

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 Chamber at the McHenry Public Library Building, 14th and I Streets.

The City Clerk called the roll and there were

Present: Councilmen: Adams, Annan, Arata, Heckendorf, Mellis, Merrill and Mayor Marks

Absent: Councilmen: None

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

The invocation was given by Rev. B. Den Ouden of the First Christian Church Reformed.

APPROVAL OF MINUTES

Council members having received copies of the minutes of the Council meetings of December 15 and 22, and the same being available for public inspection, and there being no objections, the minutes were approved.

During the temporary absence of Mayor Marks, Mayor Pro Tempore Merrill acted in his place.

CONSIDER REQUESTS OF WILLIS M. KLEINENBROICH, DBA MODESTO MOTOR BUS SERVICE, FOR ADDITIONAL 90 DAYS TRIAL PERIOD OPERATING SERVICE INTO LA LOMA, AIRPORT AND SOUTH MODESTO AREAS AND FOR TEMPORARY DISCONTINUANCE OF 2% FRANCHISE TAX

A request filed by Willis M. Kleinenbroich, operating the Modesto Motor Bus Service, for an extension of the trial period for serving the LaLoma, Airport and South Modesto areas, was considered by the Council. City Manager Miller recommended that the request be granted. Councilman Annan moved, seconded by Councilman Arata, which was unanimously carried, that the administrative staff be instructed to prepare the necessary documents to handle the request of Mr. Klenienbroich.

A request was also filed by Mr. Kleinenbroich that the two per cent license fee on the gross revenue derived from the operation of the buses, as provided by Section 6-7.206 of the Municipal Code, be discontinued temporarily until such time as the operation becomes, "if not a profitable one, at least not a losing proposition." The City Manager suggested that this request be held over until additional information on operations was furnished by the company.

LETTER FROM DONALD L. ERICKSON TO PLANNING DIRECTOR RE: ZONING OF BUSINESS PROPERTY ON TULLY AVENUE

A letter from Donald L. Erickson which had been sent to the Planning Director regarding the zoning of his business property located on Tully Avenue, was presented. At the suggestion of the City Manager, the City Clerk was directed to send a copy of the letter to each Council member.

GRANT PERMIT TO NATIONAL FOUNDATION FOR INFANTILE PARALYSIS TO PLACE "WISHING WELLS" IN THE BUSINESS DISTRICT DURING THE ANNUAL MARCH OF DIMES CAMPAIGN

A request was filed by the National Foundation for Infantile Paralysis to place "Wishing Wells" in the business district during the annual March of Dimes Campaign. Councilman Adams introduced

RESOLUTION NO. 55-1

seconded by Councilman Heckendorf, granting permit to the National Foundation for Infantile Paralysis to place "Wishing Wells" at 10th and J Streets, Tenth and I Streets, Tenth and K Streets and Eleventh and J Streets, during the

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annual March of Dimes Campaign, providing the city will be held harmless from and against any and all costs, damages, and liability arising out of the erection and maintenance of said "Wishing Wells", which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Arata, Heckendorf, Annan, Mellis and Mayor Pro Tempore Merrill
 Noes: Councilmen: None
 Absent: Councilmen: Mayor Marks

REQUEST FOR CURB CUT WILLIAM C. BIRT--BLOCK 213, LOTS 27-28-29

A request was filed by William C. Birt for a 60 foot curb cut on Fairview Avenue, Block 213, lots 27-28-29, to accommodate 7-8 cars in a carport which he planned to construct, in connection with new apartments being constructed.

The City Manager stated that since the width of the requested curb cut was more than could be granted administratively, it would be necessary for the Council to approve the installation. The City Manager and Director of Public Works Ray recommended that the request be granted.

Councilman Annan introduced

RESOLUTION NO. 55-2

seconded by Councilman Heckendorf, that permit be granted to William C. Birt to cut the curb on the east side of Fairview Avenue, starting five feet north of his property line on Jennie Street and running north 60 feet (Block 213, lots 27-29) under the supervision of the Director of Public Works, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Annan, Arata, Heckendorf, Mellis, Mayor Pro Tempore Merrill
 Noes: Councilmen: None
 Absent: Mayor Marks

ACCEPT BID OF GRISWOLD & WIGHT ON AUTOMOTIVE EQUIPMENT

Tabulation of the bids on automotive equipment, which had been opened at 2:00 P.M. Dec. 27, 1954, were distributed to Council members for their consideration. The Director of Public Works recommended that the low bid submitted on six cylinder Fords by Griswold & Wight be accepted and that all trade-ins be allowed, except for Item No. 9. He pointed out that the city was lacking transportation for some of its personnel and recommended that Police Car #8 be retained. Councilman Arata introduced

RESOLUTION NO. 55-3

seconded by Councilman Annan, accepting the bid of Griswold & Wight of \$13,701.49 for automotive equipment and retaining 1952 Chevrolet sedan (Police Car No. 8), which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Annan, Adams, Arata, Heckendorf, Mellis, and Mayor Pro Tempore Merrill
 Noes: Councilmen: None
 Absent: Mayor Marks

Mayor Marks arrived at this time (4:16 P.M.)

ACCEPT BID OF SHELL OIL COMPANY FOR GASOLINE FOR PERIOD 1-16-55 to 1-15-56

Tabulation of the bids received for supplying gasoline for the city for the period 1-16-55 to 1-15-56, which had been opened at 2:00 P.M. January 3, were distributed for Council consideration. The Director of Public Works

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reported that the two low bidders, Shell Oil Company and General Petroleum Corporation, were identical but since the General Petroleum Corporation failed to furnish a bid bond, cashier's check or certified check in accordance with the Notice to Bidders, that its proposal was not in legal form. He recommended the acceptance of the Shell Oil Company bid. Councilman Annan introduced

RESOLUTION NO. 55-4

seconded by Councilman Heckendorf, accepting the bid submitted by the Shell Oil Company for the furnishing of gasoline to the City of Modesto for the period January 16, 1955 to January 15, 1956, and authorizing the execution of an agreement on behalf of the city by its authorized officials, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Arata, Annan, Heckendorf, Mellis, Merrill, and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: None

ACCEPT BID OF INDUSTRIAL ELECTRIC COMPANY ON TRAFFIC SIGNALS AND STREET LIGHTING AT 14th & H STREETS

Tabulation of bids received for traffic signals and street lighting at 14th and H Streets, which had been opened at 2:00 P.M. on January 4, were distributed to Council members for their consideration. The Director of Public Works recommended that the low bid of \$3,119.00 submitted by the Industrial Electrical Company of Modesto be accepted. Councilman Merrill introduced

RESOLUTION NO. 55-5

seconded by Councilman Annan, accepting the bid of \$3,119.00 submitted by the Industrial Electrical Company of Modesto and authorizing the execution of an agreement on behalf of the city by its authorized officials, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Annan, Arata, Heckendorf, Mellis, Merrill, and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: None

AUTHORIZE PREPARATION OF PLANS AND SPECIFICATIONS FOR SIGNALS AT NINETEENTH AND H STREET

The City Manager reported that Traffic Engineer Carmody had concluded from his investigation of the traffic situation at the intersection of 19th and H Streets, that any satisfactory solution would require signals. The City Manager suggested that the Council authorize the staff to proceed with the preparation of plans and specifications for these signals, which would be presented for Council approval.

Traffic Engineer Carmody, answering a question of Mayor Marks, stated that this would tie in with the over-all plan for a traffic grid system for the city which would involve one-way streets.

Councilman Arata moved, seconded by Councilman Annan, and it was unanimously carried, that the administrative staff be authorized to proceed with the plans and specifications for the installation of traffic signals at the intersection of 19th & H Streets.

FINAL ADOPTION OF ORDINANCE NO. 13-C.S. (AMEND TRAFFIC ORDINANCE NO. 345-N.S. TRAFFIC ROUTES)

Ordinance No. 13-C.S. entitled: "AN ORDINANCE AMENDING ORDINANCE NO. 345-N.S. OF THE CITY OF MODESTO ENTITLED 'AN ORDINANCE REGULATING TRAFFIC UPON THE PUBLIC STREETS OF THE CITY OF MODESTO' AS AMENDED", having been heretofore

introduced and ordered printed and published at the regular meeting of December 22, 1954, Councilman Adams moved, seconded by Councilman Arata, that the ordinance be finally adopted, which motion was upon roll call carried by the following vote:

Ayes: Councilmen: Adams, Annan, Arata, Heckendorf, Mellis, Merrill, and
Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

ORDINANCE APPROVING AGREEMENT WITH COUNTY RELATING TO MCHENRY PUBLIC LIBRARY

Terms of an agreement between the city and county relating to the provisions of municipal library service and the transferring of certain personal property from the city to the county, were outlined by the City Manager. He stated that "this is a major step forward in working out joint relationships with the county."

Councilman Mellis moved the introduction and passage to print of

ORDINANCE NO. 14-C.S.

entitled: "AN ORDINANCE APPROVING AN AGREEMENT WITH THE COUNTY OF STANISLAUS RELATING TO THE PROVISION OF MUNICIPAL LIBRARY SERVICE AND AUTHORIZING THE TRANSFER OF CERTAIN PERSONAL PROPERTY FROM THE CITY OF MODESTO TO THE COUNTY OF STANISLAUS", which motion being duly seconded by Councilman Heckendorf, was upon roll call carried and ordered printed and published by the following vote:

Ayes: Councilmen: Adams, Annan, Arata, Heckendorf, Mellis, Merrill and
Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

Councilman Arata moved, seconded by Councilman Heckendorf, and it was unanimously carried, that Mayor Marks be authorized to write a letter to the Board of Supervisors of Stanislaus County expressing appreciation for its cooperation in working out this joint operation of the library.

ORDINANCE AMENDING CODE RELATING TO DEPOSITS FOR AND PAYMENT OF WATER AND SEWER SERVICES

The City Manager outlined the provisions of a proposed ordinance prepared and presented by City Attorney Grimes for Council consideration which would extend and make more flexible the authority of the Director of Finance to require deposits for and payment of water and sewer services, in order to protect the city's interest. He, as well as Director of Finance Lawrence, recommended to the Council that the ordinance be adopted since it would assist with collection problems which existed.

Councilman Annan moved the introduction and passage to print of

ORDINANCE NO. 15-C.S.

entitled: "AN ORDINANCE AMENDING SECTIONS 5-6.208 and 11-1.10 OF THE MODESTO MUNICIPAL CODE RELATING TO DEPOSITS FOR AND PAYMENT OF WATER AND SEWER SERVICES" which motion being duly seconded by Councilman Arata, was upon roll call carried and ordered printed and published by the following vote:

Ayes: Councilmen: Adams, Annan, Arata, Heckendorf, Mellis, Merrill, and
Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

CONSIDER RECOMMENDATION OF BOARD OF LIBRARY TRUSTEES TO PURCHASE PORTION OF LOTS 29 and 27 and all of LOT 28, BLOCK 113

The City Manager presented for Council consideration the matter of the possible purchase of the property immediately south of the McHenry Public Library, Block 113, S 3 ft of W 97 feet of lot 29, all of lot 28, N 22 feet of lot 27, S 3 feet of E 43 feet of lot 27. He stated that the Board of Library Trustees, at its meeting of Dec. 28, had, "approved the library's future need of the adjacent property and endorsed negotiation at a price of \$20,000."

He stated that after considerable discussion William Murray, Chairman of the Library Board, whose firm held a listing on the property, had been able to obtain an offer from Viola Vann and Elmer Ridd, heirs of the former owner Ida P. Philbrick, to sell the property to the city for "the net sum of \$20,000, the city to defray all costs in connection with the transfer of title, including taxes, title policy, revenue stamps, commission, if any and complete the transaction not later than Feb. 17, 1955".

The City Manager pointed out that the Library Board would need Council approval before action could be taken on the purchase. He stated that there was sufficient funds in the Library Capital Improvement Fund at the present time to purchase the property.

Mr. Murray, who was present, briefly reviewed the efforts of the Library Board during the past 10 years to purchase the property from Mrs. Philbrick. He reported that the first asking price of the heirs had been \$22,000 but his firm had been able through long negotiations to reduce this price to \$20,000, plus the expenses heretofore outlined by the City Manager. He stated that he would waive his share of the commission but that since most of the work had been done by one of the salesmen in his organization, he believed that this salesman should be entitled to his regular commission on the sale which would be approximately one half of the usual 5% allowed.

Councilman Mellis pointed out that due to the growth of the community it would be a better investment to establish branch libraries in the outlying residential areas instead of increasing the facilities at the main branch.

Librarian Hamilton pointed out that the projected population as outlined by the Forward Modesto Committee called for expansion of the present facilities as well as the establishment of branches. He pointed out that branch libraries served the children and housewives but that the main facility was used by students and business people and that it was desirable to have the basic technical service in the central part of the city. He pointed out that if it was necessary at a future date to increase the main facility that it would be costly to purchase the adjoining property if it had been improved.

City Attorney Grimes pointed out that a legal problem would be involved in this transaction with respect to the payment of a commission to the associate of a city officer, William Murray, Chairman of the Library Board.

It was agreed by the Council that 1) a further study be made of the proposal for the establishment of branch libraries instead of increasing the main facility, 2) that the owners be asked to extend the time to provide that the date of Feb. 17, 1955, be the date for the city to indicate acceptance of the offer to sell the property instead of the date for completion of the sale and 3) that the City Attorney investigate the legal aspects of paying a commission to the salesman.

The Library Board was requested to submit a report to the Council giving the facts, and alternatives to enable the Council to make its decision.

RESOLUTION ESTABLISHING TWO HOUR PARKING ON N STREET BETWEEN TENTH AND ELEVENTH

City Attorney Grimes presented for Council consideration a resolution establishing a two hour parking zone on both sides of N Street between 10th and 11th Streets, as requested by the Council at its meeting of December 22nd. Councilman Adams introduced

RESOLUTION NO. 55-6

seconded by Councilman Arata, establishing two hour parking on both sides of N Street, between Tenth Street and Eleventh Street in the City of Modesto and directing the Traffic Engineer to cause the above described area to be marked and posted in accordance with the provisions of this resolution and the applicable laws of the city, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Annan, Arata, Heckendorf, Mellis, Merrill and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: None

ACCEPT FINANCIAL REPORT FOR MONTH OF DECEMBER, 1954.

Financial report for the month of December, 1954, was accepted and ordered filed. The City Manager pointed out that in the prompt submission of this report, credit was due for the excellent work of Mrs. Dorothy Fairless, Account Clerk in the Finance Department. He presented Mrs. Fairless and Mrs. Lenna Abby, Secretary in the Finance Department, who had been doing very efficient work on the collection of delinquent accounts. Mayor Marks thanked these employees for their outstanding work on behalf of the Council.

REPORT ON REQUEST FOR ADDITIONAL LIGHTING AT M.I.D. LATERAL NO. 4 AT COLLEGE AVENUE

A general discussion was held on the request for additional light facilities at the College Avenue bridge across M.I.D. Lateral No. 4. The City Manager reported that the estimated cost for the installation of a mercury vapor street light would be approximately \$400. It was agreed that a further check should be made by the Council members on this installation and at the same time inspect the bridge over the canal at Virginia Avenue.

DISCUSSION OF DIAGONAL PARKING ON 16th STREET

The City Manager stated that the request filed by Guy Thorne, operating the drug store on the NW corner of 16th and J Streets, that the present parallel parking on 16th Street, south of J Street be reestablished as diagonal parking, had been investigated by the Traffic Engineer. Mr. Thorne's reasons for this request, the City Manager stated, was that it would be easier for customers to park and also since diagonal parking was presently permitted on 16th Street, north of J (between Needham Avenue and J Street).

The Traffic Engineer pointed out that with the limited parking of two hours on this street that parking was not a problem and also that the number of traffic accidents was small, but the street was inadequate for 45 degree diagonal parking and 30 degree angle would be necessary if diagonal parking was reconsidered. He recommended that parallel parking be retained due to the limited width of the street.

Mr. Louis Hammer, representing Mr. Thorne, stated he had a petition signed by approximately 50 persons requesting the reestablishment of diagonal parking.

A general discussion was held on the possibility of reestablishing diagonal parking on both sides of the street or the west side only. It was

agreed by the Council that Mr. Hammer should report to Mr. Thorne on the discussion held at this meeting and if he was still in favor of the reestablishment that he should appear before the Council at its next meeting.

REPORT ON PROPOSAL TO PURCHASE PARK SITE ADJACENT TO DOWNEY HIGH SCHOOL

The City Manager reported that Councilman Mellis and he had conferred with Joe Mineni and Elmer F. Oman, owners of the 10 acre tract of land south of the Downey High School, regarding the possibility of purchasing it for a park site. It was agreed that a report should be furnished each Council member before the next Council meeting by the City Manager.

RESOLUTION APPROVING AGREEMENT WITH HARRY N. JENKS, CONSULTING SANITARY ENGINEER, FOR DESIGN OF ADDITIONAL UNITS AT SEWAGE DISPOSAL PLANT

Details of a proposed agreement between the city and Harry N. Jenks, Consulting Sanitary Engineer, for the design of additional units at the municipal sewage disposal plant were outlined by the City Manager. He stated that it was the recommendation of the administrative staff that the agreement be approved as promptly as possible. Councilman M. Adams introduced

RESOLUTION NO. 55-7

seconded by Councilman Mellis, approving agreement between the city and Harry N. Jenks for the design of additional units at the municipal sewage disposal plant and authorizing the execution of agreement by the city's designated officials, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Annan, Adams, Arata, Heckendorf, Mellis, Merrill, and
Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

APPROVE AGREEMENT WITH MODESTO IRRIGATION DISTRICT FOR RIGHT OF WAY FOR COLLEGE AVENUE CROSSING OF LATERAL NO. 3

Upon the recommendation of the City Attorney, Councilman Arata introduced

RESOLUTION NO. 55-8

seconded by Councilman Annan, approving right of way agreement for a road crossing at College Avenue and M.I.D. Lateral #3, between the city and the Modesto Irrigation District, authorizing its execution by the city's designated officials and the recording with the Stanislaus County Recorder, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Annan, Arata, Heckendorf, Mellis, Merrill and
Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

DISCUSSION ON JOINT PARTICIPATION WITH SCHOOLS IN SWIMMING POOL AT DOWNEY HIGH SCHOOL

The City Manager reported that the School District were now considering its future plans for buildings at the Downey High School under the recent bond issue which had been approved by the voters. He pointed out that the Council had not yet indicated to the schools, in any official sense, whether it would be interested in a program for joint use and financing of the swimming pool at this and other schools, as had been recommended by the Forward Modesto Committee. It would be helpful to the City staff and to the schools in their planning if the City Council would indicate whether or not it was interested in helping on any basis.

After a general discussion it was agreed that the City Manager should advise school officials that the city is interested and willing to discuss the joint planning and construction of a swimming pool at Downey High School as part of a long range capital improvement program.

RESOLUTION REMOVING STOP SIGNS ON H STREET AT FIFTH STREET

Upon the recommendation of Traffic Engineer Carmody that the stop signs on H Street at Fifth Street, be removed. Councilman Annan introduced

RESOLUTION NO. 55-9

seconded by Councilman M. Adams ordering the removal of the stop signs on H Street at its intersection with Fifth Street, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Annan, Arata, Heckendorf, Mellis, Merrill, and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: None

RESOLUTION ESTABLISHING STOP SIGNS AT EIGHTH AND K STREETS

Upon the recommendation of Traffic Engineer Carmody, Councilman Mellis introduced

RESOLUTION NO. 55-10

seconded by Councilman Merrill approving the installation of stop signs on the Southeast and Northwest corners of 8th Street at K Street, stopping traffic entering K Street, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Annan, Arata, Heckendorf, Mellis, Merrill and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: None

ESTABLISH LOADING ZONE ON NINTH STREET AT H STREET AND REMOVAL OF RED ZONES AT NINTH AND H STREETS AND NINTH AND I STREETS

The Traffic Engineer stated that the six "no parking" zones at the intersections of 9th and H Streets and 9th and I Streets which had been established a great number of years ago, were no longer needed since the installation of traffic signals. He recommended that the red markings on the curb be removed so that these spaces could be used for parking, to which the Council concurred.

He also recommended that a freight loading zone be established on the northeast corner of 9th and H Streets for use by the adjoining business concerns. Councilman Arata introduced

RESOLUTION NO. 55-11

seconded by Councilman Merrill, establishing a loading zone, beginning at the intersection of the northeasterly curb line on Ninth Street with the northwesterly curb line of H Street and continuing northwesterly along the northeasterly curb line of Ninth Street a distance of 55 feet, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Annan, Arata, Heckendorf, Mellis, Merrill, and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: None

APPROVING TRANSFER OF FUNDS FROM GENERAL RESERVE TO PERSONNEL DEPARTMENT AND PUBLIC WORKS DEPARTMENT

Upon a report and recommendation by the City Manager, Councilman Annan introduced

RESOLUTION NO. 55-12

seconded by Councilman M. Adams, approving the appropriation transfer of \$6,355. from the General Reserve as follows:

To Personnel Department-----	\$2,655	for salaries and wages, operating expense and capital outlay
To Public Works-Engineering and Administration (Survey crew)	\$3,700	for salaries and wages, maintenance and operation equipment rental and capital outlay

which resolution was regularly adopted by the following vote:

Ayes:	Councilmen:	Adams, Annan, Arata, Heckendorf, Mellis, Merrill and Mayor Marks
Noes:	Councilmen:	None
Absent:	Councilmen:	None

REPORT ON PROPOSED IMPROVEMENTS AT BALL PARK

The City Manager reported that the Citizen's Committee on the Municipal Ball Park had met on Dec. 27 and had generally agreed on rebuilding the grand stand and bleachers as they were formerly constructed of wood instead of concrete. It has been very tentatively estimated that this will cost at least \$4,000 more than would be received from the insurance on the fire loss. The seating capacity will be approximately 35 less, but can be expanded later. Specifications would call for the acceptance of a portion of the contract for use if it is desirable, before the entire contract is completed.

Plans and specifications will be presented for Council consideration next week. The City Manager estimated that the park would be completed in time to use for the coming ball season.

REPORT ON PROPOSED NATION-WIDE RADIO PROGRAM FOR MODESTO

The City Manager reported that the committee working on the nation-wide radio program for Modesto had reported receipt of approximately \$300.00 in pledges of the necessary \$1500.00 from various organizations. He stated that a door to door campaign for \$1.00 from householders had been suggested. He stated that a precise dead-line date for the collection had not been established by the National Municipal League.

It was generally agreed by the Council that this type of a national publicity program was a function of the Chamber of Commerce and Mayor Marks appointed a committee of Councilmen Lyndall Merrill, Chairman, Marvin Heckendorf and Dave Arata to meet with the Chamber of Commerce Board of Directors to discuss the project.

REMIND COUNCIL OF LEAGUE MEETING IN TRACY

The City Clerk was directed to remind the Council members of the Central Valley League of California Cities meeting to be held in Tracy, January 20, 1955.

LETTER FROM K.M.O.D. RE: NEW PROGRAM "WHAT DO THE PEOPLE THINK"

A letter from KMOD regarding the new program "What Do The People Think" which the radio station was inaugurating was read. The Mayor was asked to acknowledge receipt of the letter.

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REQUEST OF PETE T. GIAHOS TO DISPLAY 8 HORSETEAM OF ANHAUSER-BUSCH CO.

Pete T. Giahos, Wholesale Distributor, 516 11th St., filed a request for permission to display an 8 horse team of the Anhauser-Busch Company on the city streets on January 21 and 22, 1955. He stated that the teams would be housed and displayed in the Helm Chevrolet Garage but would have to be exercised twice during the day. He asked for permission to drive the teams into the business district and stop at a central location for one-half hour. He stated that he had checked with the Police Department and had been informed that if the teams would be off the street by 1:00 P.M. that it would not present a traffic problem.

After a general Council discussion on the provisions of the Code relating to permits to use the city streets, Councilman Annan moved, seconded by Councilman Merrill that permit be granted to Pete Giahos to display the Anhauser-Busch Company 8 horse team over the city streets January 21 and 22 between the hours of 11:00 A.M. and 1:00 P.M. for a period not to exceed one hour over a route approved by the Traffic Engineer and Police Chief Neel. Mayor Marks declared the motion carried.

Mayor Marks stated that the reason he had voted no on this motion was that he was opposed to the streets being used by anyone for advertising purposes.

The Council denied the request of Mr. Giahos to park one of the five vans on K Street to house a couple of grooms.

ADJOURNMENT

Councilman Adams moved, seconded by Councilman Heckendorf, and it was unanimously carried, that the meeting now in session adjourn. The meeting was adjourned at 6:15 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 Chamber at the McHenry Public Library Building, 14th and I Streets.

The City Clerk called the roll and there were

Present: Councilmen: Adams, Arata, Heckendorf, Mellis, Mayor Marks

Absent: Councilmen: Annan and Merrill

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

Invocation was given by Rev. Afton Bailey, pastor of the Orangeburg Avenue, Baptist Church.

DISCUSSION ON APPOINTMENTS ON BOARDS AND COMMISSIONS

Mayor Marks reminded the Council that terms of certain members on the Board of Library Trustees, Board of Plumber Examiners, Planning Commission, Parking Authority and Personnel Commission, would expire this month.

A discussion was held on the policy recently adopted by the Council on rotating membership to increase citizen participation in the city government. It was generally agreed that under certain conditions new appointments should be delayed to permit the completion of important pending projects----as an example, appointment on the Planning Commission while the zoning ordinance is under consideration.

City Manager Miller pointed out that it was urgent that new appointments be made on the Board of Plumber Examiners as soon as possible due to the death of member Roy Burroughs, Journeyman Plumber, and long illness of C. H. Benson, Appliance Dealer.

Mayor Marks suggested that all vacancies be cleared by January 20.

APPLICATION FOR TRANSFER OF PERMIT TO OPERATE A TAXICAB FROM AGNES CHANDLER TO LOIS LANE---SET DATE OF PUBLIC HEARING

A letter was read from Attorney F. C. Damrell requesting that the permit to operate taxicab service of his client, Agnes JoAnn Chandler (JoAnn's Taxi), be transferred to Lois Lane (Red Top Taxi), Rt. 1 Box 47A, Ceres.

