-62.

The City Clerk called the roll and there were:

Present: Councilmen: Johansen, Tabbert, VanderWall, Mayor Hammond
Councilman Knoles arrived at 4:10 P.M.

Absent: Councilmen: Mitchell

Distribution of report - "Capital Improvement Program (1961-1967)
First Year (1961-62)"

A report, "Capital Improvement Program (1961-1967)" prepared by the Planning Commission was distributed to each member of the Council. The report was briefly reviewed by the City Manager.

PUBLIC WORKS - SEWERS - 52 Pages 76-77

Assessments for City Property - Improvement District No. 8

Director of Public Works Ray stated that the City's share of the assessments for property located in Improvement District No. 8 is \$1,021, and recommended that this amount be budgeted. This does not include the property acquired from the Snedigars since it is anticipated this property will be disposed of before completion of the project and the preparation of the final assessment roll.

503, Miscellaneous Storm Drains

Mr. Ray stated that this item is budgeted for dry wells, inlets and any connections which may be necessary, as needs arise, and could be used to pay the assessments listed above, with additional funds appropriated during the year if needed. He said that \$4,500 is an average of what has been expended in the past for this operation. It was the Council's decision to leave the item as appropriated, the Council to consider further appropriation if the funds prove insufficient for the year's expenditures.

312, Chemicals, Drugs and Lab Supplies

Director of Public Works Ray stated that the increase covers anticipated greater use of chemicals in dry wells, root control in sewer lines, and odor control at the Emerald Avenue pump station.

Effect of the McHenry storm drain into Dry Creek from a pollution standpoint was discussed.

110, Salaries and Wages, Utility Crew

Mr. Ray stated that \$11,000 budgeted under this item is an arbitrary distribution of the salaries for the utilities crew as is the case throughout the various budgets. Actual costs are determined and allocated at the end of the year.

PUBLIC WORKS - SEWAGE DISPOSAL - 53 Pages 78-79210, Utilities

Director of Public Works Ray stated that the installation of new units at the Sewage Treatment Plant will not increase electrical consumption.

Upon questioning, Mr. Ray stated that the Sewage Treatment Plant is designed for a hydraulic flow of 30,000,000 million gallons per day, and it will handle normal wastes commensurately. However, specific wastes which might occasionally be dumped could reduce, or in some cases temporarily destroy, the effectiveness of the units. The total waste load is about the same as it was five years ago, and lower volume-wise than it was seven years ago.

224, M & R, Buildings & Grounds

Mr. Ray stated that the increase in funds is for weed control work, particularly on the levees around the pond area, which is done every two or three years.

PUBLIC WORKS - GARDEN REFUSE SERVICE - 54

Director of Public Works Ray stated that the budget was set up as it has been in previous years. He pointed out that no funds have been set up for disposal fees presently being paid to Modesto Garbage Company at the disposal area. He suggested that \$1,050 be budgeted for this purpose to cover services for the next three months.

Universal garbage service and the merits of combined pick-up of garden refuse and garbage were discussed.

Fresno's experience with municipal collection of garbage and garden refuse was discussed.

The City Manager stated that the budget did not include costs of the collection of tree leaves.

The need for a fence along the north side of the disposal area, at an approximate cost of \$670, was presented by Mr. Ray.

MOTION

That the following be added to the Public Works - Garden Refuse Service - 54: 235, Services, Professional & Other, \$1,050; Capital Outlay, 502, Fence, \$700

Moved by VanderWall Seconded by Knoles Unanimously carried

SERVICE DIVISION (WORKING CAPITAL FUND) Pages 98-99

Director of Public Works Ray listed the various duties of the personnel at the Corporation Yard.

Supplemental Request, Service Division, Public Works Department

After discussion, it was determined by the Director of Finance that the rentals for the 3-gang mower were included in the rental rates in the Parks and Recreation budget, and the 1/2 ton pickup in the Public Works Department budget.

Director of Public Works Ray stated that the trenching machine listed in the supplemental request will be used both by the Public Works and Parks and Recreation Departments.

The need for a water tank truck was discussed by Mr. Ray. The water tank truck obtained through war surplus two years ago has failed completely and cannot be repaired. One machine is now being used for street work and watering of young trees by the Parks Department. The water tank from the truck obtained through Civil Defense can be used on a new truck chassis, if authorization is obtained to scrap the truck.

Mayor Hammond directed that the matter of the water tank truck be brought to the Council at a subsequent meeting.