City Attorney Grimes stated that Mrs. Lane's attorney was anxious that the transfer be completed prior to February 1 and since a public hearing would be necessary, he suggested that the date for the hearing be set at this time and in the meantime the necessary investigations could be completed, as required by the Code. Councilman Adams introduced

RESOLUTION NO. 55-14

seconded by Councilman Arata, setting the date of January 26, 1955, at 8:00 P.M. in the Council Chamber as the time and place for the public hearing on the petition of Agnes J. Chandler for the transfer of her permit to operate a taxicab to Lois Lane, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Arata, Heckendorf, Mellis, Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: Annan and Merrill

Mrs. Lane, who was present, pointed out that in order to clear the transaction prior to February 1, it would be necessary to hold the public hearing sooner since certain official notices would have to be published ten days prior to the transfer.

Councilman Adams introduced

RESOLUTION NO. 55-14a

seconded by Councilman Arata amending Resolution No. 55-14 to provide that the public hearing be held on January 19, 1955, at 4:30 P.M., which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Arata, Mellis, Heckendorf, Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Annan and Merrill

DISCUSS PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR IMPROVEMENT OF THE MUNICIPAL BASEBALL PARK

Director of Public Works Ray reported that the plans and specifications for the rebuilding of the grandstand and bleachers at the municipal ball park would not be completed for approximately 2-3 days. He presented the portion of the plans which had been completed for Council inspection and suggestions. He stated that the proposed plans had been checked and approved by the Council Committee. Additional seating capacity could be arranged in the plans, he stated. He listed the facilities which were proposed to be constructed in the concession quarters and stated that the wire netting in front of the grandstand could be installed at a later date. He pointed out that due to the condition of the existing bleachers it might be advisable to consider repairs but that this could be done on the cost plus basis. He stated that the call for bids be authorized at this time only, with the understanding the plans and specifications would not be available for distribution to the bidders until Friday, January 14.

The City Attorney stated that due to legal difficulties involved he considered this action would not be advisable.

It was agreed by the Council that this meeting would be adjourned to 1:45 P.M. Friday, January 14 to approve the plans and specifications and authorize the calling for bids.

ACCEPT BID OF STANDARD MATERIALS INC. ON COLLEGE AVENUE CROSSING OF M.I.D. LATERAL #3

Tabulation of the bids for the bridge across M.I.D. Lateral #3 at College Avenue, which had been opened at 3:00 P.M. January 10, 1955, were distributed for Council consideration. The Director of Public Works recommended that the low bid submitted by Standard Materials, Inc. in the total amount of \$9,139.35 be accepted. Councilman Arata introduced

RESOLUTION NO. 55-13

seconded by Councilman Heckendorf, accepting the bid of \$9,139.35 submitted by Standard Materials, Inc. for the bridge across M.I.D. Lateral #3 at College Avenue as it was the lowest bid submitted, and authorizing execution of contract for completion of the work by the city's designated officials, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Arata, Mellis, Heckendorf, Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Annan and Merrill

APPROVAL FINAL MAP OF ROOSEVELT PARK TRACT AND AUTHORIZE EXECUTION OF AGREEMENT

Final map of Roosevelt Park Subdivision was presented by Art J. Wylie and Florence E. Wylie, subdividers, for Council approval.

The City Attorney reported that the required payment of \$330.10 had been made by Mr. Wylie and that the bond of \$7,500 which had been posted to guarantee improvements in the subdivision, as required by the Modesto Municipal Code, was acceptable. He outlined the terms of the agreement, as required by Section 4-4.604 (c) of the Code. The City Manager reported that the map had been approved by the Planning Commission.

Although the subdivision had been approved by the Planning Commission prior to the time the Council had established a policy of requiring sidewalks wherever there is property on a main arterial street which children use in getting to school, Mr. Wylie agreed to install sidewalks on that portion of the subdivision which fronted on Orangeburg Avenue which had not been retained by the owner and to try to work out arrangements with the owner to install sidewalks on the remaining portion.

Councilman Mellis introduced

RESOLUTION NO. 55-15

seconded by Councilman Adams, approving the final map of the Roosevelt Park Tract, accepting the streets, alleys and easements as shown thereon on behalf of the public for public use, authorizing the City Clerk to certify the map on behalf of the City after the required fee has been paid as required by the Code and bond posted guaranteeing the improvements, and authorizing the execution of an agreement with subdividers as required by Section 4-4.604 (c) of the Modesto Municipal Code, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Arata, Heckendorf, Mellis, Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Annan and Merrill

ACCEPT BID OF P. E. VAN PELT, INC. FOR FIRE TRUCK

Tabulation of the bids received for a 1250 GPM pumper which had been opened at 2:00 P.M., December 30, 1954, were distributed for Council consideration. Fire Chief Wemyss recommended that the bid of \$23,882.99 submitted by P. E. Van Pelt, Inc. of Oakdale, on International chassis with Hale Pump furnished through Low-Hammond, local dealer, be accepted.

Mr. Les Morgan of the Coast Apparatus Inc., Concord, who had submitted bids asked that in order to save the Council's time that the award of bid be delayed until a check could be made with the City Manager and the Fire Chief on the question of whether its bid met the specifications. He contended that its three proposals submitted met the specifications in every respect.

Fire Chief Wemyss stated that all the bids submitted had been checked thoroughly and "every possible reason for accepting any bid had been explored". "It was our final conclusion that the proposal recommended for acceptance be approved." He pointed out that the service to be given by the local dealer was a matter of consideration. He listed various items on the bids submitted by the Coast Apparatus Inc. which did not meet the specifications.

Director of Finance Lawrence concurred in the report and recommendation of Chief Wemyss.

Mr. C. J. Barklow and Mr. Morgan of the Coast Apparatus Inc.
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outlined in detail the reasons why they maintained their bids met the specifications.

The City Manager recommended that the bid of P. E. Van Pelt, Inc. be accepted, as recommended by the Fire Chief, as it was the lowest bid submitted which met the specifications, and pointed out the charter provision which provides that the local merchants be given preference when "the quality and price is equal". Councilman Arata introduced

RESOLUTION NO. 55-16

seconded by Councilman Heckendorf, accepting the bid submitted by P. E. Van Pelt, Inc. for a 1250 GPM Pumper, International Chassis, furnished by Dow-Hammond, with Hale Pump, of \$23,882.99, as it was the lowest bid submitted which met the specifications, and authorizing the execution of agreement by the city's designated officials.

Mr. Barklow and Mr. Morgan objected to the basis of award--that the bid was the lowest bid which met the specifications. At this time City Manager Miller asked Director of Finance Lawrence and Fire Chief Wemyss "in your judgment does the bid proposed by the Coast Apparatus Inc. meet the city's specifications?"

Fire Chief Wemyss replied, "It did not. We could have listed dozen of additional items which did not meet the specifications."

Director of Finance stated, "In my judgment they did not meet the specifications."

The City Attorney reminded the Council that it had authority under the bid procedure to consider other factors in awarding a contract besides the fact the bid was the lowest price submitted, such as delivery date, availability of local service, etc.

The above resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Arata, Heckendorf, Mellis, Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: Annan and Merrill

FINAL ADOPTION ORDINANCE NO. 14-C.S. APPROVING AGREEMENT WITH COUNTY ON MUNICIPAL LIBRARY SERVICE

Ordinance No. 14-C.S. entitled "AN ORDINANCE APPROVING AN AGREEMENT WITH THE COUNTY OF STANISLAUS RELATING TO THE PROVISION OF MUNICIPAL LIBRARY SERVICE AND AUTHORIZING THE TRANSFER OF CERTAIN PERSONAL PROPERTY FROM THE CITY OF MODESTO TO THE COUNTY OF STANISLAUS" having been heretofore introduced and ordered printed and published at the regular meeting of January 5, 1955, Councilman Arata moved, seconded by Councilman Mellis, that the ordinance be finally adopted, which motion was upon roll call carried by the following vote:

Ayes: Councilmen: Adams, Arata, Heckendorf, Mellis, Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: Annan and Merrill

FINAL ADOPTION ORDINANCE NO. 15-C.S. AMEND CODE RELATING TO DEPOSITS FOR AND PAYMENT OF WATER AND SEWER SERVICES

Ordinance No. 15-C.S. entitled: "AN ORDINANCE AMENDING SECTIONS 5-6.208 and 11-1.10 OF THE MODESTO MUNICIPAL CODE RELATING TO DEPOSITS FOR AND PAYMENT OF WATER AND SEWER SERVICES", having been heretofore introduced and ordered printed and published at the regular meeting of January 5, 1955, Councilman Mellis moved, seconded by Councilman Adams, that the ordinance

be finally adopted, which motion was upon roll call carried by the following vote:

Ayes: Councilmen: Adams, Arata, Heckendorf, Mellis, Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Annan and Merrill

DISCUSSION ON INSTALLATION OF DIAGONAL PARKING ON SIXTEENTH STREET

Traffic Engineer Carmody reviewed the background on the request of Guy Thorne, operating Thorne's Pharmacy, 16th & J Streets, that diagonal parking be reestablished on 16th Street, between I and J Streets. He stated that Traffic Ordinance No. 345-N.S. provided for parallel parking and in order to establish diagonal parking it was necessary for the Council to adopt a resolution but records of the City Clerk's office indicate that this action was never taken and diagonal parking on this street had been practiced illegally. Numerous checks had been made of the street during the past months, he stated, and the question is not one of additional parking space but of convenience in parking. He recommended that due to the narrowness of the street that parallel parking be continued.

The City Manager read a letter from Mr. Thorne at this time and a petition requesting that diagonal parking be reestablished.

Mr. Thorne, who was present, stated that the request was being made because it was easier for parkers when the spaces were diagonal. He concurred with the Traffic Engineer that parking was not critical. He suggested that limited parking be established on 16th Street between J and Needham to discourage all day parking.

Dr. H. A. Franks, 923 16th Street, stated that due to the fact there was only two business concerns, his office and the drugstore, that he considered it unnecessary to establish diagonal parking to permit more parking spaces.

A discussion was held on the possibility of establishing limited parking regulations on 16th Street, between J and Needham and a survey being made by the Traffic Engineer of business concerns in a block area which would be effected by the unlimited parking as presently allowed.

It was generally agreed after this discussion that diagonal parking on 16th Street, south of J Street, be discontinued without the survey and the Traffic Engineer cause the street to be marked for parallel parking as provided by Ordinance No. 345-N.S. Councilman Arata moved, seconded by Mayor Marks and it was unanimously carried, that the City Attorney be instructed to draw up a resolution establishing two hour parking on both sides of 16th Street, between Needham Avenue and J Streets.

CONSIDER APPROPRIATION OF PROCEEDS FROM INSURANCE RECOVERY (FIRE LOSS AT MUNICIPAL BALL PARK)

The City Manager reported that the necessary documents providing for the appropriation transfer of funds received from the insurance companies on the fire loss at the Municipal Ball Park were not yet complete but that payments had been received.

CONSIDER REQUEST FOR EXTENSION OF TRIAL PERIOD OF MODESTO MOTOR BUS SERVICE TO LALOMA, AIRPORT, AND SOUTH MODESTO AREAS

The City Manager reported that no formal action had been previously taken by the Council on the trial period for serving the LaLoma, Airport and South Modesto areas by the Modesto Motor Bus but an informal discussion had been held. He pointed out that technically no action would be necessary at this time to extend the trial period as requested by Mr. Klienbroich. He suggested however, that the Council adopt a motion indi-

cating its agreement. Councilman Mellis moved, seconded by Councilman Heckendorf, and it was unanimously carried that the request of Mr. Kleinenbroich be granted, with the understanding that the Council could, if necessary, raise questions at any time during this period.

FURTHER CONSIDERATION OF INSTALLATION OF LIGHTING AT M.I.D. LATERAL NO. 4 AT COLLEGE AVENUE

A further discussion was held on the possibility of installing additional lighting at the M.I.D. Lateral No. 4 at College Avenue and it was generally agreed that no action be taken. Councilman Heckendorf suggested that the Public Works Department check into the matter of installing a shield over the lights and a different color globe be used on this bridge as well as other bridges in the city.

DISCUSSION OF PROPOSAL TO PURCHASE 10 ACRE PARK SITE NEAR DOWNEY HIGH SCHOOL

The City Manager reported on a meeting which had been attended by Councilman Mellis and Heckendorf, Joe Mineni, and E. F. Oman, owners of the 10 acre tract south of Downey High School, to discuss the possibility of purchasing the property for a park site. A firm offer to sell this property to the city for \$33,000, plus all costs of transfer, including recording the deed and policy of title insurance, had been obtained from the owners, subject to acceptance not later than the Council meeting of January 19, 1955. He reported that the Planning Commission had inspected the property and approved the site as a proper location for a park and recommended that the city acquire the land "if the price is considered proper".

Councilman Mellis had contacted the doctors in the Gould Medical Group and they had agreed to contribute \$10,000 of the cost at the rate of \$1500 per year on the condition that a 25 foot strip of land adjoining their property be dedicated for their use.

The City Attorney pointed out that there might be a legal problem involved in dedicating public owned property to a private group for its own use. It was agreed suitable arrangements could be worked out on this provision of the arrangement.

The City Manager pointed out that the cost of the site could be financed by the city from the \$25,000 allocated in the budget with the balance from the unallocated fund of \$28,000 in the 1954-55 Capital Improvement Program.

Mayor Marks pointed out that the city had owned the John Muir Park for about 2½ years and that it was still undeveloped. He recommended that the funds be expended on this park instead of acquiring a new site.

Councilman Mellis pointed out the difficulty in acquiring park sites since land was being subdivided so rapidly and also the fact that \$10,000 of the cost price would be contributed by the Gould Medical Group.

Councilman Arata stated that he did not see any need for a park since playgrounds of the two schools in this area could be used (Downey High School and John Muir School) and also that improvements in other parks were more important, especially the old John Muir School property. He urged prompt development of this property.

The City Manager pointed out that the delay in developing the old John Muir School property was not due to lack of funds but to lack of trained personnel to prepare the plans. Funds were provided for this in the budget. He pointed out that Director of Parks and Recreation Lowrey was working overtime to prepare the plans. He suggested that if the City decided to acquire the 10 acre park site that it be clearly understood the city was not committing itself to early development and that development might be held up for a number of years until other parks were completed.

Mayor Marks pointed out that at least \$8,000 of the unallocated capital improvement fund of \$28,000 had been allocated to the development of the municipal ball park. He questioned the advisability of acquiring more land to develop at this time and urged the improvement of the old John Muir School property. If the new park site was acquired, he pointed out, it should not be developed as a playground but as a park since the adjoining schools would furnish playground facilities.

Councilman M. Adams pointed out that the Planning Commission had inspected the property and approved the site and that he felt the property could be purchased without delaying improvement of some of the existing parks.

Mayor Marks pointed out the importance of action on improvement of streets and storm drainage.

The City Manager pointed out that only \$22,000 so far had been expended from the \$150,000 allocated for capital improvement projects in the 1954-55 fiscal year. He urged early Council consideration of a program for priority of pending projects.

Discussion of development of old John Muir School property

The City Manager stated that the problem involved in the development of the old John Muir School property was not one of money but one of getting the work done. It has been impossible to allocate sufficient time to get the plan developed, he stated. He pointed out the difficulty the city had encountered in recruiting competent engineering personnel at a reasonable salary. He stated that the city only had one person, Mr. Lowry, to plan park development. He reminded the Council that the city had acquired five parks by annexation, gifts and purchase within the past two years and that Mr. Lowry had developed plans for two of them, Pike Park and Roosevelt Park, as well as draw preliminary plans for the development of the present golf course as a recreation area. He was well along with plans for the park portion of the old John Muir site and would present a preliminary plan on January 19. He questioned whether additional expert assistance should be hired to develop the plans, as they could be worked out with time. He pointed out that the city had many urgent projects ahead of the development of this proposed park area. He urged again that as soon as possible the Council establish a priority list for the guidance of the administrative staff.

Mr. Lowry replied to a question from Mayor Marks that both small area parks and large parks similar to Legion Park were needed by the community.

Councilman Mellis pointed out that the committee was not urging the purchase of the 10 acre site but that he felt it to be his duty as a Councilman to bring the matter before the Council for its decision and that he would consider "the Council's judgment better than mine".

Councilman Heckendorf questioned the advisability of the purchase if the city "did not live within its income" and whether it would delay the development of other sites acquired a long time previously.

Councilman Arata contended that if this park site was purchased that it would have the tendency to slow down other projects and that \$25,000 more could be spent on a street program or for acquiring City Hall land. He stated that he would vote "no" against acquiring the site.

Councilman Heckendorf pointed out that it should be kept in mind that \$10,000 was being contributed by the Gould Medical Group.

Councilman Mellis urged that the matter be tabled for one week so that the Council could "search your conscience".

Councilman Heckendorf recommended that the Planning Commission make a more detailed study of the proposal.

To a suggestion from the City Attorney that the Council might present the question to the public for its reaction, the Council agreed that the decision to purchase or not to purchase the site should be the responsibility of the Council. It was agreed by the Council that the final decision should be delayed for one week.

FURTHER CONSIDERATION OF RECOMMENDATION OF LIBRARY BOARD TO PURCHASE PHILBRICK PROPERTY ADJOINING LIBRARY ON THE SOUTH

County Librarian Hamilton outlined his reasons for recommending increasing the central library facilities by purchasing the Philbrick property which adjoins the city property on the south. He recommended that the property be appraised by the city's appraiser, Frank Huffman.

A discussion was held on this proposal and the City Manager reported that the city's appraiser had informally appraised the 10 acre park site on Coffee Road. Councilman Mellis moved, seconded by Councilman Heckendorf and it was unanimously carried, that City Appraiser Frank Huffman be directed to make a formal appraisal of the Philbrick property and that the cost of this appraisal be at the expense of the Library.

WITHDRAWING BRIGGSMORE ADDITION FROM McHENRY-DRY CREEK FIRE DISTRICT

Upon the recommendation of the City Attorney, Councilman Adams introduced

RESOLUTION NO. 55-17

seconded by Councilman Arata, withdrawing the Briggsmore Addition from the McHenry-Dry Creek Fire Protection District, by reason of its annexation to the City of Modesto, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Arata, Heckendorf, Mellis and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Annan and Merrill

ACCEPT SOUTH SECTION OF WEST SANITARY TRUNK SEWER FROM STOCKTON CONSTRUCTION COMPANY

Upon the recommendation of the Director of Public Works, Councilman Mellis introduced

RESOLUTION NO. 55-18

seconded by Councilman Adams, accepting the construction of the South Section of West Sanitary Trunk Sewer from contractor, Stockton Construction Company, authorizing the City Clerk to file Notice of Completion with the County Recorder, and authorizing payment of amounts due to the contractor, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Arata, Heckendorf, Mellis, and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Annan and Merrill

ACCEPT SANITARY TRUNK SEWER, TUOLUMNE RIVER CROSSING FROM VALLEY ENGINEERS, INC.

Upon the recommendation of the Director of Public Works, Councilman Adams introduced

RESOLUTION NO. 55-19

seconded by Councilman Arata, accepting the construction of the sanitary trunk sewer, Tuolumne River crossing from contractor, Valley Engineers, Inc. authorizing the City Clerk to file Notice of Completion with the County Recorder and authorizing payment of amounts due to the contractor, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Arata, Heckendorf, Mellis, and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Annan and Merrill

CONSIDER SALE OF PARK SITE IN COLLEGE VILLAGE ADDITION

The City Manager reported that it was the administrative staff's recommendation that the former park site in the College Village Addition be placed on the market since a new site had been acquired. Councilman Mellis moved, seconded by Councilman Arata, and it was unanimously carried, that the administrative staff be directed to prepare the necessary documents to place this property on the market for sale.

Mayor Marks suggested that an informal appraisal of the park site be made by the city's appraiser for the Council's information.

CONSIDER DISCUSSION ON PRIORITY OF PROJECTS PENDING

It was generally agreed by the Council that the discussion on establishing priority on pending projects should be deferred until after February 1, 1955.

Mayor Marks suggested that it would be helpful to the Council if the City Manager would prepare a report on personnel organization and function.

APPROVE RENEWAL OF LEASE FOR HANGAR SPACE AT AIRPORT WITH STATE OF CALIFORNIA (NATIONAL GUARD PLANE)

Terms of an agreement providing for the renewal of a lease with the State of California for hangar space for the California National Guard plane at the Municipal Airport were outlined by the City Attorney. Councilman Mellis introduced

RESOLUTION NO. 55-20

seconded by Councilman Heckendorf, approving the renewal of the lease with the State of California for hangar space at the Municipal Airport for the National Guard plane and authorizing its execution by the city's designated officials, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Arata, Heckendorf, Mellis, Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Annan and Merrill

REQUEST TO RENT PERCOLATION BEDS FOR SEASON 1955-- NAT BEYER

Nat Beyer requested permission to lease the percolation beds at the sewer plant to plant grain during the 1955 season.

Director of Public Works recommended that the property not be leased since the income derived for the past years had been minor and the loss of the ground had handicapped the city in using it to eliminate odors, thus causing some complaints from the adjoining property owners. The Council agreed.

REQUEST FOR INCREASE OF LOADING ZONE SPACES ON ELEVENTH AND J STREETS FILED BY MRS. GRACE COVELL AND MR. ENSIGN OPERATOR OF THE COVELL HOTEL

Traffic Engineer Carnody reported that a request had been filed by Mrs. Grace Covell, owner, and Mr. Ensign, operator of Covell Hotel, that the loading zones on both 11th Street and J Street be enlarged. It was agreed, after a general discussion that an additional space on 11th Street be granted. Councilman Mellis moved, seconded by Mayor Marks that the Traffic Engineer and the City Attorney work out satisfactory arrangements to increase the loading area on J Street and that the necessary documents be prepared for Council consideration to increase the loading zone on 11th Street, one parking space, which was unanimously carried.

REPORT ON REALIGNMENT OF SIGNAL LIGHTS

The City Manager reported that traffic signal lights were being realigned to improve their visibility by the travelling public.

EXTENDING TIME FOR CONTRACTOR TO COMPLETE WORK AND IMPROVEMENTS IN IMPROVEMENT DISTRICT NO. 2

Director of Public Works Ray reported that due to delay in delivery on light cable the contractor, W. M. Lyles Co. had been unable to complete the work in Improvement District No. 2 and that he would recommend the extension of completion date. Councilman Arata introduced

RESOLUTION NO. 240-S.P.

seconded by Councilman Adams, extending the time for W. M. Lyles Co. to complete the work and improvements described in Resolution of Intention No. 242, as amended, in Improvement District No. 2 from January 10, 1955, and including March 10, 1955, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Arata, Heckendorf, Mellis and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Annan and Merrill

REPORT ON LIGHTING IMPROVEMENT DISTRICT IN BUSINESS AREA

The Director of Public Works reported that a meeting would be held on January 17 with the Chamber of Commerce on the proposed lighting improvement district in the business district and that the boundary of the district and method of assessing had been generally agreed on.

CITY ATTORNEY REPORT DEADLINE ON AMENDMENTS TO CHARTER

The City Attorney reminded the Council of the deadline on proposed charter amendments which would be placed on the ballot for the general municipal election to be held April 12, 1955. It was agreed by the Council that no additional amendments would be proposed for this election--only the charter amendment relating to the parking facilities would be considered.

ADJOURNMENT

Councilman Arata moved, seconded by Councilman Adams, and it was unanimously carried, that the Council meeting now in session adjourn until 1:45 P.M., Friday, January 14, 1955, to consider the plans and specifications and authorize call for bids for the improvement of the municipal baseball park.

ATTEST:


 REX E. GAILFUS, CITY CLERK

The Council of the City of Modesto met in adjourned session this date at 1:45 P.M., as provided by Section 2.107 of the Modesto Municipal Code, in the Council Chamber of the McHenry Public Library Building, 14th and I Streets, Mayor Pro Tempore Mellis presiding in the absence of Mayor Marks, to consider plans and specifications and call for bids on improvements in the Modesto Municipal Ball Park.

The City Clerk called the roll and there were

Present: Councilmen: Adams, Arata, Heckendorff, Mayor Pro Tempore Mellis
Absent: Councilmen: Annan, Merrill, and Mayor Marks

City Manager Miller introduced Owen Dyer, Service Superintendent of the City of Berkeley, guest of the Council.

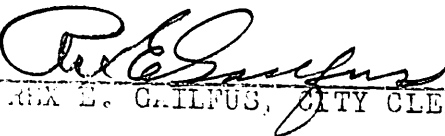
DISCUSSION ON PLANS AND SPECIFICATIONS FOR IMPROVEMENT OF THE MODESTO MUNICIPAL BALL PARK

Director of Public Works Ray reported that at a luncheon meeting held this date, which had been attended by members of the Council Committee on the Ball Park and members of the Board of Directors of the Modesto Athletic Association, it had been agreed that the proposed improvements to the Modesto Municipal Ball Park should provide for additional seating capacity. He stated that Floyd Benson, President of the Association, had suggested that in addition to the seating capacity proposed in the grandstand proper, that four additional rows of seats should be provided; but had been willing to settle for three. The Director of Public Works stated that it was the opinion of those members of the Council Committee with whom he had checked who were unable to attend the luncheon meeting, that the plans should be revised to add three additional rows of seats to increase the seating capacity to 1000, as compared to 765 proposed under the present plans. He stated that the plans and specifications could be revised in time to permit the approval and call for bids at the next Council meeting, which should allow sufficient time for the improvements to be completed in time for the opening game, April 15. He stated that the specifications would provide for the use of a portion of the improvements prior to the completion of the entire project. Councilman Arata moved, seconded by Councilman Adams, and it was unanimously carried, that the administrative staff be authorized to change the plans and specifications for the improvement of the Modesto Municipal Ball Park to provide for additional seating capacity on the basis outlined by the Director of Public Works.

ADJOURNMENT

Councilman Arata moved, seconded by Councilman Heckendorff, and it was unanimously carried, that this Council meeting now in session adjourn. The meeting was adjourned at 2:00 P.M.

ATTEST.


REX E. CHILFUS, 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 Chamber at the McHenry Public Library, 14th and I Streets.

The City Clerk called the roll and there were:

Present: Councilmen: Adams, Annan, Arata, Mellis, Merrill, Mayor Marks

Absent: Councilmen: Heckendorf

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

A few moments of silent prayer were observed.

APPROVAL OF MINUTES

Council members having received copies of the minutes of the Council meeting of January 5, 1955, and the same being available for public inspection, and there being no objections, the minutes were approved.

PRESENTATION OF PLAQUE BY MAYOR MARKS

Mayor Marks presented a plaque containing a statement made by Isadore of Seville in 610 A.D., which had been quoted by Judge L. H. Burke of Los Angeles at the recent League of California Cities convention, as being his precept in guiding him while serving as City Attorney for various cities, which read as follows:

"A law or ordinance shall be virtuous, just, possible to nature, according to the custom of the people, suitable to place and time, necessary, useful; clearly expressed lest by its obscurity it lead to misunderstanding; framed for no private benefit but for the common good."

Councilman Mellis moved, seconded by Councilman Merrill and it was unanimously carried that the plaque be accepted and be displayed in an appropriate place in the Council Chamber.

REQUEST OF STANISLAUS FOOD PRODUCTS CO. TO DRILL WATER WELL

City Manager Miller reported that a request had been filed by the Stanislaus Food Products Co., 12th and D Streets, to install a new well in Block 77 on either Lot 2 or Lot 3 and to lay down a 10" water line across 12th Street from this same location. This request has been checked out by the Public Works Department, he stated, and it is its recommendation that this permit be granted under certain conditions. Director of Public Works Ray outlined the conditions which should be required by the city from the company for the drilling and the development of the well which called for the utilization of the city's storm drain. He pointed out that the conditions for the development of the well could be handled administratively but that Section 5-1.501 of the Modesto Municipal Code required permission of the Council for the installation of the well. Councilman Arata introduced

RESOLUTION NO. 55-28

seconded by Councilman Adams, granting permit to the Stanislaus Food Products Company, as provided by Section 5-1.501 of the Modesto Municipal Code, to drill a well in Block 77 on either Lot 2 or 3 under the conditions set forth by the Director of Public Works, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Annan, Arata, Mellis, Merrill, Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: Heckendorf

Councilman Adams moved, seconded by Councilman Mellis, and it was unanimously carried, that the City Attorney be instructed to prepare an agreement for Council consideration granting permit to the company to lay a 10" water line across 12th Street from the proposed new well, under the conditions set forth by the Director of Public Works.

Cecil Jones, Manager of the company, who was present, informally approved of the conditions for the granting of the two requests outlined by Director of Public Works Ray.

DISCUSSION ON NOTICE OF CARNATION COMPANY OF ITS PLAN TO CONSTRUCT BUILDING IN BLOCK 138

Director of Public Works Ray reported that the Carnation Company had served notice that it planned to build a bulk retail station in Block 138 on the east side of 7th Street on the Southern Pacific Right of Way, at its projected intersection with D Street. He stated that in 1911 the city had entered into an easement agreement with the Southern Pacific Company which permitted the city to construct and maintain a 10" sewer pipe line in this block and in 1921 a similar agreement for a 42" storm sewer line. Due to the limited space in this block, the building will be constructed over these lines, he stated. The Carnation Company has notified the city that if permit is not granted for the building that its only alternative will be to ask the Southern Pacific Company to notify the city to remove the lines, as provided in the agreements.

The Director of Public Works pointed out that this was being presented for Council information, but that he could see no reasonable recourse but to grant permit since the cost for relocation of the lines would be considerable and there would be no reassurance that if the lines were relocated that the same situation would not recur. He reported that he had informed the company that the matter would be presented to the Council at this meeting and would notify them of the decision. He stated that plans for the building did not present any problem in respect to overloading above the sewer construction and that the city did not need any further protection on the lines. He pointed out that the only alternative was to issue a permit for the building or to relocate the lines.

The following points were brought out in the discussion of the Council on the matter:

That this would preclude the future plan for opening of D Street to connect with 7th Street. The Traffic Engineer pointed out that the extension would give a through street to connect with Grand and Yosemite Blvd. and South 7th Street.

That it might be advisable to check with the Southern Pacific Company.

That it would be impossible to withhold issuance of permit since this was private property and that the only recourse would be to acquire the property before the building was built.

It was agreed that the City Manager should check with the Carnation Company and ask them to keep the space clear if possible, that it was not the wish of the city to delay the construction and the city wished to cooperate with them in every way possible but that if there was any other possible alternate location that it be used so that D Street could in some future date be extended to 7th Street.

APPROVE PLANS AND SPECIFICATIONS AND AUTHORIZE CALL FOR BIDS FOR INDUSTRIAL WASTE SEWER ON 12th STREET BETWEEN MORTON BLVD. AND C STREET

Upon the recommendation of the Director of Public Works, Councilman Merrill introduced

RESOLUTION NO. 55-26

seconded by Councilman Arata, approving the plans and specifications for the construction of an industrial waste sewer on 12th Street between Morton Blvd. and C Street, and authorizing the call for bids for the work to be opened in the office of the City Clerk at 2:00 P.M. Monday, Jan. 31, 1955, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Annan, Arata, Mellis, Merrill, Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Heckendorf

HEARING ON REQUEST OF AGNES J. CHANDLER TO TRANSFER TWO CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE TAXICABS TO LOIS LANE

This being the time set for the public hearing on the application for transfer of two certificates of public convenience and necessity to operate taxicabs from Agnes J. Chandler to Lois L. Lane, Mayor Marks declared the hearing open. The City Clerk reported that no oral or written protests had been filed.

Police Chief Neel reported that his investigation of the reputation and financial condition of Mrs. Lane did not develop any derogatory information and recommended the transfer be approved.

No oral protest from the audience was filed.

Mayor Marks declared the hearing closed.

Councilman Merrill introduced

RESOLUTION NO. 55-27

seconded by Councilman Mellis authorizing the transfer of two certificates of public convenience and necessity to operate taxicabs in the city from Agnes J. Chandler, dba Joann's Taxi to Lois L. Lane to do business as Red Top Taxi, in accordance with Section 4-6.209 of the Modesto Municipal Code on the condition that prior to the transfer all of the indebtedness against the certificates be cleared, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Annan, Arata, Mellis, Merrill, Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Heckendorf

APPROVE PLANS AND SPECIFICATIONS AND AUTHORIZE CALL FOR BIDS ON IMPROVEMENT AT BALL PARK

Plans for the improvement of the Modesto Municipal Ball Park were presented for Council consideration by the Director of Public Works, who reported that they had been changed as directed by the Council to permit additional seating capacity. He stated that the repairs to the existing bleachers had been set up on a cost plus basis and it had been estimated that this would cost approximately \$2,000. Wire netting in front of the grandstand and over the top could be done as a separate item, he stated, and had not been included in the plans. The City Manager stated that the approximate cost for the planned improvements would probably be between \$6-7,000 more than the insurance recovery. The plans and specifications were prepared so that a portion of the contract could be used before the project was entirely completed, the City Manager stated. Councilman Mellis introduced

RESOLUTION NO. 55-29

seconded by Councilman Mellis, approving the plans and specifications for the improvement of the Modesto Municipal Ball Park and authorizing the calling

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for bids to be opened at 2:00 P.M. February 1, 1955, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Annan, Arata, Mellis, Merrill, Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Heckendorf

ORDINANCE AMEND BUDGET TO APPROPRIATE ADDITIONAL REVENUE FOR CAPITAL OUTLAY PURPOSES DURING 1954-55 FISCAL YEAR (INSURANCE RECOVERY AT BALL PARK)

Councilman Adams moved the adoption and passage to print of

ORDINANCE NO. 16-C.S.

entitled: "AN ORDINANCE AMENDING THE BUDGET TO APPROPRIATE ADDITIONAL REVENUE FOR CAPITAL OUTLAY PURPOSES DURING THE 1954-55 FISCAL YEAR" and which motion being duly seconded by Councilman Arata, was upon roll call carried and the ordinance adopted by the following vote:

Ayes: Councilmen: Adams, Annan, Arata, Mellis, Merrill, Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Heckendorf

SUGGESTION OF COUNCILMAN MELLIS TO CHANGE THE NAME OF MODESTO MUNICIPAL BALL PARK TO DEL WEBB BALL PARK

Councilman Mellis recommended that in line with the general policy of naming parks and projects after outstanding citizens who had given freely of their time, ability and efforts toward community betterment, that the name of the Modesto Municipal Ball Park be changed to the Del Webb Ball Park, honoring former player on the Modesto Reds Ball team who is now co-owner of the New York Yankees.

He pointed out that it was through Mr. Webb's efforts that the working agreement with the Yankees had been arranged last year which had resulted in a successful Modesto Reds' team. Councilman Mellis moved, seconded by Councilman Arata that the Modesto Municipal Ball Park be renamed Del Webb Ball Park.

Councilman Annan urged that the decision be held up for a week or two so that the general public could be advised of the proposed action. He pointed out that he had no personal objections but "it was important to a lot of people and some of them might have ideas of their own". Councilman Annan moved, seconded by Councilman Adams, and it was unanimously carried, that the decision on the renaming of the Modesto Municipal Ball Park to Del Webb Ball Park be delayed until 8:00 P.M., January 26, 1955.

SUGGESTION THAT THE 18 HOLE GOLF COURSE BE NAMED DRYDEN PARK MUNICIPAL GOLF COURSE

Mayor Marks moved that the new 18 hole golf course be named Dryden Golf Course, honoring Horace Dryden who had donated 60 acres of the land. He pointed out that this would set a precedent for anyone in this community who would donate land for park purposes--that the park be named after the donor. The motion was seconded by Councilman Mellis.

Councilman Annan recommended that the word "municipal" be included in the name, since the course would be developed by the city's tax payers. Mayor Marks amended his motion to change the name to "Dryden Park Municipal Golf Course" with the consent of Councilman Mellis.

Councilman Annan suggested that final consideration to the recommendation be delayed until the full Council was present and to give the members of the Council an opportunity to think over the suggestion. Councilman Adams moved, seconded by Councilman Annan, and it was unanimously carried, that the naming of the new 18 hole golf course, Dryden Municipal Golf Course,

be tabled for a week.

REPORT ON TYPES OF WATER PIPE

Copies of a report prepared by the Director of Public Works on types of water pipe together with a copy of a report from Johns Manville Company on transite pressure pipe and one from the United States Pipe and Foundry Company on cast iron pipe, were distributed to the Council members for their study.

The Director of Public Works stated that copies of his report had been submitted to representatives of both companies, who were present. Mr. Phil R. Tinsley of the U. S. Pipe and Foundry Company and Mr. Svend Peterson of John Manville Company spoke briefly on their respective water pipe.

REPORT ON ALL AMERICA AWARD FOR CITY OF MODESTO

The City Manager reported for the record that the City of Modesto had been named an All America City for 1954, by the Jury set up by Look Magazine and National Municipal League.

Mayor Marks reported receipt of congratulatory telegrams and letters from various organizations and cities.

AUTHORIZE AD IN SPECIAL SECTION OF THE MODESTO BEE ON ALL AMERICA AWARD

W. E. Witherspoon of the Modesto Bee stated that the paper was preparing a special section to be issued January 29, relating to the All America Award and asked Council consideration in placing an ad congratulating all the citizens who had made this honor possible for the city. Mayor Marks appointed Councilman Annan and Merrill as a committee to confer with Mr. Witherspoon and to approve the text of the ad. Councilman Arata moved, seconded by Councilman Annan authorizing the placing of a one-half page ad in the special section and authorizing the committee to approve the ad, which was unanimously carried.

REPORT ON PROGRAM PLANS FOR CELEBRATION OF ALL AMERICA AWARD

The City Manager reported that approximately 100 citizens were already working on the program to celebrate the All America Award. Various types of activities are planned which will give an opportunity for many to take advantage of the program. Tentative plans at present are as follows:

- 1:00 P.M. Luncheon for leading industrialist and public officials, guests of the community who will be picked up in San Francisco and the bay areas by a cavalcade of cars from the Chamber of Commerce
- 2:00 P.M. Parade in downtown district, followed by a presentation of the award at the Courthouse Park
Following the parade the guests of the community will be taken on an inspection tour of various industrial concerns in the area
- 6:30 P.M. Dinner at the Marathon Plant. The charge will be \$2.50 each for the dinner, formal presentation, after the dinner, of the award, and the dance.
- 8:30 P.M. Formal presentation of All America Award and program by two big name entertainers at the plant followed by
- 9:00 P.M. Dance at the plant.

The City Manager pointed out that a person could attend the program after the dinner and the dance for \$1.00 each. He listed the various committees which had been appointed by the Chamber of Commerce. Dr. Robert R. Moon and S. (Sid) E. Losher had been active as co-chairmen, he stated. It has been made clear to everyone by a written notice that the city cannot be committed for any expenditure. Each expenditure must be approved by one of the two co-chairmen, he stated. He suggested that the Council officially designate Dr. Moon and Mr. Losher as co-chairmen of the celebration committee. The tickets are already being printed, he stated, and much of the cost of printing the tickets and the 200 placards which will be tacked on the city's light poles, is being contributed by the printers. Also lumber will be furnished by the various companies free and signs built and painted free by the local AFofL Unions which will be erected on streets entering the city. Many of the churches will take special note of the award in their services on Sunday, January 30, he stated.

It should be understood that it may be necessary for the city to underwrite a portion of the cost of the celebration but everyone should also know that no one on the committee has the right to obligate the city.

Councilman Mellis moved, seconded by Councilman Annan, and it was unanimously carried, that Robert R. Moon and S. E. Losher be appointed co-chairmen of All America City Celebration Committee.

The City Attorney pointed out for the record that the committee was not authorized to make any expenditure on behalf of the City of Modesto, to which the Council concurred.

The City Manager suggested, to which the Council agreed, that Mayor Marks write a letter of appreciation to the National Municipal League, Look Magazine, members of the Jury which had made the award and other interested parties.

FRANK ANDREWS PROTESTS TO AD TO BE PLACED IN MODESTO BEE FOR CELEBRATION OF ALL AMERICA AWARD

Frank Andrews questioned the right of the Council to authorize the ad in the Modesto Bee's special section of the January 29th, relating to the All America Award.

The City Attorney pointed out that the Council had the legal right since Section 200 of the charter provided "The city shall have the power-- to expend such sum as the City Council shall deem proper not to exceed five per centum of the property tax levy in one fiscal year for music, publicity, and promotion".

MODESTO CHAMBER OF COMMERCE PRESENT DONATION OF \$1500 TO BE USED FOR "MODESTO'S" RADIO PRESENTATION BY THE NATIONAL BROADCASTING COMPANY

A letter was read from the Modesto Chamber of Commerce enclosing a check for \$1500 to cover the local cost of providing a half-hour "Modesto" radio presentation by the National Broadcasting Company, which had been donated by various clubs, individuals and companies. Councilman Adams moved, seconded by Councilman Annan that Mayor Marks be authorized to express appreciation to each one for their public spirit, and it was unanimously carried.

Councilman Mellis moved, seconded by Councilman Arata, and it was unanimously carried, that the administrative staff be authorized to work with the Chamber of Commerce in making arrangements to see that this program is carried out.

ESTABLISH POLICY ON PERIPHERAL SEWERS IN SUBDIVISIONS

The City Manager reported that the city was confronted with a similar problem related to peripheral sewers in subdivisions as the one related to

lights and on which the Council had established the policy of paying one-half of the cost which was later repaid by the developer as the property was developed. He reported that this had been informally discussed with some of the councilmen after the recent adjourned Council meeting and it was generally agreed that the city should adopt the same policy in relation to sewers as it did on lights. Councilman Mellis moved, seconded by Councilman Merrill, and it was unanimously carried that the Council agreed in principal of establishing a policy of assuming one-half the cost of developing the sewers on peripheral areas and that the staff be authorized to prepare the necessary legal documents to enact the policy.

FURTHER CONSIDERATION OF THE PURCHASE OF LAND ADJACENT TO LIBRARY

The City Manager reported that as requested by the Council, City Appraiser Frank Huffman had made a formal appraisal of the Philbrick property adjoining the McHenry Library and had set a price of \$18,000 on the property. Councilman Mellis moved, seconded by Councilman Arata, and it was unanimously carried, that the Board of Library Trustees be instructed to attempt to purchase the property for \$18,000 and report back to the Council, and to advise the Board of the appraisal made by the City's appraiser.

PAVING OF ALLEY IN BLOCK 113 (REAR OF PHILBRICK PROPERTY)

The City Manager reported that plans for the paving of the alley in Block 113 (rear of the Philbrick property) which had been requested by property owners in this block were near completion. The money has been paid to the city by the owners and they have indicated willingness to assume the cost of \$122.65 for the paving of the Philbrick property if it is not purchased by the city. However, if it is purchased they would be unwilling to assume this cost and it will be necessary for the city to pay this charge. The Council indicated that the city should agree to assume this cost if it purchased the property in order to avoid delaying the project.

COMMUNICATION FROM GOULD MEDICAL GROUP REGARDING ITS PARTICIPATION IN PURCHASE OF PARK SITE ON COFFEE ROAD

A letter from the Gould Medical Group was read, notifying the City Manager that its participation in the purchase of the 10 acres park site adjoining its property on Coffee Road, would be contingent upon the establishment of a time limit for the development of the property as a park.

The City Manager pointed out that if the Council decided to purchase the property that it should be on the basis that a satisfactory agreement be worked out with the group.

FURTHER CONSIDERATION OF THE SALE OF LAND OWNED BY THE CITY IN COLLEGE VILLAGE #2 (NORTH OF M. I. D. LATERAL NO. 3)

The Mayor reviewed the discussion which had taken place at the Council meeting of January 12 regarding the proposed purchase of the 10 acre park site on Coffee Road, adjoining the Gould Medical Group new building and the Downey High School, from Joe Mineni, Jr. and E. F. Oman.

Councilman Mellis pointed out that consideration could be given to the sale of the city owned park site in College Village #2 which had been left undeveloped due to the purchase of land in the Ashford Tract adjoining a proposed new school site, and the funds realized from this sale could be used in the purchase of the 10 acre site from Mineni and Oman. He stated that it would be a tragedy to let the land "slip from the city's hands".

Councilman Arata contended that other pending projects, such as the City Hall, improvement of presently owned park sites and improvement of city streets, should be considered before any additional park sites were purchased. He pointed out that the public was "hollering for streets".

Councilmen Merrill stated that he felt that the present park sites owned by the city should be developed before new ones were acquired and that the city did not have any money to buy new sites.

Mayor Marks pointed out that in the discussion held last week it was brought out that the city would have the funds available to develop the present sites and purchase the new one.

Councilman Merrill moved, seconded by Councilman Arata that the city not buy the park site.

The City Manager pointed out that the offer to sell the land was based on its acceptance by the city as of this date. If the Council decides to purchase the property, he continued, it could be done so on the condition that a satisfactory arrangement could be worked out with the Gould Medical Group. The real question to be decided by the Council at this time, he stated, is "does the city need a residential type park in this area?".

Mayor Marks stated that the question of whether the city needed a large regional 60 acre park instead of additional small residential parks, was also to be considered.

Since the present 9 hole golf course will ultimately be developed into a regional recreational area, Councilman Mellis stated, thought should be given to the fact that the city cannot support too many large parks. He pointed out that the Council's duty was to supply park facilities for each area and the price on this one was most reasonable considering the participation by the medical group.

Councilman M. Adams reminded the Council that both the Director of Parks and Recreation and the Planning Commission had approved of this location for a park and that in the discussion that funds would be available for the development of present park sites and the purchase of this new one.

Councilman Annan recommended that the funds be used in development of the new 18 hole golf course so that it could be developed prior to the 5-7 year period. He questioned the fact that land would not be available in this location since a large part of the area was still undeveloped. He stated, "I am just thinking we are getting too much raw material and not turning out enough finished products."

The City Manager pointed out that in one way another park just means more work but that he wished to say "for the record" that in the first place there is general agreement that there should be a park in that area and that if there is to be a park in that area that "in my judgment you will not be able to buy a park there later on for the same net cost that you can buy this one unless there is a basic change in the economical level."

Mayor Marks called the roll on the motion made by Councilman Merrill that the city not buy the park site and seconded by Councilman Arata, which resulted in the following vote:

Ayes: Councilmen: Arata, Annan, and Merrill
 Noes: Councilmen: Adams, Mellis and Mayor Marks
 Absent: Councilmen: Heckendorf

Mayor Marks declared that the motion did not carry.

CONSIDERATION OF PRELIMINARY PLANS FOR OLD JOHN MUIR SCHOOL PARK

Preliminary plans for the development of the park area surrounding the old John Muir School building and estimated costs were presented by Director of Parks and Recreation Lowry. Councilman Merrill moved, seconded by Councilman Annan, and it was unanimously carried that the preliminary plan be approved and the staff be authorized to proceed on this basis. The City Manager pointed out that some changes might be made as the development proceeds

DISCUSSION ON PLAN FOR OLD JOHN MUIR SCHOOL BUILDING

Councilman Mellis recommended that Mayor Marks appoint a committee to study the future plans for the use of the Old John Muir School building.

The City Manager stated that various organizations had indicated interest in using the building but as yet had not come up with a concrete proposal. He reminded the Council that the Junior Chamber International had been promised space in the building and that the decision on the location was still pending. However, he stated, action should not be delayed any longer on the building. He suggested that the city take the lead and come up with a specific proposal. It is possible, he stated, if enough community organizations agree to rent quarters, the building could be a self-supporting project. Before any work is done on this basis, he stated, the staff would welcome the help of a Council committee. He pointed out that the necessary engineering studies would require considerable time.

A suggestion was offered that the building be either torn down or sold.

Mayor Marks appointed Councilmen Heckendorf and Arata to work with the administrative staff on a plan for the building.

AUTHORIZE SALE OF CITY PROPERTY IN COLLEGE VILLAGE #2

It was agreed by the Council that the city owned property in Block 6715, College Village No. 2, acquired from Dalton Ellis as a park site would no longer be needed since the purchase of the park site in the Ashford Tract and Councilman Mellis introduced

RESOLUTION NO. 55-21

seconded by Councilman Adams, setting the date of February 9, 1955, at 8:00 P.M. in the Council Chamber of the McHenry Public Library, 14th and I Streets, as the time and place for receiving sealed proposals and/or oral bids for the sale of the property, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Annan, Arata, Mellis, Merrill, Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Heckendorf

AUTHORIZE CHANGE IN LOADING ZONE FOR CRIPPLED CHILDREN IN WASHINGTON SCHOOL

Upon the recommendation of Traffic Engineer Carmody, Councilman Mellis introduced

RESOLUTION NO. 55-22

seconded by Councilman Arata, establishing a loading zone beginning at a point on the westerly curb line of Washington Street, 30 feet north of the intersection of the westerly curb line of Washington Street, with the northerly line of the alley in Block 400, and continuing northerly along said curb line a distance of 56 feet, and rescinding Resolutions No. 10044-N.S. and No. 10237-N.S., which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Annan, Arata, Mellis, Merrill and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Heckendorf

AUTHORIZE REMOVAL OF STOP SIGN AT EIGHTH STREET AND WASHINGTON AVENUE

Upon the recommendation of the Traffic Engineer, Mayor Marks introduced

RESOLUTION NO. 55-23

seconded by Councilman Mellis, authorizing the Traffic Engineer to remove the stop sign stopping northbound traffic on 8th Street at Washington Avenue, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Annan, Arata, Mellis, Merrill and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Heckendorf

AUTHORIZE CHANGE IN LOADING ZONES AT COVELL HOTEL (11TH AND J STREETS)

Upon the recommendation of the Traffic Engineer, Councilman Adams introduced

RESOLUTION NO. 55-24

seconded by Councilman Mellis, establishing a 43 foot loading zone on J Street, and a 44 foot loading zone on 11th Street in front of the Hotel Covell, and authorizing the removal of parking meters at these locations, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Annan, Arata, Mellis, Merrill, Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Heckendorf

REPORT ON CONDITION ON VIRGINIA AVENUE AT M.I.D. LATERAL NO. 4

The Traffic Engineer recommended as temporary remedial action that new signs, guard rail and a street light be installed at the intersection of Virginia Avenue with M.I.D. Lateral No. 4 and that the bridge be repainted and beaded. He reported that he had conferred with M.I.D. officials and that they approved of all these installations if made at the city's expense.

Reluctance to approve any extensive expenditure to temporarily remedy the situation was expressed by members of the Council.

The Traffic Engineer pointed out that a permanent solution to the traffic problem would be the widening of the bridge or preferably covering the canal for sufficient length to afford full utilization of the width of Virginia Avenue. It was brought out in the discussion that the light could be salvaged and used at a new location if the bridge was widened or the canal covered. It was generally agreed that the proposed 1955-56 budget should include a provision for the permanent improvement of this intersection.

He pointed out that similar problems existed at Laurel Street with the intersection of the M.I.D. Lateral No. 4, which was adjacent to the City limits. Councilman Arata moved, seconded by Councilman Merrill that the administrative staff proceed as soon as possible with installation of signs and some sort of barricade and a light as a temporary remedial solution of the traffic problem at the intersection of Virginia Avenue with the M.I.D. #4 canal, which was unanimously carried.

It was agreed by the Council that some precaution devices should be installed on the bridge at Laurel Street to the extent that it was a City responsibility.

ESTABLISH TWO HOUR PARKING ON BOTH SIDES OF 16TH STREET BETWEEN J STREET AND NEEDHAM AVENUE

The City Attorney presented for Council consideration a resolution establishing a two hour parking zone on both sides of 16th Street between J Street and Needham Avenue. Councilman Adams introduced

RESOLUTION NO. 55-25

seconded by Councilman Arata, establishing two hour parking on both sides of 16th Street between J Street and Needham Avenue, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Annan, Arata, Mellis, Merrill, Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Heckendorf

DISCUSSION ON CITY POLICY ON SIDEWALKS AS PART OF COOPERATIVE STREET PROGRAM

The City Manager reported that at a later date a report would be submitted to the Council members for their study relating to the inclusion of sidewalk improvements with the street improvement program as recommended by the Forward Modesto Committee. He pointed out that it was a matter to be cleared out by a policy since certain property owners in the Helen Avenue improvement have indicated that they do not want sidewalks.

REPORT ON PREPARATION OF CONTRACT WITH MILTON PFLEUFER, ARCHITECT, AND PRESENTATION OF SKETCHES

The City Manager reported that the agreement with Milton Pfleuger, Architect, on the City Hall was proceeding satisfactorily and only a few minor points needed clearing. He stated that Mr. Pfleuger, at the city's request, had sent study sketches to be used in the special section of the Bee which would be of interest to the Council.