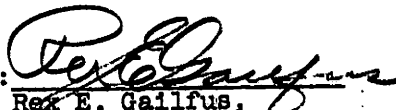
ADJOURNMENT

MOTION

That the special budget meeting now in session be adjourned to June 29, 1961 at 4:00 P.M.

Moved by Knoles Seconded by VanderWall 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 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, Mayor pro tempore VanderWall presiding, to consider the preliminary budget for the fiscal year 1961-62.

The City Clerk called the roll and there were:

Present: Councilmen: Johansen, Knoles, Tabbert, Mayor pro tempore VanderWall

Absent: Councilmen: Mitchell, Mayor Hammond

The City Manager introduced Mike Savage of San Francisco, a representative of the HHFA.

PUBLIC WORKS DEPARTMENT - SERVICE DIVISION Pages 100-101

504, Water Tank Truck Replacement

Director of Public Works Ray stated that the \$7,554 budgeted could be reduced to \$6,830 if the water tank on the truck obtained as surplus equipment from the O.C.D. could be salvaged and placed on a new chassis. Authorization to transfer the tank has not yet been received.

The City Manager suggested that because of the urgency of the water tank truck, Council authorization be given to secure bids for a water tank truck for later submission to the Council.

MOTION

That the staff be authorized to secure bids for a water tank truck for later submission to the Council

Moved by Knoles Seconded by Tabbert Unanimously carried

Public Works - Water - Trenching Machine

Director of Public Works Ray stated that there would be some advantage to clearing the purchase of a trenching machine, if adoption of the budget is delayed for a considerable length of time, and if the load on water line and service installations remained as heavy as was presently the case.

MOTION

That the staff proceed with securing bids for a trenching machine

Moved by Knoles Seconded by Tabbert Unanimously carried

425, S.E.R.S. Contribution

The increase in the budgeted amount was explained by the City Manager.

PARKING AND TRAFFIC - GENERAL FUND - 56 Pages 82-83

207, Conference Expense

Director of Parking and Traffic Carmody stated that the \$411 was budgeted to cover expenses for his pending trip to Washington, D.C. to attend the conference of traffic engineers recently approved by the Council.

504, Stencil Letters

Director of Parking and Traffic Carmody stated that these are 8-foot stencils used in painting words on pavement, and are serviceable approximately five years.

Supplemental Request - Equipment Rental Charges Page 82

Mr. Carmody stated that the \$576 request under equipment rental charges would cover the pickup used by proposed extra help to assist the regular paint crew during the summer months.

Supplemental Request - Salaries & Wages, Extra Help

It was pointed out that the two-man pair crew was established in 1954, at which time there were 21 miles of center lines and 104 crosswalks. At the present time, the painting operation covers 41 miles of center lines, 315 yield markings, 618 stop markings and 288 inter-sections with crosswalks, and is beyond the ability of a 2-man crew to maintain. The requested extra help would assist the regular paint crew during the summer months.

MOTION

That 2/3 of the amount requested, or \$2,262 of the supplemental request for two laborers to assist the regular paint crew, be approved

Moved by Johansen Seconded by Knoles Unanimously carried

503, Traffic Signs - General Fund

Mr. Carmody stated that expenditures of the previous year are not indicated in the budget under Capital Outlay

503, Traffic Signs

The type of traffic signs used by the City, their lasting qualities, and sources of procurement were discussed by Mr. Carmody.

PARKING & TRAFFIC - PARKING FUND - 57

The City Manager stated that all of the revenue from the meters on the off-street parking lots, and 75 per cent of the revenue from the meters on the streets is allocated to the Parking Fund. One-half the salary of the Director of Parking and Traffic is charged to this account, plus \$100 per month for the service of the City Attorney, and \$7,691 for that portion of Parking and Traffic employees' work in parking matters. The salary of one maintenance man has been reduced by \$1,800 in anticipation of savings expected through the purchase of a new sweeper and trailer.

CITY ATTORNEY - 13 Pages 20-21110, Regular Salaries & Wages

The City Attorney stated that the increase is due to the authorization of one additional office girl.

235, Services, Professional & Other

The City Attorney stated that this account represented the salary of a part-time assistant to the City Attorney.