APPOINT ALTERNATE REPRESENTATION TO EXECUTIVE COMMITTEE OF CENTRAL VALLEY DIVISION OF LEAGUE OF CALIFORNIA CITIES

The City Manager pointed out that it would be necessary to appoint an alternate representative to the Executive Committee of the Central Valley Division of the League of California Cities since Mr. Robert Adams was no longer a member of the Council. Councilman Merrill introduced

RESOLUTION NO. 55-30

seconded by Councilman Annan, appointing Councilman Heckendorf as alternate representative to the Executive Committee of the Central Valley Division of the League of California Cities, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Annan, Arata, Mellis, Merrill Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Heckendorf

DISCUSS APPOINTMENTS TO BOARDS AND COMMISSIONS

It was agreed by the Council members that they would meet informally early next week to discuss further the appointment of members to various boards and commissions to fill the vacancies which would occur this month. Mayor Marks suggested that the Council members have names to submit.

The City Attorney pointed out that until the members whose terms were expiring were reappointed or a new member was named, that they would still have authority to act on the various boards and commissions.

Councilman Adams introduced

RESOLUTION NO. 55-31

seconded by Councilman Mellis, expressing condolence to the family of Roy Burroughs, deceased, former member of the Plumber Board of Examiners, which resolution was regularly adopted by the following vote:

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Ayes: Councilmen: Adams, Annan, Arata, Mellis, Merrill, Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Heckendorf

REPORT ON USE OF ACTI-ZYME AT SEWER PLANT

The City Manager reported that the invoice on the acti-zyme used at the sewer plant for the past season had not yet been received from the company and he suggested that the report be held up for one week. He stated that copies of the report would be sent to the Council members.

REPORT ON LEAF LOADER

Director of Public Works Ray reported on the operation of the leaf loader which had been leased from the Wayne Manufacturing Company during the past season on a lease rental arrangement. He stated that due to the fact that the company was unable to make delivery of all three trailers by October 15, the city had been handicapped in its operations during the past season. He reported that the last month's rental was being held up by the city until the matter of the lease or purchase could be concluded. He outlined various features of the equipment which were unsatisfactory. He recommended that the city retain and purchase the leaf loader under certain conditions, which he outlined in detail for the Council. Councilman Merrill moved, seconded by Councilman Adams, that the purchase of the leaf loader from Wayne Manufacturing Company be approved under the conditions outlined by the Director of Public Works, which was unanimously carried.

REPORT ON PRELIMINARY CIVIC CENTER STUDY

The City Manager reported that the Council Committee on the City Hall had recently met with the Planning Department staff and members of the Planning Commission to discuss the intergrating of the City Hall with the plan for a civic center.

REPORT ON INVESTIGATION OF GARBAGE RATES

The City Manager reported that at a meeting of the Council Committee on garbage which had been held Friday, January 14, Mr. Dyer, Superintendent of Service of the City of Berkeley, had suggested, to which the committee concurred, that additional information be obtained on the operation of the company and no action be taken on rates until this information had been obtained and was available. He estimated that it would take approximately 2-3 months to obtain this information and in the meantime the Modesto Garbage Company "are in difficulties" since facts show they have to have some financial relief. It is recommended that the fee which the company pays to dump at the municipal dump be waived during this interim period. He estimated the fees paid to be of the order of \$300.00 per month. Councilman Adams moved, seconded by Councilman Arata, and it was unanimously carried, that the recommendation be approved and authorizing the preparation of documents to implement the recommendation. The City Manager stated that the cost to the city for this survey would be approximately \$500.00.

REPORT ON MEETING WITH YOSEMITE BOULEVARD MERCHANTS


The City Manager reported on a meeting with the merchants from the Yosemite Boulevard area to discuss improvements in that area.

REPORT ON PROPOSED IMPROVEMENT TO SIGNALS ON NINTH STREET

Upon the recommendation of the City Manager, Councilman Arata moved, seconded by Councilman Merrill, and it was unanimously carried that the administrative staff proceed with the plans and specifications for the improvement to signals on Ninth Street.

ADJOURNMENT

Councilman Annan moved, seconded by Councilman Adams, and it was unanimously carried, that the meeting now in session adjourn. The meeting was adjourned at 8:15 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 Chamber at the McHenry Public Library Building, 14th and I Streets, Mayor Marks presiding.

The City Clerk called the roll and there were

Present: Councilmen: Adams, Annan, Arata, Heckendorf, Mellis, Merrill, Mayor Marks
Absent: Councilmen: None

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

Invocation was given by Rev. Edwin Isbell, pastor of the Southern Baptist Church.

SET DATE FOR HEARING ON COMPLAINTS THAT DOG OWNED BY ANDREW YOUNG, 709 WEST FAIRMONT AVENUE WAS A PUBLIC NUISANCE

City Attorney Grimes reported that a number of written complaints had been filed by citizens that a dog owned by Andrew Young, 709 Fairmont Avenue, was vicious. A detailed report has been filed by the Pound Master, he stated, which indicates that the dog, which has been allowed to run at large by Mr. Young, is a public nuisance. Section 5-4.206 of the Modesto Municipal Code, he stated, provides that a time and place for a public hearing on these complaints be set by the Council to determine whether the dog's license should be revoked. Councilman Annan introduced

RESOLUTION NO. 55-33

seconded by Councilman Merrill, fixing the time of 5:00 P.M. on Wednesday, February 2, 1955, in the Council Chamber, 14th and I Streets, as the time and place for a public hearing on said complaints, and authorizing the City Attorney to give written notice of the hearing to the owner of the dog as required by provisions of Section 5-4.206 of said Code, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Annan, Heckendorf, Mellis, Merrill, Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: Arata

Councilman Arata arrived at this time. (7:35 P.M.)

INVITATION TO COUNCIL TO ATTEND DEDICATION CEREMONY OF NEW CITY HALL FROM MAYOR AND COUNCIL OF CITY OF PETALUMA

An invitation from the City of Petaluma to attend the dedication ceremony of the Petaluma City Hall, Saturday, February 5, was read. The City Manager was instructed to check with the Council members later to make arrangements for city representation at the ceremony.

ASSEMBLY CONCURRENT RESOLUTION NO. 46 CONGRATULATING THE CITY OF MODESTO ON BEING NAMED AN "ALL AMERICA CITY"

Assembly Concurrent Resolution No. 46, introduced by Assemblyman Ralph M. Brown, which had been adopted by the Assembly of the State of California on January 19 and the Senate on January 20, congratulating the City of Modesto on being named an "All America City", was read and ordered filed.

Mayor Marks noted various other communications which he had received from various public agencies, individuals and organizations, and Councilman Adams moved, seconded by Councilman Heckendorf, and it was unanimously carried, that Mayor Marks acknowledge receipt of all communications received congratulating the city on its award.

REQUEST COUNCIL MEMBERS AND THEIR WIVES TO SERVE AS SPECIAL HOSTS AT THE "ALL AMERICA" CELEBRATION

City Manager Miller recommended, to which the Council concurred, that the Council members and their wives serve as special hosts at the "All America" Celebration festivities in the evening of January 29, to welcome official out-of-town guests.

REPORT ON "ALL AMERICA" CELEBRATION PROGRAM

City Manager Miller reported the program was progressing satisfactorily and that a number of cities and organizations would be represented during the day's festivities. Lieutenant Governor Powers had accepted the invitation to be present, he reported.

Councilman Merrill reported that Councilman Arata and he had recently been guests of the San Francisco Rotary Club and a most successful program had been put on with Dr. Roy Hansberry as main speaker, which had noted the "All America Award".

PROCLAMATION DECLARING SATURDAY, JANUARY 29th, 1955, AS ALL AMERICA DAY

Mayor Marks read a proclamation declaring Saturday, January 29, 1955, as "All America City Day", a day of celebration. Mayor Marks recommended a change in the wording, to which the Council concurred. Councilman Arata moved, seconded by Councilman Heckendorf, and it was unanimously carried, that the proclamation, declaring that the 29th day of January, 1955, shall be a day of joy, celebration, and festivity "for all the people of the Modesto community and their friends throughout the nation", be approved.

RESOLUTION REQUESTING THE PUBLIC UTILITIES TO EXERCISE CARE IN CONSIDERING APPLICATIONS BY PUBLIC UTILITIES FOR RATE INCREASES

The City Manager reported receipt of a notice of public hearing before the Public Utilities Commission on January 31, 1955, in San Francisco, for a rate increase for natural gas, which had been filed by the Pacific Gas & Electric Co. He pointed out that the city did not have basic information on the request; only a notice of the hearing.

Councilman Mellis pointed out that due to the lack of information, it would be difficult for the Council to take a stand on the request. He expressed opposition to the hiring of special counsel.

Mayor Marks expressed opposition to the continual raising of rates of public utilities and pointed out that this would be a deterrent in securing additional industries in the community. He pointed out that it was the duty of the Council, as representative of the citizens of the community who would be affected by the increased rate, to protest any and all raises in rates of public utilities. He pointed out that there should be some limit to the number of rate increases requested by the company.

Councilman Annan contended that the Pacific Gas & Electric Company was only a retailer of natural gas which in this case was purchased from the El Paso Gas Company; this company has raised its wholesale rate and it is necessary for the P.G. & E. to raise its rate to the consumers to offset this additional cost. He pointed out that the P.G. & E. had assumed this additional cost for a period of two years and should have some relief now.

I. J. Tremain, local manager of the Pacific Gas & Electric Company, stated that his company was reluctant to go back to the Commission and ask for a second rate increase and that there was no way of knowing when the producer would stop increasing its rate to the P.G. & E. Company.

Bill Warner, a member of the audience, reported that a recent Supreme Court ruling might make it possible for the Federal Power Commission to regulate the prices of gas in the field which should put a stop to the

constant increasing of rates to consumers.

The City Manager reported that it was going to be a national battle to find out whether or not the Federal Power Commission will be continued as a regulatory power over well head gas prices. He pointed out that the Council did not have sufficient information to make a definite decision as to the validity of this last request for rate change and that if it did want to actively oppose it that special counsel should be retained.

Mayor Marks pointed out the two alternatives the Council was faced with, 1) no action at all, or 2) disapprove on the principle that the city does not know the facts and are opposed to any basic increase in rate unless the facts are brought out.

Councilman Annan pointed out that the members of the Commission were well qualified to handle the request and that they would allow a raise if it was necessary. Since the city does not have sufficient information to make a definite stand, he stated, that he would move that the Council not take any action.

The City Attorney pointed out that the Council could also consider adopting a resolution asking the P.U.C. to examine with care and be certain before making any decision on another increase in the rate that it be warranted.

Councilman Annan withdrew his motion at this time.

Councilman Mellis introduced

RESOLUTION NO. 55-32

seconded by Councilman Arata, asking the Public Utilities Commission to exercise particular care in considering the application of the Pacific Gas & Electric Company (No. 36635) and other applications by public utilities for rate increases to insure that such increases are fully justified by assuring that a comprehensive record is developed with the interests of the consuming public fully presented, based upon an inquisitive, critical and objective approach to the matter at all stages of the proceedings, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Annan, Arata, Heckendorf, Mellis, Merrill and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: None

AUTHORIZE APPROPRIATION TRANSFER FOR SPECIAL SURVEY ON GARBAGE COLLECTION

Upon the recommendation of the City Manager, Councilman Adams introduced

RESOLUTION NO. 55-34

seconded by Councilman Merrill, approving an appropriation transfer of \$500 from the general reserve to Miscellaneous unclassified, to provide for salaries and wages, etc., on survey for garbage collection, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Annan, Arata, Heckendorf, Mellis, Merrill and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: None

FURTHER CONSIDERATION OF OFF-STREET PARKING CHARTER AMENDMENT

The City Attorney's report to the Council, dated January 20, regarding off-street parking charter amendment, together with letter from bond counsel regarding the power of the Council to delegate by ordinance any administrative authority to the proposed parking commission, were discussed by the Council.

The City Attorney pointed out that under Section 3-2.104 of the proposed ordinance creating a Parking Commission under the charter amendment, which had been informally approved by the Council, certain administrative powers would be delegated to the commission. The legal question which has arisen is whether the Council has the power to pass an ordinance containing such provisions in view of the provision of the charter centralizing the responsibility for the proper conduct of the administrative affairs of the city, including the authority to hire and discharge personnel, in the City Manager.

The letter from the bond counsel, the City Attorney stated, indicates that the charter does not grant such power to the Council. Two alternatives which the Council might consider, he pointed out, would be a) Include a section in the proposed off-street parking charter amendment, granting the Council this power; or b) amend the proposed ordinance creating a parking commission to eliminate the provisions of the ordinance granting the commission power to hire and fire personnel, within budgetary appropriation, and manage, control, and operate the facilities, subject to the direction of the Council, thus making it purely advisory in nature.

The City Manager stated that the City Attorney and he were in agreement that in view of the fact that there was not time for a study and since the matter must be determined by the Council at this meeting in order to have the necessary documents for submission on the ballot, that caution in making any further changes in the proposed charter amendment at this time, should be considered. He pointed out that a substantive change in the proposed amendment at this time might tend to create confusion and uncertainty on the part of the voters.

Councilman Mellis asked and received permission from the Council to read a statement to clarify his position on the proposed charter amendment.

"I have previously expressed my opposition to the off-street parking charter amendment for reasons well known to all of you. I have not changed my views regarding this matter.

I am further opposed to alternative (a) contained in the City Attorney's memorandum of January 20, 1955. I understand that under alternative (a) the City Council would delegate to the parking commission the power to control and operate off-street parking facilities, including the employment of personnel. I feel that the City Charter as it now reads centralizing this responsibility in the City Manager is adequate and proper.

I am in accord with alternative (b) of the City Attorney's memorandum of January 20, 1955. I understand that this would involve an amendment to the proposed ordinance to eliminate administrative responsibilities, thus making the parking commission purely advisory in nature, and similar to the planning and personnel commissions. It is my considered opinion that the parking commission should function in that manner.

I have given considerable thought to this question and particularly to the employment of personnel by a city agency. I am of the opinion that all city personnel are well compensated and their services should be utilized by all city agencies whenever possible without additional compensation. The services of

every city employee should be at the disposal of every agency when needed. If any of our city agencies need the services of some specialist who cannot be found on the city's payroll, then the City Manager, who is an expert in this field, is best able to determine such need and can take care of the matter. Our experience with the planning and personnel commission has been successful and I see no reason why the parking commission cannot function in the same manner."

The City Attorney pointed out that the adoption of the charter amendment would eliminate the parking authority and if it fails, he stated, the authority would still be in existence. He pointed out that there was no other way under the present state legislation by which the authority could be eliminated except by a charter amendment which would place the administration of the parking in the Council.

It was generally agreed by the Council that no change be made in the proposed charter amendment and Mayor Marks moved, seconded by Councilman Adams that the proposed charter amendment relating to off-street parking, be left as it is except for technical amending in legal draft to incorporate the provisions of 1808(m) as suggested by bond counsel. Mayor Marks declared the motion carried.

LETTER FROM MODESTO RETAIL MERCHANTS--DOWNTOWN DIVISION RELATIVE TO OFF-STREET PARKING AMENDMENT

Mr. Geo. Gaugler, a member of the audience, read a letter from the Modesto Retail Merchants, Downtown Division, Board of Directors stating, that the organization was unanimously in favor of the Off-Street Parking amendment as originally planned and presented by the Council and were opposed to an amendment to the amendment authorizing a parking authority or any commission with any responsibilities relative to off-street parking. The letter was ordered filed.

Letters from other cities regarding off-street revenue bond program

Letters from various cities throughout the state which had previously approved a revenue bond program for off-street parking, were read by Mayor Marks.

RESOLUTION NO. 44 FROM PARKING AUTHORITY ASKING GUIDANCE FROM THE COUNCIL REGARDING ADVISABILITY OF ACQUIRING LANCASTER AND HUMMER PROPERTIES

City of Modesto Parking Authority Resolution No. 44 asking for guidance from the Council regarding the advisability of acquiring the Lancaster and Hummer properties in Block 86 for off-street parking purposes at a price of \$97,000, was read.

The City Manager pointed out that copies of the Parking Authority Administrator's November 23 report on the properties which had been mailed to the Council members included information regarding the proposed acquisition of the properties.

Mr. George Gaugler, local merchant, pointed out that when the new office of the Modesto Irrigation District was occupied that the parking situation would be critical in this area if the present 70% of the customers still continued paying bills at the office.

Councilman Mellis pointed out that the M.I.D. would furnish 80 parking spaces and that it was more than possible that when the office was moved from the central shopping center that the percentage paying bills in person would materially decrease. He stated that he considered the asking price too high for these properties.

Mayor Marks pointed out that the rapid development in outlying shopping areas would stop the sprawling type of central business development and cause it to be more centralized.

It was agreed by the Council that the November 23 report of the Parking Administrator be brought up to date to include recent developments and should be brought up to date to include recent developments and should be studied by the members for their decision at a later meeting.

CITY MANAGER TO NEGOTIATE WITH OWNERS OF PHILBRICK PROPERTY FOR PURCHASE OF LAND ADJOINING THE LIBRARY

The City Manager reported that the library board, at a recent meeting, had reaffirmed its position that if the Philbrick property adjoining the library could be purchased at a reasonable price that it should be acquired.

Councilman Adams moved, seconded by Councilman Arata, and it was unanimously carried, that the City Manager be instructed to institute negotiations with the property owners for the purchase of the Philbrick property and bring a report back to the Council.

CHANGE NAME OF MODESTO MUNICIPAL BALL PARK TO DEL WEBB FIELD

This being the time set for the consideration of the tabled motion made by Councilman Mellis, seconded by Councilman Arata that the Modesto Municipal Ball Park be renamed Del Webb Ball Park, Mayor Marks declared the meeting open for further discussion.

Floyd Benson, representing the Modesto Red Baseball Team, stated that all the members of the board considered that the change of name would benefit the club this year and also in the future. It has been the plan of the club to try to interest the New York Yankees in taking over the operation of the club for a number of years. He pointed out that the financing of the club had been on the shoulders of a few citizens in the past years and that it had come to the point now where it would be necessary for the financing to be on a community wide basis. He pointed out that it was customary to name ball parks after individuals and that he believed that Mr. Webb was deserving of such an honor.

Councilman Annan suggested that the park could be named the Modesto Reds Baseball Park.

Councilman Adams suggested that the name change be delayed for further public reaction to the suggestion.

Councilman Mellis offered to withdraw his proposal for the name change.

Councilman Merrill moved, seconded by Mayor Marks, and it was unanimously carried, that the tabled motion be lifted from the table.

Councilman Mellis moved, seconded by Councilman Arata and it was unanimously carried that the motion be amended to change the name of the park to Del Webb Field instead of Del Webb Ball Park.

The City Attorney pointed out that the name change should be accomplished by a resolution instead of a motion and Councilman Mellis withdrew his motion with the consent of the second and introduced

RESOLUTION NO. 55-35

seconded by Councilman Arata, changing the name of the Modesto Municipal Baseball Park to Del Webb Field, which resolution was carried by the following vote:

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Ayes: Councilmen: Adams, Annan, Arata, Heckendorf, Mellis, Merrill, Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: None

who had originally voted "no",

Councilman Adams/stated that he would change his vote and make the vote unanimous. He stated that his only objection was that he would like to take a longer time to consider the change of name to "sound out a few more people".

RESOLUTION OF APPRECIATION TO HORACE DRYDEN AND NAMING OF GOLF COURSE

Mayor Marks declared the meeting open for further discussion on the tabled motion made by himself, which had been seconded by Councilman Mellis, that the new 18 hole golf course be named "Dryden Park Municipal Golf Course".

Councilman Arata questioned whether the word "Park" should be in the name. Mayor Marks pointed out that it was usual for the word to be included in parks of this type in other cities and he named a number of examples.

Councilman Merrill moved, seconded by Councilman Heckendorf, and it was unanimously carried, that the motion be lifted from the table. Upon the suggestion of the City Attorney that a resolution would be proper, Mayor Marks withdrew his motion, with the consent of the second, and introduced

RESOLUTION NO. 55-36

seconded by Councilman Mellis, naming the 18 hole municipal golf course "Dryden Park Municipal Golf Course" in honor of Horace W. Dryden and Dorothy Dryden, and directing the City Clerk to transmit a certified copy of this resolution to Mr. and Mrs. Dryden, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Annan, Arata, Heckendorf, Mellis, Merrill, and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: None

ALLOW CLAIM OF MODESTO BAND FOR NAME CHANGE UNDER CERTAIN CONDITION

The City Manager reported receipt of claim for \$479.08 from the Modesto Band covering cost of changing the name of the band from Stanislaus County Boy's Band to Modesto Band. He recommended payment under the provision that the Band proceed promptly with the legal steps to clear the name change with the State. The Council decided that payment should be made only after the name change was completed.

Councilman Merrill introduced

RESOLUTION NO. 55-37

seconded by Councilman Annan, approving the payment of claim for \$479.08 of the Modesto Band for the cost of changing name from Stanislaus County Boy's Band to Modesto Band on the condition all the legal technicalities involved in changing the name are completed, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Annan, Arata, Heckendorf, Mellis, Merrill, Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: None

ACCEPT DEED FROM ARTHUR J. WYLIE ON PORTION LOTS 1-10 BLOCK 6068

The City Attorney presented for Council consideration a grant deed from Arthur J. Wylie and Florence E. Wylie on a portion of the Roosevelt Park Tract, being 2 feet of Lots 1 to 10 inc. of Block 6068. Councilman Arata introduced

RESOLUTION NO. 55-38

seconded by Councilman Merrill, accepting grant deed from Arthur J. Wylie and Florence E. Wylie on the westerly 2 feet of Lots 1 to 10 inc. in Block 6068 of the Roosevelt Park Tract and authorizing its recording in the office of the Recorder of Stanislaus County, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Annan, Arata, Heckendorf, Mellis, Merrill, Mayor
Marks
Noes: Councilmen: None
Absent: Councilmen: None

APPROVE FINAL MAP OF CAROLAND MANOR NO. 2 AND AUTHORIZE THE EXECUTION OF AGREEMENT WITH SUBDIVIDERS AS REQUIRED BY SECTION 4-4.604 (c) OF THE MODESTO MUNICIPAL CODE

The City Attorney presented for Council consideration, agreement with Lance E. and Carol L. Ellis on Caroland Manor No. 2 subdivision. He reported that the required fee of \$944.60 had been paid and that the required bond was in order and that the Planning Commission had approved the final map. Councilman Arata introduced

RESOLUTION NO. 55-39

seconded by Councilman Annan, approving final map of the Caroland Manor No. 2 subdivision, accepting the streets, alleys and easements within the boundaries of the subdivision on behalf of the public for public use authorizing the City Clerk to certify the map of subdivision and authorizing the execution of agreement by the city's designated officials, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Annan, Arata, Heckendorf, Mellis, Merrill, Mayor
Marks
Noes: Councilmen: None
Absent: Councilmen: None

GRANT REQUEST OF TIDEWATER ASSOCIATED OIL COMPANY FOR VARIANCE FROM CURB CUT REQUIREMENTS

The City Manager reported that TideWater Associated Oil Company had requested a variance from the requirements of the Code on curb cuts on its station now under remodeling at the corner of 12th and H Streets. The Director of Public Works had recommended that the variance be granted under certain conditions, he stated. Councilman Arata introduced

RESOLUTION NO. 55-40

seconded by Councilman Mellis, granting variance from the Modesto Municipal Code and granting the TideWater Associated Oil Company permit to cut the curb an additional 30 feet on Twelfth Street, under the conditions outlined by the Director of Public Works in his report of January 26, 1955, to the City Manager, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Annan, Arata, Heckendorf, Mellis, Merrill, Mayor
Marks
Noes: Councilmen: None
Absent: Councilmen: None

RESOLUTION ESTABLISHING TRUCK ROUTES IN THE CITY

The City Attorney presented for Council consideration a resolution which would include Coldwell Avenue from North 99 Highway to Tully Avenue and Roseburg Avenue from Tully Avenue to McHenry Avenue in the unrestricted traffic streets in the City for Council approval. Councilman Annan introduced

RESOLUTION NO. 55-41

seconded by Councilman Arata, designating unrestricted traffic streets in the City of Modesto, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Annan, Arata, Heckendorf, Mellis, Merrill, Mayor
Marks
Noes: Councilmen: None
Absent: Councilmen: None

REQUEST TO USE MANCINI MUSIC BOWL FILED BY CENTRAL CALIFORNIA MINNESOTA CLUB

Director of Parks and Recreation Lowry reported that the Central California Minnesota Club had requested use of the Mancini Music Bowl in Graceada Park on June 5, 1955, in conjunction with its annual picnic. He stated that the club had used these facilities for the past five years but that this was the first year a formal request had been made to the city. He pointed out that the policy established by the Council precluded the use of the Bowl by adults for this type of activity. He recommended that permit be granted since he was of the opinion that the bowl facilities were not used often enough.

Provision of Resolution #8831-N.S. which established the policy for the use of the Bowl were reviewed by the Council. City Attorney Grimes pointed out that the ruling of the Superior Court which permitted the use of the funds left by Margheurite Monotti in the construction of the music bowl would have to be considered in any change in policy. The following points were brought out in the Council discussion:

1. That a large number of the participants in this organization were children
2. That granting permit to this group would establish a precedent and many other requests for its use would be received
3. That if the policy is to be changed time would be needed to determine the types of organization which would be permitted to use the bowl
4. That scheduling many events for the bowl would create a neighborhood problem in parking of cars and noise from the programs

It was agreed by the Council that the City Manager and City Attorney should check with the Central California Minnesota Club to determine the type of program they were planning to put on in the bowl.

APPOINTMENT OF MEMBERS TO BOARD OF PLUMBER EXAMINERS

Councilman Adams reported that the Board of Plumber Examiners had approved the appointment of E. W. Hutchison and R. W. Thompson to its board.

Councilman Adams introduced

RESOLUTION NO. 55-42

seconded by Councilman Arata, appointing E. W. Hutchison, as the appliance dealer representative, and R. W. Thompson, as Journeyman Plumber, on the Board of Plumbing Examiners for a term of four years beginning January 1, 1955, which resolution was regularly adopted by the following vote:

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Ayes: Councilmen: Adams, Annan, Arata, Heckendorf, Mellis, Merrill, Mayor
Marks
Noes: Councilmen: None
Absent: Councilmen: None

Councilman Adams moved, seconded by Councilman Arata, and it was unanimously carried, that Mayor Marks write a letter of appreciation to Mr. Benson thanking him for his services to the City while serving as a member of the Board of Plumber Examiners.

DISCUSSION ON APPOINTMENTS TO OTHER BOARDS AND COMMISSIONS

Mayor Marks suggested that replacement on the Parking Authority be delayed until after the election and that Ronald Bates, whose term expired, should continue to act, and that the replacement for Herbert Ramont on the Planning Commission be named but that his appointment not be effective until after the zoning ordinance is completed, so that the new member could have time to acquaint himself with the activities of the commission. After a general discussion it was agreed that no appointments be made at this time and that the two members continue to act until after the election and the clearing of the zoning ordinance.

REPORT ON SEWER SERVICE TO BARIUM PRODUCTS

The City Manager reminded the Council that when the new sewer rates were established last year that the regular city rates were to be charged to the Barium Products Inc. until February 1, 1955. The company has advised that substantial alterations are being made in its plant to reduce the volume of waste but that no action had been taken toward annexation, as was suggested by the city at the time the rates were established. He stated that a report summarizing action taken by the city and the company and presenting alternatives for consideration by the Council would be presented to the Council Sewer Committee shortly and sent to each member for study.

REPORT ON USE OF ACTI-ZYME AT SEWER TREATMENT PLANT

The City Manager reported that the Dry Chemical Pacific Company had agreed to reduce its charge for Acti-Zyme which had been used at the Sewage Disposal Plant during the past season with satisfactory results and recommended approval of payment of the company's claim. Councilman Adams introduced

RESOLUTION NO. 55-43

seconded by Councilman Arata, approving claim of \$2000.00 of the Dry Chemical Pacific for Acti-Zyme, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Annan, Arata, Heckendorf, Mellis, Merrill, Mayor
Marks
Noes: Councilmen: None
Absent: Councilmen: None

REPORT ON INSTALLATION OF SEWERS AND SEWAGE DISPOSAL IMPROVEMENTS SINCE 1953 SEWER BOND ISSUE

The City Manager presented a report on the installation of sewers and sewage disposal improvements since 1953 sewer bond issue. He pointed out that since the bond issue the city has built 10 miles of trunk sewers and 13 miles of laterals.

Mayor Marks asked for a report on the city's revenue from sewer service charges in relation to estimates established at the time of the bond issue.

FURTHER REPORT ON PROPOSED CONSTRUCTION AT D STREET ON SOUTHERN PACIFIC COMPANY PROPERTY BY CARNATION COMPANY

The City Manager reported that the Traffic Engineer, Director of Planning and Director of Public Works had made a further check into the proposed construction of buildings by the Carnation Company on Seventh Street over the projected extension of D Street. He stated that the company was already building a portion of the plant and wanted to know what the city's intentions were on the extension of D Street before any further plans were made for additional buildings.

The City Manager read the report made by the Traffic Engineer which summarized the investigations of Mr. Smeath and Mr. Ray, a copy of which is on file, and it was agreed by the Council that the administrative staff should meet with the company's officials to further explore the possibility of the company changing its plans for further buildings so that an area could be left free for the extension of D Street.

LETTER FROM MODESTO MOTOR BUS SERVICE

A letter from Willis M. Kleinenbroich, operating the Modesto Motor Bus Service notifying the Traffic Engineer that due to lack of patronage it would be necessary for him to curtail service to the LaLoma-Airport and South Modesto areas. He stated that commencing Jan. 31, 1955, the 6:15 A.M. & 6:45 trips would be discontinued on the routes serving these areas, and that the 6:15 P.M. trips and the special shoppers service on Thursday nights on all routes would be discontinued on and after this date.

The City Attorney pointed out that it was possible the discontinuance of service would have to be approved by the Public Utilities Commission and the Council. Councilman Adams moved, seconded by Councilman Mellis, and it was unanimously carried, that the City Attorney be directed to notify Mr. Kleinenbroich of the legal requirements on the discontinuance of any service which had been approved by the Commission and the Council.

FURTHER CONSIDERATION OF WATER PIPE, VALVES AND FITTINGS

Copies of a further report on types of water pipe were distributed to the Councilmen for their information. After a general discussion it was agreed that the specifications and call for bids be prepared on the basis of the previous discussion held by the Council--that in sizes smaller than 8" cast iron be specified and that on 8" or larger the lowest bid on either cast iron or transite be accepted.

ADJOURNMENT

Councilman Merrill moved, seconded by Councilman Arata, and it was unanimously carried that the Council meeting now in session adjourn. The meeting was adjourned at 10:45 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 L.01 of the Modesto Municipal Code, in the Council Chamber at the McHenry Public Library Building, 14th and I Streets, Mayor Marks presiding.

The City Clerk called the roll and there were

Present: Councilmen: Adams, Annan, Arata, Heckendorf, Mellis, Merrill and Mayor Marks
Absent: Councilmen: None

Invocation was given by Dr. Allen Goozee, pastor of the First Methodist Church.

During the temporary absence of Mayor Marks, Mayor Pro Tempore Merrill presided.

APPROVAL OF COUNCIL MINUTES

Council members having received copies of the minutes of the Council meetings of January 12 and 14, 1955 and the same being available for public inspection, and there being no objections the minutes were approved.

LETTER FROM STANFORD UNIVERSITY RE: PLAN TO STUDY GROUND WATER IN STANISLAUS COUNTY EAST OF SAN JOAQUIN RIVER

A letter from Stanley N. Davis, Assistant Professor of Geology of Stanford University, notifying that the School of Mineral Sciences planned to conduct a two year study of ground water in Stanislaus County, east of San Joaquin River, was read. Councilman Arata moved, seconded by Councilman Annan, and it was unanimously carried that the City Manager notify Mr. Davis that the city would cooperate with the University in this project.

ACCEPT BID OF SPEARS CONSTRUCTION COMPANY ON IMPROVEMENT AT BALL PARK

Bids received on the improvement to the ball park, which had been opened at 2:00 P.M. February 1, were considered by the Council. Director of Public Works Ray recommended the bid of Spears Construction Company be accepted as it was the lowest bid received, and that if there was sufficient financing available that siding on the grandstand be included. Councilman Mellis introduced

RESOLUTION NO. 55-45

seconded by Councilman Arata, accepting the bid of Spears Construction Company of \$29,950.00 (includes siding) as recommended by the Director of Public Works, as it was the lowest bid received and authorizing the execution of a contract for the completion of the work, by the city's designated officials, which resolution was regularly adopted, by the following vote:

Ayes: Councilmen: Adams, Annan, Arata, Heckendorf, Mellis and Mayor Pro Tempore Merrill
Noes: Councilmen: None
Absent: Mayor Marks

City Manager Miller stated that questions had been raised by interested parties relative to the city's procedure of refunding only a portion of the bid deposit required on plans and specifications for public projects. He stated that he had offered to work with the Valley Builders Exchange and would submit any suggestions agreed upon.

The City/Manager pointed out that the recovery from the insurance companies on the fire loss at the ball park would not cover all the costs on the improvement but that an appropriation transfer request would be presented later for Council consideration.

Mayor Marks arrived at this time.

AWARD BID ON TWELFTH STREET INDUSTRIAL WASTE LINE TO VINCENT RODRIQUES

Tabulation of the bids received for the construction of the Twelfth Street Industrial Waste Line between Morton Boulevard and C Street, which had been opened at 2:00 P.M., January 31, were considered by the Council. The Director of Public Works recommended that the bid of \$12,000 which was submitted by Vincent Rodriques be accepted as it was the lowest bid submitted. He pointed out that the replacement of the trackage, which would be done by the Modesto & Empire Traction Company, would cost the city an additional amount of approximately \$500. Councilman Annan introduced

RESOLUTION NO. 55-44

seconded by Councilman Adams, accepting the bid of Vincent Rodriques of \$12,000, as recommended by the Director of Public Works, as it was the lowest bid submitted for the construction of the Twelfth Street Industrial Waste Line, between Morton Boulevard and C Street, and authorizing the execution of a contract for the completion of the work by the city's designated officials, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Annan, Arata, Heckendorf, Mellis, Merrill and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: None

APPROVE AGREEMENT WITH COUNTY FOR RECREATION FOR YEAR 1954-55

City Attorney Grimes presented for Council consideration agreement with the County relating to contribution to the city of \$15,942.48 for recreation for year 1954-55. The City Manager reported that the agreement was similar to previous agreements and had been checked and approved by the Director of Finance and Director of Parks and Recreation. Councilman Mellis introduced

RESOLUTION NO. 55-46

seconded by Councilman Adams, approving agreement between the city and county for county's participation in the recreation program for year 1954-55 and authorizing its execution by the city's designated officials, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Annan, Arata, Heckendorf, Mellis, Merrill and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: None

HONOR AWARD PRESENTED TO MARK J. LANDQUIST, HEALTH OFFICER BY UNITED CRUSADE

Lee Davies, representing the United Crusade, presented Mark Landquist, Health Officer, a gold honorary award for the participation of his department in the United Crusade drive. He stated that "in making this award to you, we have singled out you and your department as representative of all of the city employees because of your 100% participation and your high average contribution. It is people like you and your fellow employees who have made Modesto the 'All America City'."

The City Manager commended Mr. Landquist and pointed out that he had been in charge of collecting funds from the personnel of the entire city for the past two years. He stated "we are proud of our employees for their participation in this program."

Mr. Landquist accepted the award on behalf of his department and all of the city employees who "had so generously contributed to the United Crusade."

Councilman Mellis introduced

RESOLUTION NO. 55-47

seconded by Councilman Adams, commending Mr. Landquist and his staff and all the other city employees who had so generously contributed to the United Crusade, for their fine spirit and work in this program, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Annan, Arata, Heckendorf, Mellis, Merrill and
Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

PRESENTATION OF NEW CITY EMPLOYEES

Health Officer Landquist presented the newly appointed city employee, Sanitarian Herbert Davis.

Director of Public Works Ray presented the newly appointed Associate Engineer, Alfred Kreuth.

RESOLUTION SUSPENDING DISPOSAL CHARGE AT DISPOSAL AREA FOR MODESTO GARBAGE COMPANY

The City Attorney presented for Council consideration a resolution providing for the waiving of charge for dumping at the disposal area for the Modesto Garbage Company. Councilman Mellis introduced

RESOLUTION NO. 55-48

seconded by Councilman Adams, suspending the disposal charge established by Sec. 2 of Resolution No. 54-348, and the payment charge established by Sec. 5 of said resolution only insofar as the Modesto Garbage Company is concerned, effective February 1, 1955, until further order of the Council, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Annan, Arata, Heckendorf, Mellis, Merrill, and
Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

REPORT ON PROPOSED OPENING OF D STREET ACROSS SOUTHERN PACIFIC RIGHT OF WAY

Traffic Engineer Carmody reported that the Carnation Company (Albers Milling Co.) had indicated that 44 feet of Block 138 (7th Street and projected extension of D Street) could be used for the extension of D Street across the Southern Pacific right of way. He stated that an additional 10 feet between this property leased by the company from the Railroad Company and a concrete loading platform of the Railroad Company would permit a 54 foot right of way for a street that could be 40' between curbs with two 7' sidewalk areas. He pointed out that there would be an offset between the center line of D Street on opposite sides of 7th Street of 48.7' which would be tolerable when it is considered that an industry could be retained by permitting the jog in the center lines, and D Street traffic continuing westerly across 7th Street would be a very small percentage of the traffic.

The City Manager pointed out that 1) the value of the land would have to be determined 2) that the Southern Pacific Company should be asked to share with the city in the cost of the signals and if they refuse, the final determination could be made by the Public Utilities Commission 3) that the Carnation Company have indicated that it would be advantageous to have a cross street located adjacent to its plant. He stated that there still might be a possibility of the company constructing its building a little farther south and that the City administrative staff would check with the Carnation Company further in this regard.

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The Traffic Engineer estimated the cost to be approximately \$15,000, which he pointed out would be approximately \$3,000 above the cost of installing a traffic actuated signal at 7th and B Streets. He pointed out that the relief afforded by the extension of D Street would be much more than by the installation of a traffic actuated signal at B Street.

A letter from the Planning Commission was read, recommending that D Street be opened from Ninth to Seventh Street "if practical considerations make such opening possible".

The Traffic Engineer outlined the necessary action to be taken by the city to start proceedings on the opening of the street. Councilman Merrill moved, seconded by Councilman Adams, and it was unanimously carried, that the City Attorney and Traffic Engineer be authorized to prepare the necessary documents for Council consideration to start proceedings for the opening of D Street from Ninth to Seventh Street.

DISCUSSION ON NAMING OF PARK NORTH OF BOWEN AVENUE

The City Manager reminded the Council that a provision of the agreement with Dalton Ellis provided for the naming of the park in the College Village #2 addition (which is now being sold by the city) as "Whitmore Park". He pointed out that this name could be assigned to the park area north of Bowen Avenue in the Ashford Addition if the Council desired to do so. It was agreed that the City Manager should contact the Whitmore family to clear the matter and report later to the Council.

REMOVAL OF TAXICAB STAND ON ELEVENTH STREET AT I STREET (SMITTY'S)

Traffic Engineer Carmody reported that the taxicab stand on the west side of 11th Street, just north of I Street, was no longer needed by "Smitty's" Taxicab Company and he recommended its removal.

Councilman Arata introduced

RESOLUTION NO. 55-49

seconded by Councilman Merrill, rescinding Resolution No. 3292-N.S. establishing a taxicab stand on the west side of 11th Street, just north of I Street and directing the Traffic Engineer to cause parking meters to be installed in said location, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Annan, Arata, Heckendorf, Mellis, Merrill, and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: None

REPORT ON REQUEST TO STATE FOR IMPROVEMENT OF HIGHWAY ROUTES

The City Manager reported that there had been some informal discussion with the State Highway Engineer regarding the Planning Commission preliminary sketch study and at that time the possibility of improvements to Yosemite Boulevard and McHenry Avenue was brought up. Since that time he had written to J. G. Meyer, District Engineer, Division of Highways, and asked that special consideration be given to these projects:

1. Extension of Yosemite Boulevard across Dry Creek into D Street
2. Improvement on McHenry Avenue. The street is overloaded and a high priority should be given to improve the situation.
3. Grade separations with the Southern Pacific on the tying in of Routes 109 and 110 to the new freeway.

Mr. Meyer has replied to this letter the City Manager stated, and advised that an overall study of development of the highway system in the Modesto areas for the development of routes 109 and 110 in conjunction with the Modesto Freeway Project on U.S. 99 has been referred to the State headquarters staff. The department, Mr. Meyers stated, recognizes the importance of these projects and the improvements will be given early consideration. City cooperation on any of the three would advance the possible construction time, Mr. Meyers stated.

Councilman Annan pointed out that from the discussion with the State Highway Engineer, that it was apparent that if the city would help in the engineering studies that prompt action on these various projects could be assured.

The City Manager pointed out that the cost would be about the same, if the city did participate in the engineering studies, since the state credited the city with the costs of work done. He cited as examples of cooperation, the bridge improvement on McHenry Avenue and also the plans which are being prepared by the city which will be approved by the state, for improving the Ninth Street signals.

FURTHER CONSIDERATION OF PROPOSED DISCONTINUANCE OF CERTAIN BUS SCHEDULES BY MODESTO MOTOR BUS COMPANY

Further consideration was given to the request of the Modesto Motor Bus Service to discontinue certain bus schedules.

The City Attorney and Traffic Engineer agreed that the only legal action that was necessary was for the Council to approve the change of schedules by resolution and for the City Clerk to send a copy of this resolution to the Public Utilities Commission, notifying it of the change.

The City Manager reported that a check was being made of the company's records to determine whether its request for the discontinuance of the franchise fee was warranted and a report would be submitted later to the Council.

Councilman Merrill introduced

RESOLUTION NO. 55-50

seconded by Councilman Arata, approving the request of the Modesto Motor Bus Company to discontinue the following bus schedules as of February 5, 1955:

6:15 A.M. to the LaLoma Airport-South Modesto areas
 6:45 A.M. " " " " " " "
 6:15 P.M. and Special Shopper's Service on Thursday nights
 on all routes

which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Annan, Arata, Heckendorf, Mellis, Merrill and
 Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: None

PRELIMINARY REPORT ON ALL AMERICA CITY CELEBRATION

Dr. Robert Moon reported that the All America City Celebration Committee was still checking the accounts on the celebration and would have a detailed report by next week.

The City Manager stated that the records should show that "there was a real celebration in this city on January 29". He reported receipt of a letter from the National Municipal League acknowledging receipt of the

\$1500 for the radio program and that they would advise later when the script writers would be in Modesto to gather material for the program.

HEARING ON COMPLAINTS FILED BY CITIZENS THAT DOG OWNED BY ANDY YOUNG OF 709 WEST FAIRMONT AVENUE IS A NUISANCE AND DISTURBING THE PEACE AND QUIET OF THE CITIZENS OF MODESTO

This being the time set by the Council by its Resolution No. 55-33, for a public hearing on complaints filed by citizens that the dog owned by Andy Young of 709 West Fairmont Avenue is a nuisance and disturbing the peace and quiet of the citizens of Modesto, Mayor Marks declared the hearing open.

The City Attorney stated that Mr. Young was not present and that he had been informed that Mr. Young had made arrangements for the dog to be removed from the city. He stated that it would be appropriate at this time to introduce the evidence and to revoke the license of the dog. He filed with the City Clerk a report on the matter from the Pound Master of the City of Modesto and letters of complaint from various citizens listing reasons why the license of the dog should be revoked.

Mr. L. J. Hefner, postman, member of the audience, stated that the dog was a public nuisance and should be disposed of. He recommended that the license be revoked.

Mayor Marks declared the hearing closed.

Councilman Mellis introduced

RESOLUTION NO. 55-51

seconded by Councilman Adams, revoking the license for that certain Dalmatian dog owned by Andy Young, 709 West Fairmont Avenue, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Annan, Arata, Heckendorf, Mellis, Merrill, and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: None

CITY ATTORNEY REPORT ON PROBLEM OF DOGS BEING ALLOWED TO RUN AT LARGE

The City Attorney reported that he had been advised that certain P.T.A. organizations were interested in having a petition signed which would be presented to the Council with respect to the situation of dogs running at large and recommending legislation to prevent this condition. He stated that this grew out of a recent case where a school child had been bitten by a dog on his way to school. He pointed out that the city already had legislation prohibiting dogs running at large and that the problem was one of enforcement. He suggested that the dog owners be asked to cooperate in keeping their dogs penned up in order to keep this problem in hand.

He pointed out that the city had only one Pound Master and that some of the dogs were difficult to catch. He stated that whenever complaints had been registered with the Pound Master and his office in each instance the complaints had been taken care of. He pointed out that the ordinance was being enforced on a reasonable basis and the Council agreed. He asked that the press ask the citizens to call the Pound Master or the City Attorney's office and report the cases so that they could be taken care of.

APPROVE APPROPRIATION TRANSFER--LIBRARY

The City Manager reported that the Library Board had approved an appropriation transfer of \$1,000 from the Library Unappropriated Reserve for the replacing of existing stack lighting with fluorescent fixtures, and that he would also recommend this transfer. Councilman Arata introduced

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RESOLUTION NO. 55-52

seconded by Councilman Heckendorf approving appropriation transfer of \$1000 from the Library-Unappropriated Reserve Fund to Library-Maintenance and Repair-Building and Grounds to complete the job of replacing existing stack lighting with fluorescent fixtures, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Annan, Arata, Heckendorf, Mellis, Merrill and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: None

REPORT ON STUDY OF TRAFFIC ON LALOMA

The City Manager reported that the request of the Police Department for a study to be made by the Traffic Engineer on the possibility of making LaLoma a through street had been made with the result that the Traffic Engineer recommended that no change be made on this street as his studies indicated that it would not be made safer nor traffic expedited sufficiently to warrant the installation of stop signs at all cross streets.

The Traffic Engineer reported that he would continue to work with the school department to remove the bottleneck on LaLoma at Santa Ana. He pointed out that by arterializing LaLoma it would tend to increase the speed of the motorists and increase the accident rate.

The City Manager reported that plans and specifications on the traffic signal at 19th and Downey would be presented shortly for Council consideration.

REPORT ON DECISION OF LOCATION OF J. C. I. HEADQUARTERS

The City Manager reported that the Junior Chamber International had decided on Miami Beach as the location for its headquarters. He stated that Modesto had been in the final four and that the deciding factor had been based on transportation advantages and location of foreign offices, such as embassies, etc.

REPORT ON PROPOSED ANNEXATION OF DRYDEN AND DURAND GOLF COURSE PROPERTY

The City Manager reported that a study was being made on the desirability of annexing the 18 hole golf course property to the city. He pointed out that this would eliminate county taxes on that portion of the property now owned by the city and that portion acquired next year. Both Mr. Durand and Mr. Dryden have been contacted and have no objections. Mr. Durand, he stated, is making a further check on whether he wishes his property annexed at the same time. The Planning Commission, the City Manager reported, adopted Resolution No. 183, February 1, recommending annexation of the Dryden-Durand golf course property to the city. Councilman Adams moved, seconded by Councilman Merrill and it was unanimously carried, that the administrative staff proceed on the program for the annexation of this territory to the city.

MAYOR MARKS REPORT ON PETITION FOR EXCHANGE OF PRESENT NINE HOLE GOLF COURSE FOR PROPERTY ALONG TUOLUMNE RIVER

Mayor Marks reported that a petition was being worked on by a number of people that the city exchange the present nine-hole golf course site for all the land that could be obtained along the Tuolumne River.

The City Manager recommended that the petition be cleared with the Planning Commission and Director of Parks and Recreation Lowry.

Mayor Marks stated that he had pointed out that the city needed a regional park in the present location of the 9 hole golf course and that the

regional park along the Tuolumne River should be a state project financed with the Tidewater Oil funds set aside for that purpose, but that the petitioners had the right to present their petition to the city if they so desired.

REPORT ON CASH FUNDS COLLECTED FOR SEWERS IN THE FREMONT-GRANGER AREA

The City Manager reported receipt of \$19,556.95 from the property owners in the Fremont-Granger Additions in cash fees established by the Municipal Code for construction of lateral sewers, as of January 31, 1955, at 5:00 P.M., the closing date for acceptance of payments. In addition to this, the owners of five blocks have entered into a contract with a private contractor for construction of their lateral sewers. The Director of Public Works reported that these two groups represent the majority of the area proposed for Improvement District No. 3 for construction of sanitary sewer laterals. The proposed Improvement District No. 3 includes a considerable area of the Fremont and Granger Additions for the furnishing of street lighting materials and in addition to them the city proposes including the College Village Tract for street lights, he stated. The remaining sewers for construction under an improvement district proceeding, he stated, in conjunction with provisions of the street lighting materials indicates a construction cost of approximately \$38,000 and it is recommended that the city take the necessary steps to initiate proceedings for an improvement district. Councilman Merrill moved, seconded by Councilman Arata, and it was unanimously carried, that the administrative staff proceed with the necessary legal steps to establish Improvement District No. 3.

REPORT ON MOVING TRAFFIC ENGINEER'S OFFICE TO BASEMENT OF FIRE STATION NO. 1, 610 11th STREET

The City Manager reported that the Traffic Engineer's office had been moved from the City Hall to the basement of Fire Station No. 1, 610 11th Street and that the associate engineers, who had been at the fire station, had moved into the former office quarters of the Traffic Engineer's at the City Hall.

GRANT PERMIT TO CRIPPLED CHILDREN'S TO SELL LILY FLOWERS ON STREET TO COLLECT FUNDS

Mrs. Anne Anderson, publicity chairman for the Crippled Children's Society, which will conduct a fund drive in April, was directed to contact the City Clerk or Director of Finance to sign the necessary form which would permit the organization to sell Lily flowers on the streets the Saturday before Palm Sunday.

SET DATE FOR CONSIDERATION OF PRIORITY OF PENDING PROJECTS

Councilman Mellis reported that the City Hall Council Committee had met with Architect Pfleuger and approved certain changes in the contract. He suggested that the Council meet as a committee as a whole, together with the City Manager, City Attorney, and Director of Finance to consider the financing of the City Hall.

Councilman Annan stated that he still had several reservations on certain provisions of the contract which he wished to present to the Council for its decision, at the time the contract was considered at a regular meeting.

A general discussion was held on whether the City Hall project should be considered prior to the list of pending projects which the City Manager had sent to the Council, asking for guidance on establishing priority. It was agreed that the members of the Council should meet informally at a dinner meeting, Thursday, February 10, time and location to be cleared by the City Manager, and an invitation be extended to the press to discuss appointments to Boards and Commissions and priority of pending projects. It was also agreed that the City Manager should arrange a meeting later of the Council

as a committee, together with the administrative staff, to discuss the method of financing the City Hall.


CITY ATTORNEY AUTHORIZED TO ATTEND LEGAL CONFERENCE IN DALLAS, TEXAS

Councilman Mellis moved, seconded by Councilman Adams, and it was unanimously carried, that the City Attorney be authorized to attend, on his own time, the Institute on Practical and Legal Problems in Condemnation and Appraisal being held in Dallas, Texas, on February 14, 15, and 16, with expenses paid by the City.

ADJOURNMENT

Councilman Merrill moved, seconded by Councilman Arata, and it was unanimously carried, that the meeting now in session adjourn. The meeting was adjourned at 6:00 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 Chamber at the McHenry Public Library Building, 14th and I Streets, Mayor Marks presiding.

The City Clerk called the roll and there were

Present: Councilmen: Adams, Annan, Heckendorf, Mellis, Merrill, and Mayor Marks
Absent: Councilmen: Arata

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

A few moments of silent prayer were observed.

APPROVAL OF COUNCIL MINUTES

Council members having received copies of the minutes of the Council meeting of January 19, 1955, and the same being available for public inspection, and there being no objections, the minutes were approved.