505, Law Library Additions - Capital Outlay

The City Attorney stated that the supplemental request for Law Library Additions in the sum of \$614 shown on Page 20 of the preliminary budget was in addition to the \$800 budgeted under Capital Outlay. \$625 is budgeted under 302, Books & Periodicals, making the cost of maintaining the law library approximately \$1,500 per year. Mr. Grimes said that new sets of books have not been added to the library for six or so years. Books and periodicals which do not add permanent value to the library are in account 302; those which remain permanent and are of capital asset value are in account 505.

221, M & R, Office Equipment

Mr. Grimes stated that the increase in this account is occasioned by additional equipment purchased for the additional help, and increased service costs.

301, Office Supplies

The City Attorney stated that the \$700 budgeted was based on the past three months' experience.

207, Conference Expense

Mr. Grimes stated that \$400 was budgeted under this account to cover the Conference of the National Institute of Municipal Law Officers, which the Council has always authorized in the past. The coming conference will be held in New York.

Supplemental Request - Page 20

The City Attorney stated that the supplemental request for the purchase of American Law Reports, Second Series, was the first request for an addition to the law library in six years.

Duplicating Machine

The City Attorney cited a need for a duplicating machine on the third floor of the City Hall. Deputy City Manager Keefe stated that various machines have been used on a trial basis.

FIRE - 21 Pages 34-35-36

Turnout Clothes - City Firemen

Deputy City Manager Keefe stated that a recent ruling makes it necessary that the City buy turnout clothes for City firemen. As a result of this legislation, bids were called and a low bid of \$1,543.20 received.

The City Manager requested that \$1,550 be added to 308, Tools, Shop, Field Supplies, for the purchase of these clothes.

MOTION

That 308, Tools, Shop, Field Supplies of the Fire Department - 21 budget be increased by \$1,550 for the purchase of turnout clothes for firemen

Moved by Knoles Seconded by Johansen Unanimously carried

MISCELLANEOUS UNCLASSIFIED Pages 86-87234, Holiday Pay Litigation

The City Manager stated that the holiday pay litigation involving police officers has been cleared.

MOTION

That the amount of \$2,500 budgeted under 234, Holiday Pay Litigation, be removed from the budget

Moved by Knoles Seconded by Johansen Unanimously carried

Upon questioning, the City Manager stated that at midnight, June 30, all budgeted funds which are not encumbered revert to an unappropriated balance.

233, Roman Case Litigation

The City Manager stated that the case was still pending and the \$750 budgeted an estimate. Mr. Miller said the controversy concerns the validity of a lot split and requirements imposed by the City.

411, Compensation Insurance

Director of Finance Bird stated that the \$42,273 budgeted under this account was based on current rates, with the possibility of an increase. Mr. Bird stated that an insurance dividend of approximately \$20,000 was received this year.

414, Surety Bond Insurance

The City Manager stated that this fund covers all surety bonds required for City officials, the City Clerk, the Police Department and general city employees and is for a three-year period.

415, Public Liability Insurance

Director of Finance Bird stated that this policy was approved by the Council last week, and that the premium was \$1,174 higher than estimated.

MOTION

That 415, Public Liability Insurance, be increased by \$1,174

Moved by Johansen Seconded by Knoles Unanimously carried

428, Miscellaneous Expense

Director of Finance Bird stated that this account covers such items as the City's group subscription to American City Magazine, photos of the new City Hall, aerial photos for the downtown studies, etc., which are not an expense of any one department.

431, Commission on Tax Collections

Director of Finance Bird stated that ^{this} account covers payment to the County for collecting City property taxes.

433, Cashier Shortages

Director of Finance Bird stated that this fund is used primarily by the Finance Department and is offset by overages which are treated as revenue.

441, City-County Health Agreement

The City Manager stated that the \$3,000 budgeted here is an annual payment due the County Health Department under the contract for provision of health services in the City which exceed the basic County service.

AIRPORT DEVELOPMENT FUND503, City-County Airport Development

The City Manager stated that the \$170,000 budgeted under this account is for the construction of the airport control tower, jointly sponsored by the City and County. Federal legislation, which will determine federal participation, is still pending.

BOND REDEMPTION AND INTEREST REQUIREMENTS

The City Manager reviewed the bond redemption and interest requirements.

ADJOURNMENT


MOTION

That the adjourned special meeting now in session be adjourned until Thursday, July 6, 1961, for further consideration of the preliminary budget

Moved by Knoles Seconded by VanderWall Unanimously carried

The meeting adjourned at 5:28 P.M.

ATTEST:


Rex E. Gallus, City Clerk