GRANT PERMIT TO DR. R. L. COLLINSON TO CONSTRUCT SMALL ANIMAL HOSPITAL AND BOARDING KENNELS OVER VITRIFIED CLAY SEWER LINE AT SOUTHEAST CORNER GRANGER AND McHENRY AVENUES

The City Manager reported that Dr. R. L. Collinson had filed a request to erect a small animal hospital and board kennels on the southeast corner of McHenry and Granger Avenues, over a vitrified clay sewer pipe line which had been installed by the Lawrence Robinson & Sons Company to serve its plant. He stated that the city's plumbing code prohibited the construction of buildings over sewer lines unless the pipe was cast iron, so the matter was presented for Council consideration. He pointed out that the Planning Commission had approved the occupancy and that Robinson & Sons had filed a letter with the city agreeing that "the company, its heirs and assigns, will assume full responsibility in the event this sewer line causes any trouble and will abandon it and cut into the main sewer line on McHenry Avenue."

The City Manager recommended that Dr. Collinson's request be approved with the full knowledge of these facts on the part of all concerned.

The City Attorney pointed out that the sewer line involved was located on private property and the city's only interest was that the plumbing code prohibited construction over this type of sewer pipe.

Councilman Annan asked 1) whether this would present a problem for the city if the ownership of Robinson & Sons changed and 2) whether if trouble developed in the sewer line it would impair the operation of the city's sewer line.

The City Manager pointed out that it would not be the responsibility of the city in either case and that the only reason the Council was being consulted was due to the provisions of the Plumbing Code. He also stated that, due to the unusual circumstances of this request, the approval by the Council would not establish a precedent.

Councilman Mellis moved, seconded by Councilman Heckendorf and it was unanimously carried, that the construction of the building by Dr. Collinson, over the vitrified clay sewer pipe located in the property on the southeast corner of Granger and McHenry Avenue, be approved and that the issuance of permit be authorized.

LETTER FROM INVESTMENT BANKERS ASSOCIATION OF AMERICA

A letter from the Investment Bankers Association of America regarding financing of public improvements was read and ordered referred to the Council City Hall Committee.

LETTER FROM C. D. NATTINGER & CO. RE: AUDIT OF CITY RECORDS

A letter from Chester D. Nattinger & Co. submitting an offer for Council consideration, to audit the general records for the year ended June 30, 1955, June 30, 1956 and June 30, 1957, for \$1250.00 per year, was read.

Mayor Marks pointed out that it had been the recommendation of the Public Administration Service, in its report on the organization of the city government under the new charter, that due to the fact it would take a certain length of time for a certified public accountant to familiarize himself with the procedure, that the contract be let for a longer period than one year.

The letter was referred to the Council committee appointed by the Mayor, composed of Councilman Mellis, Arata and Heckendorf, for its investigation and report to the Council on the advisability of a three year contract.

LETTER FROM PUBLIC UTILITIES COMMISSION RE: HEARING ON REQUEST OF PACIFIC GAS & ELECTRIC COMPANY FOR RATE INCREASE

A letter from the Public Utilities Commission notifying that the next set of hearings on the application of the Pacific Gas & Electric Company to increase rates for gas service would be held at the State Building in San Francisco on Friday, March 4 at 10:00 A.M. and Monday, March 7 at 9:30 A.M., was read and ordered filed.

LETTER FROM ENSLEN PARENT-TEACHER ASSOCIATION RE: DOGS

A letter was read from Mrs. Howard MacCool, Secretary of the Enslen Parent-Teacher Association, reporting on the number of stray dogs which frequented the Enslen school grounds and asking that the Council take action to enforce the ordinances regulating dogs in the city.

The City Manager reported that similar letters had been received on this matter from other locations in the city and that he was advising the persons that it was being brought to the attention of the Council and the Police Chief had been asked to check and work with the schools. Suggestions made by one of the principals were being passed on to other schools, he stated.

Councilman Mellis suggested that if it was necessary, that the Pound Master be given assistance to correct this situation.

It was suggested that the principals ask the children to see that their dogs are not allowed to be on the school grounds.

It was agreed that all assistance possible be given to the schools to remedy the situation.

LEAGUE OF WOMEN VOTERS OF MODESTO REQUEST PROCLAMATION FOR "REGISTER TO VOTE WEEK"

A letter from Mary Johnson, President of the League of Women Voters, requesting that the week of February 10-17 be proclaimed as "Register to Vote Week", was read. Mrs. Johnson reported that the League was making a special effort to increase the number of registered voters for the April 12th city election by supplying deputized registrars at various city schools during the final weeks of registration. Councilman Annan introduced

RESOLUTION NO. 55-53

seconded by Councilman Adams, proclaiming the week of February 10-17 as "Register to Vote Week", and authorizing the administrative staff to cooperate with the League of Women Voters, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Annan, Heckendorf, Mellis, Merrill, and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Arata

COMMUNICATION FROM CHESTER F. WHITMORE, EL AL, ON NAMING OF PARK AREA NORTH OF BOWEN AVENUE

The City Manager reported that he had checked with Chester F. Whitmore and family regarding the naming of the park area north of Bowen Avenue in honor of the Whitmore family instead of the park area in the College Village Addition #2, as originally agreed. The Whitmores had signified their approval of this procedure.

AUTHORIZE CALL FOR BIDS ON PIPE VALVES AND FITTINGS

Upon the recommendation of the City Manager, Councilman Adams introduced

RESOLUTION NO. 55-54

seconded by Councilman Annan, authorizing the call for bids on water pipe valves and fittings, said bids to be opened at 2:00 P.M. February 28, in the office of the City Clerk, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Annan, Heckendorf, Mellis, Merrill and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Arata

FURTHER CONSIDERATION OF REQUEST OF CENTRAL CALIFORNIA MINNESOTA CLUB TO USE MANCINI BOWL

Further discussion was held on the request of the Central California Minnesota Club to use Mancini Music Bowl in Graceada Park on June 5 in conjunction with its annual picnic.

Mr. J. D. Nash, representing the Club, who was present, stated that the club had used the facilities at Graceada Park for the past five years but had used the bowl only once in its program. He pointed out that a large part of the program involved children last year and this would also be true this year.

The Council indicated its pleasure in having the club use the park facilities but pointed out that the restrictions established by the court on the gift of M. Monotti limited the use of the bowl.

Councilman Mellis reported that he had contacted some of the people in charge of raising public subscription to help build the bowl and it was their opinion that the bowl should be used more often.

Councilman Annan pointed out that in the past there had been some complaints from residents adjoining the park to the use of a loud speaker at the bowl and urged Mr. Nash to use caution in the use of the loud speaker, to keep it as low as possible. He suggested that the City Manager and the City Attorney be authorized to work out a program for more adult use of the bowl without annoyance to the neighborhood.

Mr. Nash stated that it would be necessary to use a loud speaker during registration and making acknowledgements due to the large crowd which attended the picnic but that discretion would be used in regulating the volume.

The City Attorney pointed out that the restrictions in the will of Mrs. Monotti, that the donation be used for children and the acceptance and use of the funds by the city with that understanding, would preclude the possibility of enlarging the use of the park for adult activities to a great extent.

The City Manager suggested that a study be made on the possibility of more extensive use of the facility, to which the Council concurred. He pointed out that the reason this request had been brought to the Council for discussion was to establish a procedure for the handling of this type of request.

After further discussion by the Council, Councilman Merrill moved, seconded by Councilman Annan, that the Council direct the City Manager to handle these requests for the use of the Mancini Bowl administratively and grant them if they comply with the provisions of the existing resolution relating to use of the Mancini Bowl and to refer any request to the Council which does not comply with the provisions of Resolution No. 8831-N.S.

Mayor Marks pointed out that this would allow a recourse to the applicant to come before the Council if he was not satisfied with the decision of the City Manager.

DISCUSS SALE OF PARK AREA IN COLLEGE VILLAGE SUBDIVISION NO. 2

This being the time and place established by Resolution No. 55-21, adopted by the Council on January 19, 1955, for the sale of the park area located in the College Village Subdivision #2, more particularly described in the aforesaid resolution, Mayor Marks declared the meeting open for the receipt of bids on the property.

The City Clerk declared receipt of one written bid.

The City Attorney reported that a title company had advised him at approximately 4:00 P.M. this date that the status of the title of this property was not clear and that it would be impossible to issue a policy of title insurance on the property, if it was sold. The company has recommended, the City Attorney stated, that the city go through park abandonment proceedings. This situation has come about due to the agreement with Dalton Ellis when the map was approved by the Council, showing the park area in the subdivision. There is a possibility, the City Attorney continued, that people purchased homes in this subdivision on the premise that a park would be located in the subdivision and their rights would be jeopardized, if the park was sold. He recommended that the City Clerk return the one bid on file and withdraw the property from sale until the abandonment proceedings were completed, which he estimated would be approximately 60 days.

Joe Mineni, from the audience, suggested that the property be sold at this time with the understanding that a clear title would not be issued until the proceedings were completed.

The City Manager recommended, and the Council concurred, that the abandonment proceedings be completed before the property was sold. He suggested that those persons in the audience who were interested in buying the property leave their names with the City Clerk so that they could be notified prior to the date of the sale.

Councilman Merrill moved, seconded by Councilman Mellis, and it was unanimously carried, that the bid on file be returned to the bidder; that the property described in Resolution No. 55-21, be withdrawn from sale until further order, and that the City Attorney proceed with the legal steps to abandon the park property.

The City Manager suggested and the Council concurred that the naming of the park area north of Bowen Avenue be delayed until the abandonment proceedings had been completed.

COMMUNICATION FROM STOCKTON OFFICE OF STATE DIVISION OF HIGHWAYS
RE: FREEWAY

The City Manager reported that the Stockton office of the State Division of Highways had established an information phone which would be available to the residents of Modesto who wished to receive information relative to the proposed freeway through the city.

ORDINANCE PROHIBITING PARKING ON TRAFFIC COUNTERS

Upon the recommendation of the Traffic Engineer, Councilman Adams moved the introduction and passage to print of

ORDINANCE NO. 17-C. S.
entitled: "AN ORDINANCE AMENDING ORDINANCE NO. 345-N.S. OF THE CITY OF MODESTO ENTITLED, 'AN ORDINANCE REGULATING TRAFFIC UPON THE PUBLIC STREETS OF THE CITY OF MODESTO', AS AMENDED, BY ADDING SECTION 34.2 TO SAID ORDINANCE" which motion was duly seconded by Councilman Annan, was upon roll call carried by the following vote:

AYES: Councilmen: Annan, Heckendorf, Mellis, Merrill, Adams, and Mayor Marks
NOES: Councilmen: None
ABSENT: Councilmen: Arata

AUTHORIZE PAYMENT TO MODESTO BAND

Upon the recommendation of the City Manager, Councilman Annan introduced

RESOLUTION NO. 55-55

seconded by Councilman Merrill, approving the claim of the Modesto Band for \$600, being balance of amount budgeted in 1954-55 budget, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Annan, Heckendorf, Mellis, Merrill and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: Arata

LETTER FROM MODESTO CITY SCHOOLS RE: CONSTRUCTION OF SWIMMING POOL AT DOWNEY HIGH SCHOOL

The City Manager read a letter received from the Modesto City Schools advising that joint consideration of this needed improvement would be appreciated, but that certain commitments had been made with respect to priority on bond funds made available as a result of the recent school bond issue and until bids had been received on these priority projects, the board would not be in a position to allocate funds for the joint planning and construction of a swimming pool at Downey High School, as part of a long range capital improvement program.

APPROVE AGREEMENT WITH WILLIAM F. BECKETT SR. AND JR. RELATING TO FREMONT PARK SUBDIVISION

The City Manager presented for Council approval, agreement with William F. Beckett Sr. and William F. Beckett Jr. for city sewer and water services to the Fremont Park subdivision consisting of approximately 9.5

acres lying 400 feet north of Orangeburg and west of Tully Avenue, outside but contiguous to the boundaries of the city. He stated that application for annexation is presently in the hands of the Planning Commission. The agreement was written, he stated, and Mr. Beckett was proceeding, on the basis that the perpherial policy on sewers would be followed, which the Council had informally agreed on and which was being prepared by the City Attorney for adoption by the Council.

Director of Public Works Ray outlined the general location of the sewer lines in which the city would participate in the cost.

The City Manager stated that Mr. Beckett had raised the question of why he would be required to pay park fees, in accordance with provisions of the Municipal Code., since the property was partly developed under county requirements. The City Manager asked that the policy of the Council in this regard be again reaffirmed. He stated that there had only been a few exceptions to this requirement in the past which had been due to unusual circumstances. He recommended, to which the Council concurred, that as a matter of policy that all persons bringing subdivisions into the city for development to secure city facilities be required to pay the park fees and that all be treated on the same basis as if they were in the city from the beginning of the development. He pointed out that this would eliminate the possibility of some developers starting proceedings under county regulations and then asking for city services to avoid the payment of the park fees.—He pointed out that the Public Works Department had not yet determined the park fees to be paid by Mr. Beckett but would do so prior to the execution of the contract.

Mr. Beckett who was present, stated that he was not opposed to paying the park fees but wished to be treated on the same basis as everyone else. He stated that he could cite cases where subdividers had not been required to pay the park fees. He stated that he was constructing sidewalks in the subdivision as required by the Planning Commission---on Tully Road and through the center of the subdivision.

Director of Planning Smeath reported that the Planning Commission was meeting shortly and would propose a definite recommendation to the Council on the construction of sidewalks.

Councilman Annan introduced

RESOLUTION NO. 55-56

seconded by Councilman Merrill, approving the agreement with William F. Beckett Sr. and William F. Beckett Jr. for the furnishing of city services to the Fremont Park subdivision under certain conditions outlined in the agreement on file in the office of the City Clerk, and authorized its execution by designated city officials, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Annan, Mellis, Heckendorf, Merrill and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: Arata

GRANT PERMIT TO BOY SCOUTS TO EXHIBIT DISPLAY ON TENTH STREET IN FRONT OF MONTGOMERY WARD STORE IN PARKING SPACE SATURDAY, FEB. 12

Mr. Robert Pederson, representing the Boy Scouts, appeared before the Council and requested permission to display an exhibit in a parking space in front of the Tenth street store of Montgomery Ward, on Saturday Feb. 12. The City Manager recommended that permit be granted. Councilman Heckendorf moved, seconded by Councilman Mellis, and it was unanimously carried that permit be granted to the Boy Scouts to display an exhibit in a parking space in front of the Montgomery Ward Store on Tenth Street, between J and K Streets, Feb. 12, between the hours of noon and 4:00 P.M., under the supervision of the Police Department.

AUTHORIZE APPROPRIATION TRANSFER FOR CODE PROJECT

Upon the recommendation of the City Manager, Councilman Adams introduced

RESOLUTION NO. 55-57

seconded by Councilman Mellis, approving appropriation transfer of \$750 from the General Reserve to Miscellaneous--Unclassified for purchase of binders and divider sheets for municipal code, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Annan, Heckendorf, Mellis, Merrill and Mayor
Marks
Noes: Councilmen: None
Absent: Councilmen: Arata

APPROVAL OF MAP AND AGREEMENT ON PACIFICA SUBDIVISION - WOLVERINE BUILDING SERVICE INC.

The City Manager reported that the map of the Pacifica Tract which is being developed by the Wolverine Building Service Inc. had been approved by the Planning Commission, that agreement for the development had been prepared by the City Attorney for Council consideration, that the necessary fees had been paid and cash bond of \$20,300 had been filed by the subdivider. He suggested, to which the Council concurred, that provisions be approved for the refunding of portion of the cash bond, as the improvements progress and are approved by the Public Works Department. Councilman Merrill introduced

RESOLUTION NO. 55-59

seconded by Councilman Annan, approving the final map of the Pacifica Tract and the streets, alleys and easements shown thereon be accepted on behalf of the public for public use; that the City Clerk be authorized to certify the map after the required fees have been paid and necessary bond posted, and that the City Manager and City Clerk be authorized to execute and attest an agreement with the subdivider as required by Section 4-4.604 (c) of the Modesto Municipal Code, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Annan, Heckendorf, Mellis, Merrill and Mayor
Marks
Noes: Councilmen: None
Absent: Councilmen: Arata

DEED ON ALLEY IN BLOCK 6138 (PACIFICA TRACT) DELAY ACCEPTANCE FOR CHECKING BY CITY ATTORNEY

Mr. R. A. Potochnik, representing the Wolverine Building Service, Inc., reported that deeds had been obtained from the property owners on the west half of Block 6138 to widen the alley and arrangements made with a private contractor to construct the sewer lateral in the alley. Acceptance of the deeds was delayed for further checking.

RESOLUTION CALLING SPECIAL ELECTION FOR PROPOSED CHARTER AMENDMENT RELATING TO OFF-STREET VEHICULAR PARKING FACILITIES AND REVENUE BONDS

The City Attorney presented for Council consideration a resolution prepared by bond counsel, Orrick, Dahlquist, Herrington & Sutcliffe, calling a special election for the purpose of submitting to the electors of the city a proposal to amend the charter of the city relating to off-street vehicular parking facilities and revenue bonds. He stated the only point to be cleared by the Council was whether a copy of the proposed charter amendment as recommended by bond counsel, should be printed in pamphlet form for mailing

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to the voters along with the sample ballot. It was generally agreed by the Council that this procedure should be followed. Councilman Annan introduced

RESOLUTION NO. 55-60

seconded by Councilman Merrill, calling a special municipal charter amendment election in the City of Modesto for the purpose of submitting to the electors a proposal to amend the charter by adding Article XVII relating to off-street vehicular parking facilities and revenue bonds therefore; 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 13, 1955, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Annan, Heckendorf, Merrill, Mayor Marks
 Noes: Councilmen: Mellis
 Absent: Councilmen: Arata

DISCUSSION ON CREATION OF POLICE LOADING ZONE ON H STREET FRONT OF NEW JAIL

The City Manager recommended that Council action on the establishment of a police loading zone on H Street in front of the new jail be delayed until actually needed.

NO PARKING ZONE ON K STREET BETWEEN THE HIGHWAY 99 AND THE SOUTHERN PACIFIC RAILROAD TRACKS

Upon the recommendation of the Traffic Engineer, Councilman Mellis introduced

RESOLUTION NO. 55-61

seconded by Councilman Heckendorf, establishing a "no parking" zone on the southeasterly side of K Street in a specified place between Highway 99 and the Southern Pacific Railroad tracks, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Annan, Heckendorf, Mellis, Merrill and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Arata

DELAY AUTHORIZING THE SIGNING OF PROOF OF LOSS ON FIRE AT ELECTRICAL WAREHOUSE TENTH AND D STREETS

The City Manager reported that the exact amount of the fire loss at the Electrical Warehouse, Tenth and D Streets, which had occurred on January 7, 1955, had not yet been cleared, which would delay the signing of the proof of loss.

REPORT ON DOMESTIC SEWER SERVICE REVENUE

The City Manager distributed copies to the Council members and press of a report on the comparison of domestic sewer service revenue with estimates established on issuance of 1953 sewer bonds.

MAYOR AUTHORIZED TO ATTEND MEETING IN BAKERSFIELD

A letter was read from the City Manager of the City of Bakersfield, notifying Mayor Marks of a meeting to be held in Bakersfield on Friday, February 18, on the smog problem of the valley. Mayor Marks stated that an effort would be made to organize the valley cities to attempt to work out a program to prevent the encroachment of smog into the area. Mayor Marks was authorized to represent the City of Modesto, at the meeting in Bakersfield.

REPORT ON PROPOSED STREET IMPROVEMENT AND DRAINAGE PROGRAM

The City Manager reported that work was being started on next year's budget and asked for guidance from the Council. In line with numerous previous discussions, he suggested that the administrative staff be authorized to proceed with plans to develop a program on street improvement and drainage, as the next major project. Mayor Marks moved, seconded by Councilman Heckendorf, and it was unanimously carried, that the street improvement and drainage program be the next major program to be considered for the City and the administrative staff be authorized to proceed in the most practical manner to accomplish this program.

MAYOR MARKS SUGGEST COUNCIL MEMBERS MAKE TRIP TO SUNNYVALE TO OBSERVE THE STREET, SIDEWALK AND DRAINAGE IMPROVEMENT

Mayor Marks suggested, to which the Council concurred, that the City Manager organize a trip to Sunnyvale for the Council members, to observe the street, sidewalk and drainage improvement district program which had recently been completed in that city.

CITY MANAGER AUTHORIZED TO ATTEND CONFERENCE ON MOUNTAIN WATER

A notice from the California State Chamber of Commerce was read, advising that the Statewide Water Resources Committee of the California State Chamber of Commerce was holding a conference in San Francisco, February 23 to consider the problem of allocation and appropriation of water from mountain counties.

The City Manager suggested, to which the Council concurred, that he attend this conference since he would be in Santa Rosa during the period following attending the City Manager's conference.

He pointed out that this was a complicated problem and questioned whether the city should add this to the long list of pending projects or whether it should be assigned to a specialist in this field.

In the general discussion which followed the following points were brought out:

That the city contact the Modesto Irrigation District for information since Modesto was a part of the district

That since this was a complex problem Modesto should be certain that its water rights were not jeopardized

That the Chamber of Commerce should have representation at this meeting. (Dr. Robert Moon and Sid Losher were suggested)

Councilman Mellis was reluctant to spend the money to hire a specialist on this matter and open a new project for Council consideration without "knowing we have the necessity for it."

Mayor Marks pointed out that on this matter "we cannot afford to be wrong -----you cannot make any mistakes on this one".

NOTICE OF APPLICATION TO APPROPRIATE WATER-TUOLUMNE COUNTY WATER DISTRICT NO. 2

The City Manager reported receipt of Application 15968 "Notice of application to appropriate water", by the Tuolumne County Water District No. 2 from Woods Creek tributary to Tuolumne River. He recommended that no objection be made since the amount applied for was only 1 cubic foot per second during the period April 1 to October 31 of each year for irrigation purposes.

GRANT PERMIT TO CITY MANAGER TO BE ABSENT FROM COUNCIL MEETING OF FEBRUARY 23

Councilman Adams moved, seconded by Councilman Heckendorf, and it was unanimously carried, that the City Manager be authorized to be absent from the Council meeting of February 23 so that he could attend the spring meeting of the City Manager's Department of the League of California Cities in Santa Rcsa.

REQUEST FOR CLARIFICATION OF INFORMATION DESIRED ON COMPARATIVE PERSONNEL ANALYSIS

The City Manager reported that, as requested by the Council, the Personnel Department had prepared a comparative table of organization of city personnel, as of December 1950 and 1954. He asked that the Council members drop in at his office and go over the report with him so that he could be certain that the desired specific information was contained in the report. He stated that he wished to include some of this analysis in the annual report.

REPORT ON COSTS RELATING TO "ALL AMERICA CITY" AWARD

A report was filed by co-chairmen Robert Moon and S. E. Losher of the All America City Celebration Committee, showing receipt of \$3,276.34; total disbursements of \$3,055.83; and unexpended balance of \$220.51. The City Manager pointed out that a statement had not been received as yet for the turkey dinners and suggested that the balance be set up in a trust fund to be expended for these dinners, if the company did not donate them.

The City Manager reported expenditures by the city of \$980.51 for materials and supplies for documentation and travel expenses for presentation; \$647.18 for special editions of the Modesto Tribune and Modesto Bee, entrance signs to the city, extra copies of the Modesto Bee and miscellaneous expenses, making a total of \$1627.69.

Councilman Annan pointed out that this total expenditure by the city was approximately the same as the contribution made by various organizations and individuals for the national radio program. He pointed out that the expenditure was "justified and a good investment" and moved, seconded by Councilman Merrill, and it was unanimously carried, accepting the report of the expenditures on the All America City Celebration Committee and the City Manager and establishing a trust fund for the unexpended balance of \$220.51 pending receipt of any more bills.

Councilman Adams introduced

RESOLUTION NO. 55-62


seconded by Councilman Heckendorf, approving the appropriation transfer of \$1650 from the General Reserve to the Miscellaneous Promotion fund, which resolution was regularly adopted by the following vote:

Ayes:	Councilmen:	Adams, Annan, Heckendorf, Mellis, Merrill and Mayor Marks
Noes:	Councilmen:	None
Absent:	Councilmen:	Arata

ADJOURNMENT

Councilman Adams moved, seconded by Councilman Heckendorf and it was unanimously carried, that the meeting now in session adjourn. The meeting was adjourned at 10:15 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 Chamber at the McHenry Public Library Building, 14th and I Streets, Mayor Marks presiding.

The City Clerk called the roll and there were

Present: Councilmen: Adams, Annan, Mellis, Merrill and Mayor Marks

Absent: Councilmen: Arata and Heckendorf

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

Rev. Homer C. Price, pastor of the United Brethern in Christ Church, gave the invocation.

APPROVAL OF MINUTES

Council members having received copies of the minutes of January 26, and the same being available for public inspection, and there being no objections, the minutes were approved.

LETTER FROM SHORELINE PLANNING ASS'N. OF CALIFORNIA RE: OIL ROYALTY MONEY

A letter was read from the Shoreline Planning Association of California, Inc. regarding the status of the oil royalty money. A copy of a letter sent by the Association to all senators and assemblymen was briefed by City Manager Miller. Councilman Adams moved, seconded by Councilman Mellis, and it was unanimously carried, that copies of Resolution No. 54-44, adopted by the Council, February 3, 1954, be sent to Senator Hugh P. Donnelly, Assemblyman Ralph Brown, Division of Parks and Beaches and other interested parties, and they be informed that the city's position is the same.

LETTER FROM CENTRAL CALIFORNIA ART LEAGUE - RE: ALL AMERICA CITY AWARD

A letter was read from the Central California Art League congratulating the Council and the city's administrative staff on the All America City Award.

Librarian Hamilton stated that the pictures on the Chamber wall were through the courtesy of this organization.

Councilman Mellis moved, seconded by Councilman Adams, and it was unanimously carried, that Mayor Marks be authorized to express the Council's appreciation for the display of the paintings on the walls of the Council Chamber since they added a lot of color to an otherwise drab chamber.

LETTERS OF CONGRATULATION ON THE "ALL AMERICA CITY AWARD"

Mayor Marks reported receipt of congratulatory telegrams on the All America City Award from all over the state and many throughout the nation.

The City Manager reported that the city had subscribed to the Allen's Press Clipping Bureau for a period of 30 days and he displayed numerous newspaper articles and pictures datelined from various cities.

LETTER FROM ASSEMBLYMAN VERNON KILPATRICK RE: WATER RIGHTS

A letter received from Assemblyman Vernon Kilpatrick enclosing copy of Assembly Bill No. 3057 on the subject of water rights was read.

Mayor Marks pointed out the importance to the city water rights and suggested the appointment of a committee to study the matter.

The City Manager suggested, and the Council concurred, that copies of the bill be obtained for each Council member to study.

Councilman Merrill stated that "it is very important--now is the time to take a look at it. We must protect our rights."

Councilman Mellis pointed out that a further study should be made of the bill to be certain that any offer to support it would be in the interest of the city. He suggested the appointment of lay people on the committee.

FINAL ADOPTION OF ORDINANCE NO. 17-C.S. - PROHIBIT PARKING UPON TRAFFIC COUNTERS

Ordinance No. 17-C.S. entitled: "AN ORDINANCE AMENDING ORDINANCE NO. 345-N.S. OF THE CITY OF MODESTO ENTITLED, 'AN ORDINANCE REGULATING TRAFFIC UPON THE PUBLIC STREETS OF THE CITY OF MODESTO' AS AMENDED, BY ADDING SECTION 34.2 TO SAID ORDINANCE", having been heretofore introduced and ordered printed and published at the regular meeting of February 9, 1955, Councilman Annan moved, seconded by Councilman Merrill, that the ordinance be finally adopted, which motion was upon roll call carried by the following vote:

Ayes: Councilmen: Adams, Annan, Mellis, Merrill and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Arata and Heckendorf

W. R. TOMSON REQUEST PERMIT TO INSTALL BENCHES AT BUS STOPS

The City Manager reported that a request had been filed by Attorney Francis Halley, on behalf of W. R. Tomson, to install benches at bus stops in and outside the city, where advisable. Mr. Halley pointed out that the Forward Modesto Committee had suggested the encouragement of the bus system through the installation of benches at stops, either as an advertising medium or as a civic contribution. Mr. Tomson, he stated, would furnish these benches at his own expense and his compensation would arise from the use of benches for advertising purposes. He filed pictures of the types of benches and the type of advertising to be placed on them. Mr. Halley stated that Mr. Tomson would carry adequate insurance to protect the city. He suggested that the city ordinance be amended along the lines of the City of Santa Cruz ordinance regulating the benches in that city.

Traffic Engineer Carmody reported on the request and asked for policy direction from the Council before any action was taken. He pointed out various questions to be considered:

1. If advertising matter is to be permitted, is it to be merely "Bench provided through courtesy of (name of merchants)" or will elaborate multi-color ads be permitted.
2. If no advertising is to be permitted, will the city carry liability insurance should benches be donated.
3. If unlimited advertising is to be permitted, the city could allow the benches to be placed, awarding a contract to the highest bidder.
4. Location of benches be determined, since the bus stops at almost every corner.
5. Consider offer of merchants to install benches near their store (Guy Thorne has previously offered to supply a bench in front of his store at 16th and J Streets).

Mayor Marks suggested that the mechanical details could be worked out by the Traffic Engineer for policy consideration by the Council. He

pointed out that the establishment of the benches at bus stops in the residential area would not present a problem but that it would be a different matter in the congested business area where pedestrian traffic was heavy.

The City Manager suggested that if the Council was interested in having benches with advertising at the bus stops to aid the company, that this could be taken as a basis for the administrative staff to make its investigations and a report submitted to the Council for policy determination.

The City Manager also suggested that the question of whether the city could get benches on some reasonable basis without advertising should also be explored.

Mayor Marks suggested that it be determined how much the benches would cost, how many would be needed, and the location they would be installed.

Councilman Adams suggested that the type of advertising would have some bearing on the question.

Councilman Annan also recommended that the question of installing benches at bus stops on 10th Street be explored, since so many stops were made on this street and in some cases there would be sufficient room on the sidewalk area.

The City Manager pointed out that in many cases in other cities where benches had been established in the business area, customers of the buses did not get a chance to use them.

Mayor Marks objected to the use of the sidewalk area in the business area for advertising purposes. He suggested that an investigation be made of the manner the City of Stockton was handling this matter (Mr. Halley agreed to obtain a copy of the Stockton ordinance).

It was agreed by the Council that Traffic Engineer Carmody would delineate the area in which benches might be placed and the number of benches, so that Mr. Tomson could decide whether there would be enough for him to consider, and that the matter of advertising could be decided later.

The City Manager pointed out that this matter would take sometime to resolve and it would have to be considered along with many other matters which have been pending for sometime before the Council.

DIRECTOR OF FINANCE REPORTED PROOF OF LOSS ON FIRE LOSS AT ELECTRICAL WAREHOUSE ON TENTH STREET HAD NOT BEEN FORWARDED BY THE INSURANCE COMPANY

Director of Finance Lawrence reported that the proof of loss on the fire loss at the electrical warehouse on 10th and D Streets had not been received as yet from the insurance company.

REPORT OF COUNCIL COMMITTEE ON CONTRACT WITH C. D. NATTINGER, C.P.A.

Councilman Mellis reported that the Council committee had contacted Mr. C. D. Nattinger, C.P.A. regarding a proposed contract for auditing the city records on a three year basis and asked him to file a letter setting forth the conditions, which has been done. The Committee recommends the acceptance of the offer (as outlined by Mr. Nattinger in his letter of February 10) he stated, a copy of which is on file in the City Clerk's Office. Councilman Mellis moved, seconded by Councilman Annan, that the City Attorney be instructed to prepare a contract for Council consideration.

TRAFFIC MATTERS

Consider removing stop signs on College Avenue at Coldwell Avenue

Traffic Engineer Carmody recommended the removal of the stop signs

on College Avenue at Coldwell Avenue since a traffic count indicated that the number of cars on College Avenue was five times the number on Coldwell Avenue. Councilman Merrill moved, seconded by Councilman Annan, and it was unanimously carried, that the City Attorney be instructed to prepare a resolution removing the stop signs, for Council consideration.

Consider establishment of freight loading zone on 7th Street between K and L Streets

The City Manager reported that a request for a freight loading zone on the east side of Seventh Street between K and L Streets had been filed by the Pacific Teletronic and Radio Supply Inc. operating at 1116 7th Street. The request has been investigated by the Traffic Engineer, who recommends that the zone be established. Councilman Annan moved, seconded by Councilman Adams, and it was unanimously carried, that the City Attorney be instructed to prepare a resolution for Council consideration.

DISCUSSION ON TRAFFIC CONDITIONS AT SEVENTH AND K STREETS--DUE TO OPERATIONS OF VALLEY EXPRESS COMPANY

The City Manager was asked to check the traffic conditions at 7th and K Streets which were created by the parking of vans in the street by the Valley Express Company, to determine whether the city "could help them and thus help the city".

CONSIDERATION OF PROPOSAL FOR AERIAL MAPPING OF THE MODESTO AREA IN CONJUNCTION WITH STANISLAUS COUNTY

The City Manager reported that since the time the Council had previously decided not to participate in a joint project for the aerial mapping of the Modesto area with the City of Turlock, the Planning Commission, Public Works Department and Traffic Engineer have been working with the county and they have a proposal to present on the benefits to be derived from such a project. He stated that a brief oral report would be given at this time by representatives from these departments so that the Council members could be considering the matter and that next week action could be taken. He pointed out that the urgency on a decision was due to the fact that it should be undertaken before the leaves were again on the trees.

Director of Planning Smeath pointed out that the County had offered to assist in the project. He stated that the map would furnish a better understanding of the community--the location of the houses, type of constructions, vacant land, width and location of streets. It would save the city the wages of one man and more than pay for its cost, he stated.

Director of Public Works Ray pointed out that this type of map would help in developing recreational areas, such as Beard Brook Park and the 18 hole golf course which borders the river. He stated that this would have been beneficial in the location of the west sanitary trunk sewer and that it could be useful in the development of streets and public utilities in new areas.

Librarian Carl Hamilton stated that the Library had had a number of inquiries for such a map.

Traffic Engineer Carmody stated that it would be of assistance in planning extension of streets and right of ways. He pointed out how it would have been helpful in the traffic problems at 19th and H Streets.

The Council indicated its approval of further investigation on what basis the County would participate.

It was also brought out in the discussion that copies of portions of the map could be sold to other interested parties. The City Manager was directed to obtain an estimate of the price to be charged for copies.

AUTHORIZE APPROPRIATION TRANSFER FOR TRAFFIC PAINT AND BEADS

Upon the recommendation of the City Manager, Councilman Adams introduced

RESOLUTION NO. 55-63

seconded by Councilman Mellis, approving appropriation transfer of \$3500 from the General Reserve to the Traffic Department for traffic paint and beads and \$3600 to the Public Works Sewage Disposal Fund for chemicals, drug and laboratory supplies expenditures, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Annan, Mellis, Merrill and Mayor Marks
 Noes: Councilmen: None
 Present: Councilmen: Arata and Heckendorf

ACCEPT FINANCIAL REPORT FOR MONTH OF JANUARY, 1955

Financial report for the month of January, 1955, was accepted and ordered filed.

REPORT ON NATIONAL RADIO PROGRAM

The City Manager reported that he had received notification from the National Broadcasting Company that its representative would be in Modesto soon to work with the administrative staff on the national radio program for Modesto. The series, he stated, would start sometime in April.

CONSIDER DESIRABILITY OF SUBMITTING TO VOTERS ARGUMENTS FOR AND AGAINST CHARTER AMENDMENT

The memorandum dated February 15, sent to the Mayor and members of the Council by the City Manager containing a copy of a memo, dated February 14, from City Attorney Grimes on the subject "Arguments for and against the Proposed Off-Street Charter Amendment", was discussed by the Council.

The City Manager stated that the submission of arguments for and against a charter amendment was not required and whether they are used is a matter to be determined by the Council. He pointed out that if the Council decided to have arguments prepared, they could be prepared either by a Council Committee or by other parties, groups or organizations.

Alternatives outlined in the memo from the City Attorney were discussed and the following points were brought out:

That since it must be decided at this meeting, or within a week, that proper consideration could not be given.

That the press and radio were giving sufficient coverage and information to acquaint the public with the amendment.

That the public should decide for itself at the election whether or not it wanted this parking program.

That since there was no organized opposition--who would be asked to prepare the arguments against the amendment.

It was agreed by the Council that no action should be taken on the matter.

LETTER FROM STATE REGIONAL WATER POLLUTION CONTROL BOARD-CENTRAL VALLEY REGION

A letter from the State Regional Water Pollution Control Board-Central Valley Region, enclosing a copy of a resolution relating to the cooling water return wells, which is presently under study by the Board, was reviewed by the City Manager.

He pointed out that it was the state's proposal that the regulation of such disposal be left to local agencies and when and if the Board adopts the resolution the city can consider the adoption of an ordinance. He pointed out that it would be well for the city and county to adopt uniform ordinances.

Councilman Mellis pointed out that the city was fortunate that the Stanford University would soon be making an investigation and study of underground water in this area and suggested, to which the Council concurred, that the City Manager check with the university in this matter. It was agreed by the Council that as a matter of policy, the proposals in the resolution under study by the state be approved.

APPOINT TOM K. BEARD A MEMBER OF THE PERSONNEL COMMISSION

Mayor Marks reported that Tom K. Beard and Donald H. West had both expressed willingness to serve on the Personnel Commission. Mr. Beard, he stated, would accept an appointment at this time to fill the vacancy of former member Fred Condit, whose term expired January 1, 1955. Mr. West would accept the next vacancy. Councilman Mellis introduced

RESOLUTION NO. 55-64A

seconded by Councilman Adams, appointing Tom K. Beard a member of the Personnel Commission for a term of four years beginning January 1, 1955, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Annan, Mellis, Merrill and Mayor Marks
 Nces: Councilmen: None
 Absent: Councilmen: Arata and Heckendorf

REQUEST FOR CURB CUT VARIANCE AT MCHENRY AVENUE AND JUDITH LANE--L. P. HUDELSON (DOUGLAS OIL COMPANY)

The City Manager reported that a request of L. P. Hudelson for a variance to the curb cut provisions of the Municipal Code for a service station being constructed for the Douglas Oil Company on the southwest corner of Judith Lane and McHenry Avenue had been referred to the Director of Public Works for investigation and recommendation.

He pointed out the similarity between this request and the permit granted to the Union Oil Company on its service station constructed at the northwest corner of this intersection. Due to the unsettled condition on McHenry Avenue, which is a state highway, in respect to right of way requirements, he stated, it is recommended that action similar to that taken in the case of the Union Oil Company be considered for this property.

The City Manager pointed out that the Highway Division had agreed to the construction of a barrier curb located at the existing property line 25' from the center line of McHenry Avenue. Mr. Ray stated that the set back line has temporarily been set as 50 feet from the center of the street by the City.

Director of Public Works Ray recommended that variance be granted on the following conditions:

1. That the owner of the property agree to provide without cost to the city, the additional width of right of way required for the ultimate development of McHenry Avenue, upon request. This request should be made as soon as right-of-way width is determined.

2. That the property owner would at that time remove the present sign which now encroaches upon the area required for the widening of McHenry Avenue.
3. That the property owner would install city standard curb and gutters on McHenry Avenue at the curb line as finally developed for this street.
4. That it would be necessary at that time for the City Council to consider action to permit a variance to allow curb cuts of 36' in width as requested in this letter on the McHenry Avenue frontage.
5. The city would grant permission for black topping the sidewalk area at this time with the agreement with Mr. Hudelson that this black top would be removed and concrete sidewalk installed in the proper location after the street cross section is determined.
6. Any paving of the area on the existing right-of-way between the property line and the present paving would be done in accordance with a permit issued by this office on behalf of the Division of Highways.

Mr. Hudelson asked that Item 1 be changed to provide that the maximum right-of-way to be required would be "not more than 50 feet from center line of street".

Director of Public Works Ray pointed out that the matter to be considered by the Council was whether the variance would be established now or later for the permanent construction after the definite set back line had been established.

The City Manager pointed out that at this time no one had any objections to the requested curb cut but recommended that the determination be made after the set back line was established, in view of then existing conditions. He pointed out that the state had advised Mr. Hudelson that he could install a temporary 6 x 6 wooden curb but that he had decided to install a concrete curb since the price was practically the same. He pointed out that the width of the curb cut was in line with the policy of the Council in the past to permit more rapid ingress and egress.

Mr. Hudelson stated that the state representative had informed him that by asking for relief from the requirements for the curb from the Stockton Highway office, that he would be able to avoid the requirement entirely but that he intended to install a 6 x 6 curbing.

Mr. Hudelson asked if it would be possible to install permanent concrete sidewalks 25 feet back from the property line instead of black top, which would have to be torn out at his own expense later on.

Mr. Ray pointed out that at the present time, the state permitted the installation of barrier curbs on the property line (25 feet from center of street) but the final determination of the right-of-way width, which will have to be worked out jointly by the city and the Division of Highway is indefinite. He pointed out that this same question had been discussed at the time the Union Oil Company was allowed to put in black top and they had agreed to replace it with concrete sidewalks when the right-of-way was established. It would be a waste of money, he contended, if concrete sidewalks were installed now and the right-of-way was not established at 50 feet. All the variance amounts to now, he stated, is for two curb cuts on McHenry Avenue greater than the approved width and erection of temporary barrier curb. The other points are conditioned on the granting of this variance. It is desirable, he stated, to have all these conditions and circumstances understood by all parties concerned before it is done.

Councilman Annan introduced

RESOLUTION NO. 55-64

seconded by Councilman Merrill, granting variance permit to L. P. Hudelson, on the following conditions:

1. That the owner of the property agree to provide, without cost to the City, the additional width of right-of-way, not to exceed fifty feet from center line of the street
2. That the property owner would, upon request, remove the present sign which now encroaches upon the area required for the widening of McHenry Avenue.
3. That the property owner would install city standard curbs and gutters on McHenry Avenue at the curb line as finally determined for this street.
4. That the City Council permit a variance to allow two curb cuts each 36 feet in length on McHenry Avenue. At the time of installation of city standard curbs and gutters the owner agrees to deposit regular curb cut replacement fees with the City.
5. Permission is granted for black topping the area between the present property line and the proposed right-of-way line on McHenry Avenue with the agreement that the owner will remove this black topping and install concrete sidewalk and driveway approaches in the proper location after the street cross section has been determined.

which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Annan, Mellis, Merrill and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Arata and Heckendorf


INTRODUCE NEW EMPLOYEE IN FINANCE DEPARTMENT TO COUNCIL MEMBERS

Director of Finance Lawrence introduced Doris Clifford, a new employee in the Finance Department.

ADJOURNMENT

Councilman Annan moved, seconded by Councilman Adams, and it was unanimously carried, that the meeting now in session adjourn. The meeting was adjourned at 6:00 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 Chamber at the McHenry Public Library Building, 14th and I Streets, Mayor Marks presiding.

The City Clerk called the roll and there were

Present: Councilmen: Adams, Annan, Arata, Heckendorf, Mellis and Mayor Marks

Absent: Councilmen: Merrill

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

The invocation was given by Rev. Lewis Whitehead, pastor of the Wesley Methodist Church.

APPOINTMENT OF ALLEN GRIMES AS ACTING CITY MANAGER

Since City Manager Miller and Assistant City Manager Millar were absent from the city attending the Spring session of the City Manager's section of the League of California Cities, Councilman Mellis introduced

RESOLUTION NO. 55-65

seconded by Councilman Heckendorf, appointing City Attorney Allen Grimes Acting City Manager whenever both the City Manager and Assistant City Manager are absent, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Annan, Heckendorf, Mellis, Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Arata and Merrill

Councilman Arata arrived at this time (7:35 P.M.)

LETTER FROM ROBERT E. WOOLDRIDGE RE: FINANCIAL ASSISTANCE FOR SAFETY COUNCIL

Mayor Marks read a letter from Robert E. Wooldridge, Chairman of the Safety Council, asking for a statement from the Council as to amount of financial assistance the city would furnish to the Safety Council. The letter was referred to the City Manager for investigation and recommendation.

ACCEPT RESIGNATION OF JOHN W. BOMBERGER AS MEMBER OF THE PLANNING COMMISSION

A letter from John W. Bomberger, submitting his resignation as member of the Planning Commission was read.

A letter was read from the Planning Commission asking that the Council make an early decision on Mr. Bomberger's replacement since it was involved in numerous city development problems including studies of zoning, subdivisions, civic center, etc. Councilman Annan introduced

RESOLUTION NO. 55-66

seconded by Councilman Heckendorf, accepting the resignation of John Bomberger from the Modesto City Planning Commission and authorizing the Mayor to write a letter thanking him for his service on behalf of the community, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Annan, Arata, Heckendorf, Mellis and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Merrill

It was agreed by the Council that during the week, the Council members would be considering candidates for the appointment to be made at the next meeting.

RESOLUTION REMOVING ROSEBURG AVENUE FROM THE TRUCK ROUTE

A letter signed by 22 residents along Roseburg Avenue asking the Council for reconsideration on the establishment of Roseburg Avenue, between Tully and McHenry Avenues, as a truck route, was read.

Acting City Manager Grimes reported that various oral protests had been filed with him during the past week. He stated that it had been agreed between representatives of the residents and himself that he would recommend to the City Manager and Traffic Engineer Carmody that reconsideration be given to the action establishing this portion of Roseburg Avenue as a truck route.

For the information of a large group of Roseburg Avenue residents, who were present, Mayor Marks outlined the procedure followed by the Council in matters of this type. He pointed out that the results from this action were not as anticipated since West Roseburg was now rapidly becoming a full sized truck route. It had been the intention of the Council, he continued, to establish a local truck route to the commercial area on Roseburg to eliminate the use of a variety of routes through the residential district.

Mayor Marks briefed a report from Traffic Engineer Carmody giving the history, recent developments and other facts on the truck route. The following alternatives and recommendations were listed in this report:

ALTERNATIVES

A. This truck route was established to provide service to the commercial area on the corner of Roseburg and Virginia Avenue. This service can be provided by the elimination of the truck route and allowing trucks to find their way to the intersection. They may use Roseburg or they may use other streets. The use of other streets, I consider to be disadvantageous.

B. A local truck route can be established as is used in San Leandro. This allows local trucks to use a street in going to a given place in the city near the route, but prohibits through trucks from using the street.

C. The truck route can be retained and unnecessary trucks cautioned to use other truck routes.

RECOMMENDATIONS

1. Either establishment of Roseburg as a local truck route, or
2. The elimination of Roseburg as a truck route and the education of drivers bound for Virginia and Roseburg to use Roseburg instead of 5-10 other routes.

Acting City Manager Grimes stated that he questioned the advisability of alternates B and C from the enforcement angle. He stated that it would be difficult to insure that the trucks that would use the route would be local trucks without stopping the truck or following it to its destination. He stated that in view of the fact this area was a residential neighborhood and school children used the street to and from school, that a better solution might be to eliminate all use as a truck route and to leave Coldwell from N 99 Highway to Tully Avenue in the truck route system. He pointed out that with the elimination of Roseburg as a truck route it would not be legally possible or advisable to prevent trucks from making deliveries or picking up

merchandise in the commercial area on this street.

He stated that after talking with representatives of the residents involved that this was not what they had in mind. They were only interested in having the truck operation on this street as it had previously been. The Acting City Manager recommended, as a remedy, that the truck route signs be removed from West Roseburg to eliminate cross town truck traffic from N 99 Highway to McHenry Avenue for the purpose of making deliveries along McHenry Avenue. He presented a resolution for Council consideration.

Mayor Marks summed up the facts as follows:

1. That it had not been contemplated by the Council that Roseburg would be used as a short cut by trucks making deliveries on McHenry Avenue. That it had not worked out the way it had been planned.
2. That Traffic Engineer Carmody had submitted for Council consideration, alternatives.
3. That Roseburg be eliminated as a truck route with the understanding that persons having commercial establishments on this street would continue to be served as they had in the past (Acting City Manager's recommendation).

Councilman Mellis pointed out that Roseburg was not wide enough for a truck route, that the lack of sidewalks made it difficult for children walking to and from school, and that it was primarily a residential area. He introduced

RESOLUTION NO. 55-67

seconded by Councilman Arata, amending Section 1 of Resolution No. 55-41 to delete that portion which reads as follows:

Roseburg Avenue from the intersection formed by said Roseburg Avenue and Tully Avenue to the intersection formed by said Roseburg and McHenry Avenue

which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Annan, Arata, Heckendorf, Mellis and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Merrill

Harold Schulenberg and Clyden Oden expressed appreciation for the Council's action in eliminating Roseburg as a truck route.

REPORT ON PROPOSAL FOR AERIAL MAPPING OF MODESTO AREA

The Acting City Manager reported that the exact price for the aerial mapping of the Modesto area was not cleared and the matter was ordered held over until next week.

ESTABLISH FREIGHT LOADING ZONE ON EAST SIDE SEVENTH STREET BETWEEN K AND L STREETS

The Acting City Manager presented for Council consideration a resolution establishing a freight loading zone in front of the Pacific Teletronic and Radio Supply Co. on 7th Street between K and L Streets. Councilman Adams introduced

RESOLUTION NO. 55-68

seconded by Councilman Annan, establishing a freight loading zone beginning at a point on the northeasterly curb line of Seventh Street 199' southeasterly from the intersection of said curb line with the southeasterly curb line of L Street and extending southeasterly along the Seventh Street curb line a distance of 37', which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Annan, Arata, Heckendorf, Mellis and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Merrill

AUTHORIZE REMOVAL OF STOP SIGNS ON COLLEGE AVENUE ENTERING COLDWELL

The Acting City Manager presented for Council consideration a resolution removing the stop signs on College Avenue at Coldwell Avenue. Councilman Mellis introduced

RESOLUTION NO. 55-69

seconded by Councilman Annan, rescinding that portion of Resolution No. 8223-N.S. adopted by the Council on December 22, 1948, which established stop signs on College Avenue at its intersection with Coldwell Avenue, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Annan, Arata, Heckendorf, Mellis and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Merrill

TRAFFIC ENGINEER TALK ON COST OF TRAFFIC SIGNALS

At the request of Mayor Marks, Traffic Engineer Carmody gave a brief talk on the cost of different types of traffic signals, for the information of the audience, and the basis for determining the installation of actuated type signals. He outlined the plans for installation of signals at 14th and H Streets and 19th and H Streets. The audience expressed approval on the removal of the stop sign at 5th and H Streets and the installation of traffic signals at College and Needham Avenues.

AUTHORIZE EXECUTION OF PROOF OF LOSS ON FIRE LOSS AT WAREHOUSE ON TENTH STREET NEAR D STREET

The Acting City Manager reported receipt of proof of loss in the amount of \$1,442.48, from the insurance company, covering fire loss at the city warehouse on 10th Street, near D Street, which occurred on January 7, 1955. Mayor Marks introduced

RESOLUTION NO. 55-70

seconded by Councilman Arata, authorizing the City Manager to execute proof of loss, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Annan, Arata, Heckendorf, Mellis and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Merrill

FURTHER DISCUSSION ON REQUEST OF PARKING AUTHORITY FOR GUIDANCE IN POSSIBLE PURCHASE OF LANCASTER AND HUMMER PROPERTY FOR PARKING LOTS

Further consideration was given to the request of the Parking Authority for guidance from the Council in the proposed purchase of the Lancaster and Hummer property on 11th and 12th Streets, between K and L Streets for off-street parking purposes.

In order to give the members of the audience a better understanding of the proposed charter amendment, Acting City Manager Grimes briefly outlined the history of the parking facilities in the city. He stated that in 1947, the Council had appointed a parking committee to investigate the parking facilities and problems in the city. Then in January, 1950, after the state had passed the "Parking Law of 1949", which provided for the creation of a parking authority, the Council declared that there was a need for an authority and the mayor was authorized to appoint five electors as members of the Parking Authority. The Council appropriated 50% of the street parking meter funds to the authority which was used to purchase lots on 11th and G Streets, 12th, and I Streets and the original portion of the 9th Street lot. The Authority considered in 1951-52 that the parking program was not proceeding as fast as the demand and it looked for alternate methods of financing an extended off-street program. Since private enterprise had not solved the problem, governmental units have gone more and more into the parking field, he pointed out. After a program of 25% participation by the land owners or merchants, which had been adopted by the council, did not progress as anticipated, the Council agreed that the only practical thing was to propose some long range financing plan. A revenue bond program, with the revenue from the off street facilities and 75% of the gross income from the curb meters pledged as security was proposed, as set forth in the proposed charter amendment. The policy of the Council was changed, he stated, and it instructed that the amendment be prepared, which will be voted on at the special election on April 12th. He pointed out that there would be no increase in the property tax for the bonds and that they were not an obligation of the city, that the revenue from the meters would be the only source of funds for the retirement of the bonds. The Authority is questioning whether to proceed with acquisition of additional property since--if the charter amendment passes the title of authority will be transferred to the Council. Resolution No. 44, adopted by the Authority on January 25, 1955, was read at this time, asking for Council guidance on the acquisition of the Hummer and Lancaster property.

Acting City Manager Grimes pointed out that this property had been offered to the authority 6-9 months prior but that there was no assurance that a buyer might turn up anytime and the property would be lost as a parking lot site. He pointed out that the buying of improved property would make acquisition a great deal more expensive. He stated that he had no recommendation to make to the Council in this matter.

Mayor Marks asked Mr. Grimes whether the city would pay more for property in a condemnation suit. Mr. Grimes pointed out that it was brought out at the conference he had recently attended of the Institute on Practical and Legal Problems in Condemnation and Appraisal, in Dallas, Texas, that a governmental unit should have no fear from condemnation proceedings at all--that they would not be compelled to pay more than a fair market value of property. He cited as an instance, that the State of California had determined that it paid less than when the property was acquired in the open market. He also stated that it should be kept in mind that the city had the right to acquire property by eminent domain and the fair cash value of the property would be determined by a judge and jury if it could not be obtained otherwise.

Councilman Mellis pointed out that Mr. Grimes had failed to state that the Council was not unanimous on its decision on the Charter Amendment. He stated that the new Council in office at the time, if the revenue bonds are passed, should not have its hands tied. He stated that "land is always available for parking if we have the money". He stated that the money derived

from the meters belonged to the tax payers and it is not right that certain individuals should derive all the benefits. It is up to the public to decide, he continued, which they will do in approximately 40 days at the time of the election. He recommended that no action be taken on the request from the Authority for guidance in the purchase of the two lots.

Councilman Heckendorf recommended that the Parking Authority should "mark time and hold the line" until after the election.

Councilman Annan stated that he would be opposed to the purchase of the lots unless they were appraised or some other lots were appraised for comparison so that it could be ascertained whether the price was right.

Mayor Marks pointed out the definite need for parking facilities north of J Street and asked that the Acting City Manager outline the method of determination on the location of the lots if the charter amendment was passed.

The Acting City Manager stated that the usual procedure was to require the employment of a traffic consultant who would be acceptable to the bond houses. The foot work could be done by the local Traffic Engineering staff with the approval of the bonding house. The traffic movement and all other factors would be presented to the bond house but it would be up to the Council to make the determination where the lot will be after a public hearing has been held and interested organizations permitted to express their views on the proposed location. The matter would be turned over to the investment house who would indicate whether the bonds would be practicable from the income revenue to be derived from those particular lots.

The anticipated income of those facilities must be twice the amount of money coming in. He pointed out that the greater the safety factor, the lower the interest would be on the bonds. The interest rate, he stated, will depend upon the soundness of the program.

Mayor Marks pointed out that any amount of cash which the city had on hand would also be a factor to be taken into consideration on the bonds. He stated that although the Council recognized the need for parking facilities north of J Street that the acquisition of additional facilities before the election was not desirable.

Councilman Annan introduced

RESOLUTION NO. 55-71

seconded by Councilman Arata, recognizing the need of parking facilities north of J Street but in view of proposed charter amendment election in April, requesting that the Parking Authority not proceed with further acquisition of lots at this time until the people have made a decision on the charter amendment, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Annan, Arata, Heckendorf, Mellis and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Merrill

AUTHORIZE TRANSFER OF FUNDS FOR ADDITIONAL CLERICAL HELP IN THE FINANCE DEPARTMENT

Upon the recommendation of the Director of Finance, Councilman Adams introduced

RESOLUTION NO. 55-72

seconded by Councilman Heckendorf, approving appropriation transfer of \$850 from the General Reserve to the Finance Department to provide additional appropriation for the balance of the fiscal year for extra help--account clerk salary, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Annan, Arata, Heckendorf, Mellis, and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Merrill

AUTHORIZE CITY ATTORNEY TO PREPARE RESOLUTION TRANSFERRING PARKING LOT ON SOUTHERN PACIFIC RIGHT OF WAY TO PARKING AUTHORITY

The Acting City Manager reported that statement had been presented by the Southern Pacific Company of \$666.58 covering city and county taxes as per terms of lease 8646, for the period July 1, 1954, to June 30, 1955. He stated that the Parking Authority had previously paid this annual charge but records indicate that the Council had never transferred this parking facility over to the Authority as in the case of the 15th Street lot, and the lot adjoining the Fire Station No. 1 on 11th Street. He pointed out that the Authority could not pay this statement since the lot was not under its legal jurisdiction.

In the Council discussion, it was pointed out that if the lot was transferred to the Authority at this time and the charter amendment was passed at the election, that the lot would again be under the jurisdiction of the Council.

Traffic Engineer Carmody pointed out that the Authority could not legally pay the bill and pointed out that it was not attempting to recover the amounts of money previously paid on the lot. He pointed out that if the lot were placed under the Authority's jurisdiction, that the bill would be a legal obligation of the Authority. He stated that he had no recommendation to make one way or other; that this was a legislative policy to be made. "If the transfer is made, I presume the Authority will pay the claim," he stated. "I will recommend to the Authority," he stated, "that it pay the claim."

Mayor Marks moved, seconded by Councilman Annan, which was unanimously carried, that the City Attorney be directed to prepare the necessary documents to transfer the lot to the Parking Authority.

APPROVE APPROPRIATION TRANSFER FROM GENERAL RESERVE TO MUSIC AND PROMOTION FUND

Upon the recommendation of the Acting City Manager, Councilman Annan introduced

RESOLUTION NO. 55-73

seconded by Councilman Arata, approving appropriation transfer of \$1,246.57 from the General Reserve to Music and Promotion Fund to pay for turkey dinners purchased from C. A. Swanson & Sons for the All America City Dinner, which was held January 29, 1955, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Annan, Arata, Heckendorf, and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Merrill

VARIOUS QUESTIONS ASKED BY PETE RUFFINO ON PROPOSED CHARTER AMENDMENT ANSWERED BY ACTING CITY MANAGER

Pete Ruffino asked, and received permission from the Council, to have various points of the proposed charter amendment for the off-street program clarified by Acting City Manager Grimes.

Mr. Ruffino expressed satisfaction with the explanation given to his questions by Mr. Grimes and was asked by Mayor Marks to call on Mr. Grimes at his office and bring his attorney with him, if he wished, for any additional explanation on any points which were not clear.

SET DATE FOR HEARING ON IMPROVEMENT DISTRICT #2 (N. CENTRAL ADDITION)

Director of Public Works Ray reported that the work had been completed by the contractor, W. M. Lyles on Improvement District #2 (North Central Addition) (sewers laterals and street lights); that the final estimate of costs had been submitted to the bond counsel on the final demand for incidental expenses; and that this was the time to establish a date for a final hearing on the district. He suggested, to which the Council concurred, that the date of March 16, at 4:30 P.M., in the Council Chamber, be set as the time and place for the hearing. He stated that the assessment roll would be filed with the City Clerk by February 28, and that notices would be sent to the property owners in the district on March 1.

The Acting City Manager outlined the procedure under which the owners could still make cash payments on their assessments.

The Director of Public Works pointed out that unpaid assessments of \$25.00 or less after the 30 days waiting period, would be certified to the tax collector to be placed on the city-county tax roll, due to the cost involved in placing these small amounts on the assessment roll of the District.

Dick Atkins, 1241 Enslin Avenue, asked if the streets would be placed in the same condition as before the work was done by the contractor.

The Director of Public Works assured Mr. Atkins that this was the case.

REPORT ON STATUS OF LIGHTING IMPROVEMENT DISTRICT

Director of Public Works Ray reported that the city administrative staff had assisted the lighting committee of the Chamber of Commerce to present the proposed plans for a lighting district in the central business area, to the Chamber Board on January 17 and that the Board had decided to hold up any action until some publicity was published in the newspaper so that questions could be cleared before the district was formed. He stated that he understood that it would be cleared shortly and that the city was "ready and willing" to proceed.

APPROVE AGREEMENT WITH EUGENE K. STURGIS FOR IMPROVEMENT DISTRICT NO. 3 FREMONT-GRANGER AREA (SEWERS AND STREET LIGHTS)

The Acting City Manager reported that in order to proceed with the sewer laterals and street lights in the Fremont-Granger area, that it would be necessary to approve agreement with bond counsel. He presented an agreement with Eugene K. Sturgis, similar to the previous agreements, for Council consideration. Councilman Adams introduced

RESOLUTION NO. 55-74

seconded by Councilman Arata, approving agreement with Eugene K. Sturgis to prepare special improvement district proceedings for the City for construction of improvements by special improvement proceedings in "Improvement District No. 3", and authorizing its execution by the city's designated officials, which resolution was regularly adopted by the following vote:

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Ayes: Councilmen: Adams, Annan, Arata, Heckendorf, Mellis and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Merrill

ACCEPT DEED FOR ALLEY IN PACIFICA TRACT

The Acting City Manager presented for Council approval, a deed to alley from property owners in Block 6138 of College Avenue Tract.

Councilman Arata introduced

RESOLUTION NO. 55-75

seconded by Councilman Adams, accepting deed of easement from Edward L. Steele and Elsie E. Steele, O. C. Wright and Annie Wright, Ida B. Ramey, Benjamin J. Sayre and Barbara J. Sayre, Rosemond C. Shipley and Mary I. Shipley, Norman F. Letcher and Verle M. Fletcher, Margaret V. Wissner, Russell M. Lawrence and Margaret Lawrence, Christian I. Wolfley and Gladys B. Wolfly, Robert L. Larsen and Sidney O. Gilbertson on portion of Block 6138 of College Avenue Tract to be used for alley purposes, and authorizing its recordation with the Stanislaus County Recorder, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Annan, Arata, Heckendorf, Mellis and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Merrill

APPROVE PURCHASE OF FIRE HOSE FROM AMERICAN RUBBER MFG. COMPANY

Upon the recommendation of the Acting City Manager, Councilman Arata introduced

RESOLUTION NO. 55-76

seconded by Councilman Mellis, approving the purchase of 700 feet of fire hose for \$1643.34 from the American Rubber Manufacturing Company, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Annan, Arata, Heckendorf, Mellis and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Merrill

RESOLUTION REQUESTING THE POST OFFICE DEPARTMENT TO AUTHORIZE "ALL AMERICA CITY" CANCELLATION OF MAIL AT MODESTO POST OFFICE

Councilman Annan introduced

RESOLUTION NO. 55-80

seconded by Councilman Arata, requesting the United States Post Office Department to reconsider the request of the City of Modesto and grant the use of an "All Amēricā City" cancellation die, and directing the City Clerk to send a certified copy of this resolution to Senator W. F. Knowland, Senator T. H. Kuchel, Congressman Leroy Johnson and the Chamber of Commerce of the City of Modesto, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Annan, Arata, Heckendorf, Mellis and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Merrill

APPROVE REQUEST OF ROBERT BOMBERGER FOR REDUCTION OF SURETY BOND ON CAMPUS TRACT #5

The Department of Public Works reported that Robert Bomberger, subdivider of Campus Tract No. 5 has completed most of the necessary improvements in this tract and requested the reduction of his surety bond. He recommended the release of the bond of Massachusetts Bonding and Insurance Company filed by Mr. Bomberger upon his payment to the city, the sum of \$200 as surety on the balance of the improvements.

Councilman Mellis introduced

RESOLUTION NO. 55-77

seconded by Councilman Heckendorf, authorizing the release of the surety bond to Mr. Bomberger on Campus Tract No. 5 upon the payment of \$200 as surety on the balance of the improvements in this tract, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Annan, Arata, Heckendorf, Mellis and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Merrill

APPOINT MARY JOHNSON MEMBER OF THE BOARD OF LIBRARY TRUSTEES

Upon the recommendation of Mayor Marks, Councilman Adams introduced

RESOLUTION NO. 55-78

seconded by Councilman Arata, appointing Mary Johnson a member of the Board of Library Trustees to fill the vacancy of Arthur Puccinelli, for a term to expire January 1, 1959, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Annan, Arata, Heckendorf, Mellis and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Merrill

APPROVE AGREEMENT WITH ROSE A. CHAPMAN, H. RUSSELL BRIGGS AND MABEL BRIGGS ON LA VILLA ROSE TRACT (SEWER AND WATER SERVICE)

The Acting City Manager presented for Council approval, agreement with Rose A. Chapman, H. Russell Briggs and Mabel Briggs, for sewer and water service, on condition of annexation, for the La Villa Rose Addition.

Councilman Mellis introduced

RESOLUTION NO. 55-79

seconded by Councilman Adams, approving the agreement and authorizing its execution by the city's designated officials, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Annan, Arata, Heckendorf, Mellis and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Merrill

REPORT ON SMOG MEETING IN BAKERSFIELD BY MAYOR MARKS

Mayor Marks reported on the meeting in Bakersfield on air pollution. He stated that a valley wide committee for the entire San Joaquin Valley would be appointed later and that he had submitted the name of Councilman Merrill Adams.

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ADJOURNMENT

Councilman Annan moved, seconded by Councilman Adams, and it was unanimously carried, that the Council meeting now in session adjourn. The meeting was adjourned at 9:30 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 Chamber at the McHenry Public Library, 14th and I Streets, Mayor Pro Tempore Merrill presiding.

The City Clerk called the roll and there were
Present: Councilmen: Adams, Annan, Arata, Heckendorf, Mellis and Mayor
Pro Tempore Merrill
Absent: Mayor Marks

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

Rev. Glen Murphy, pastor of the Trinity Baptist Church gave the invocation.

APPROVAL OF MINUTES

Council members having received copies of the minutes of February 9, 1955, and the same being available for public inspection, and there being no objections, the minutes were approved.

LETTER FROM MRS. ROY H. BURROUGHS ACKNOWLEDGING RECEIPT OF RESOLUTION OF CONDOLENCE FROM CITY COUNCIL

A letter from Mrs. Roy H. Burroughs expressing appreciation for the resolution of condolence adopted by the Council, at the recent death of her husband, former member of the Board of Plumber Examiners, was read and ordered filed.

LETTER FROM STATE CONTROLLER RE: ANNUAL APPORTIONMENT OF UNREFUNDED MOTOR VEHICLE FUEL TAX ON AVIATION GASOLINE

A letter from Robert C. Kirkwood, State Controller, regarding the annual apportionment of unrefunded motor vehicle fuel tax on aviation gasoline was read and ordered filed.

LETTER FROM J. G. MEYER, DISTRICT ENGINEER, STATE DEPARTMENT OF PUBLIC WORKS, DIVISION OF HIGHWAYS RE: AGREEMENT STATE HIGHWAY ROUTE 4

A letter from J. G. Meyer, District Engineer, State Department of Public Works, Division of Highways, District X, enclosing copies of freeway agreement, resolution of approval and Plan Map relating to the proposed new freeway route through the city (State Highway Route 4) was referred to the administrative staff for study and report to the Council.

REQUEST OF CALIFORNIA FRYER'S ASSOCIATION TO USE LOUD SPEAKER AND DISPLAY BANNER ON CITY STREETS TO ADVERTISE FESTIVAL

City Manager Miller reported that a meeting had recently been held with representatives of the California Fryer's Association, which planned to hold its annual festival in Legion Park on Saturday, July 18. The Association requested permission to use a mobile loud speaker and to display a banner on the city streets, advertising the event, he stated:

Al Carter, Chairman of the Festival, and C. L. Seagraves, representing the Association, were present. Mr. Seagraves stated that it was planned to use a mobile loud speaker in outlying districts and cities throughout the county on Friday, and in the City of Modesto on Saturday, the day of the festival, from approximately 9:00 A.M. until 4:00 P.M. in both the commercial and residential areas. He outlined the plans under way to make this festival an annual community wide project. He pointed out that permission to advertise by loud speaker and banner would be a determining factor in tying the city into the program.

City Attorney Grimes stated that since the last festival, he had ruled that a mobile loud speaker could be used by non-profit and non-commercial organizations, in the commercial district, if the loud speaker was kept at a reasonable volume but could not be used in residential districts.

Councilman Annan reported that after the meeting with the representatives of the organization, that it had been the wish of the Mayor that everything possible be done to work with this organization to assure the success of the festival.

Councilman Mellis recommended that the City Attorney be instructed to prepare an amendment to the ordinance to permit this organization to use a loud speaker in the residential area.

City Attorney Grimes pointed out that if the ordinance was amended for the benefit of this organization that any other like organizations should be granted the same privilege, which would include churches and political organizations. He stated that it would be a policy decision of the Council for guidance for the administrative personnel.

The City Attorney stated that the resolution of policy on display of banners across the city streets could be amended if the Council desired to include this and other similar type activities which are of community-wide interest. He pointed out the advisability of the Council adopting a policy to apply to this type of category if it wished to grant requests for banners and use of the mobile loud speaker.

Councilman Mellis moved, seconded by Councilman Arata, and it was unanimously carried, that the City Manager and City Attorney present for Council approval, a recommended program which would clarify the policy for the use of the loud speakers and display of banners to community-wide festivals and activities of this type.

Mr. Carter stated that the festival was rapidly becoming of state-wide interest and Modesto would be the "home base". It was planned to centralize the affair in one locality and to make the activity state-wide instead of community-wide.

REPRESENTATIVES FROM STANISLAUS FOOD PRODUCTS CO. PROTEST TO SEWAGE DISPOSAL RATE FOR TOMATO PASTE

Ralph J. Quartoroli and Cecil Jones of Stanislaus Food Products Company, 1202 D Street, appeared before the Council protesting the industrial sewer rate on tomato paste which had become effective March 1. It was agreed that the administrative staff and the Council Sewer committee meet with Mr. Quartoroli and Mr. Jones and submit a report for Council consideration.

LETTER FROM MILK PRODUCERS ASSOCIATION RE: ENLARGING PRESENT DRIVEWAY APPROACH ON SEVENTH STREET--MODESTO COLLEGE DAIRY

A letter from the Milk Producers Association requesting permission to enlarge the present driveway approach of the Modesto College Dairy on 7th Street by eight feet, to permit better access to its loading area, was read. The City Manager stated that this request could be handled administratively.

REQUEST FOR PAINTING OF DIAGONAL PARKING STRIPE ON STREET IN FRONT OF BETHEL FULL GOSPEL CHURCH, 707 15th STREET

Traffic Engineer Carmody reported that at certain locations throughout the city, where the streets were wide enough and the traffic volume was low, diagonal parking could be permitted in front of churches for a specific period of time on Sundays. He pointed out that this regulation would not involve the painting of white diagonal stripes but a sign could be posted at these locations stating "Diagonal parking permitted during the hours of

9:00 A.M. through 12 Noon on Sundays". He stated that an inspection could be made of the locations where this could be arranged and a report submitted for Council consideration.

Rev. Donald Weston, pastor of the Bethel Full Gospel Church, 707 15th Street, who was present, requested that the Council authorize the painting of diagonal parking stripes in front of the church. He contended that this type of parking had been practiced for over 30 years without any traffic accidents.

Mr. Carmody pointed out that this type of parking was not recommended at this particular location and the diagonal parking stripes could not be painted on the oiled street.

Mr. Weston pointed out that Sunday services would occasionally last longer than the 12 noon hour.

It was agreed by the Council that the City Manager and Traffic Engineer should investigate the request of Rev. Weston's, along with other requests for different churches throughout the city and submit a recommendation for the Council's consideration.

PROTEST TO EXTENDING CEMETERY ON COUNTY PROPERTY UP FOR SALE ON CORNER OF BODEM AND SCENIC DRIVE

Mrs. Florence Edwards and Frank Enos appeared before the Council to protest the "rumored" extension of the cemetery to the county property, which was being sold, at the corner of Bodem and Scenic Drive. They were advised to check with the Clerk of the Board of Supervisors.

Councilman Mellis stated that the City should take steps to see that the property would not be sold for cemetery purposes.

The City Manager stated that a further check would be made with the County on the city's request for a portion of the property to be used in the proposed extension of Sunrise Avenue to Morton Boulevard. He asked the protestants to leave their names and addresses with the City Clerk so that he could check further with them.

CONSIDER PROPOSAL FOR AERIAL MAPPING OF THE MODESTO AREA IN CONJUNCTION WITH STANISLAUS COUNTY

Director of Planning Smeath reported that a number of departments of the city and county governments had discussed the need for aerial photographs of the Modesto area. He stated that several aerial survey companies had been contacted and two bids had been received. He outlined the types of maps which would be furnished by the companies and the bids received--Jack Ammann Photogrammetric Engineers, Inc. for \$5,682 and Fairchild Aerial Survey Inc. for \$6,170. He stated that the Modesto City Planning Commission had recommended that the Council approve the purchase of the maps from Fairchild Aerial Survey, Inc., provided that Stanislaus County would be willing to pay half the cost.

The City Manager suggested that if the project was considered by the Council that prompt action was necessary before the leaves broke out on the trees. He reported that some County officials had informally indicated approval of the project. He stated that funds for the city's share could be made available in the general reserve fund. He pointed out that these types of maps would be of material assistance and savings to the city in many ways.

Mr. Smeath stated that it was still not too late to obtain a good map because of the leaves on the trees if prompt consideration was given.

Councilman Adams moved, seconded by Councilman Heckendorf, and it was unanimously carried, that the City Manager be authorized to execute a contract on behalf of the City with Fairchild Aerial Survey Inc. on the basis outlined in the report of the Planning Director and on the condition that the county would pay one-half the cost.

RESOLUTION OF INTENTION TO ABANDON PARK PROPERTY IN COLLEGE VILLAGE #2 ADDITION (DALTON ELLIS SUBDIVIDER)

The City Attorney presented for Council consideration, a resolution of intention to abandon the park area in the College Village Addition No. 2. Councilman Mellis introduced

RESOLUTION NO. 842-S.P.
RESOLUTION OF INTENTION NO. 246

seconded by Councilman Arata, declaring the intention to abandon the park area located in the College Village Addition No. 2, pursuant to Sections 38501 through 38510, inc., of the Government Code of the State, known as the Municipal Park Abandonment Law of 1939, setting the date of April 6, 1955, at 4:30 P.M. in the Council Chamber as the time and place for hearing protests and providing for the publication of notice in the official newspaper and the posting of the property as provided by law, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Annan, Arata, Heckendorf, Mellis, and Mayor Pro Tempore Merrill
Noes: Councilmen: None
Absent: Mayor Marks

The City Attorney suggested that during the interval before the hearing, the Council could be considering whether or not a commission should be allowed to a real estate agent, as the county has done, and at the time arrangements were made for the sale, decision could be made on this matter.

RESOLUTION DESIGNATING FREIGHT LOADING ZONES AT VARIOUS LOCATIONS IN THE CITY

The City Attorney reported that the State Department of Highways had advised that in resolutions pertaining to regulations on state highways in the city, that it would be necessary for the resolution to include a statement "that the resolution will be in full force and effect after the approval of the Department, and will cease to be operative within six months after notification by the Department". He stated that it would be necessary to rescind Resolutions 54-358, 54-370 and 55-11, which established freight loading zones on highways and adopt new ones including the required clause.

Councilman Arata introduced

RESOLUTION NO. 55-81

seconded by Councilman Mellis, establishing a freight loading zone at the following location:

Beginning at the intersection of the northeasterly curb line of Ninth Street with the northwesterly curb line of H Street, and continuing northwesterly along the northeasterly curb line of Ninth Street, a distance of 55 feet.

effective after approval by State Division of Highways and providing that it shall become obsolete within 6 months after receipt of written notification by the Division, and rescinding Resolution No. 55-11, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Annan, Arata, Heckendorf, Mellis, Mayor Pro Tempore Merrill
Noes: Councilmen: None
Absent: Mayor Marks

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Councilman Heckendorf introduced

RESOLUTION NO. 5582

seconded by Councilman Annan, establishing a freight loading zone between the hours of 6 o'clock a.m. and 6 o'clock p.m. at the following location:

Beginning at a point on the northeasterly curb line of Ninth Street, said point being fifty-nine (59') feet northwesterly from the intersection of this curb line with the northwesterly curb line of F Street and continuing northwesterly along the Ninth Street curb line, a distance of twenty-two (22') feet.

effective after approval by State Division of Highways and providing that it shall become obsolete within 6 months after receipt of written notification by the Division, and rescinding Resolution No. 54-370, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Annan, Arata, Heckendorf, Mellis, Mayor Pro Tempore
Merrill
Noes: Councilmen: None
Absent: Mayor Marks

Councilman Adams introduced

RESOLUTION NO. 55-83

seconded by Councilman Annan, establishing a freight loading zone between the hours of 7 o'clock a.m. and 7 o'clock p.m. at the following location:

Beginning at a point on the northeasterly curb line of Ninth Street one hundred forty-two (142') feet northwesterly from the intersection of said curb line with the northwesterly curb line of G Street and extending northwesterly along the Ninth Street curb line a distance of thirty (30') feet.

effective after approval by State Division of Highways and providing that it shall become obsolete within 6 months after receipt of written notification by the Division, and rescinding Resolution No. 54-358, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Annan, Arata, Heckendorf, Mellis, Mayor Pro Tempore
Merrill
Noes: Councilmen: None
Absent: Mayor Marks

REPORT ON DEDICATION OF DEL WEBB FIELD MARCH 9, 1955

The City Manager reported that Del Webb would be in the City on March 9 and that a banquet would be held at Hotel Covell at 7:30 p.m. in his honor. It was suggested that this meeting be adjourned until 4:00 p.m. March 9, to forego holding the regular meeting of that date scheduled for 7:30 p.m. so that the members of the Council could attend the banquet and dedication services for the Del Webb Field.

APPROVE ADDITIONAL APPROPRIATION TRANSFER FOR PURCHASE OF FIRE TRUCK

Upon the recommendation of the City Manager, Councilman Arata introduced

RESOLUTION NO. 55-84

seconded by Councilman Annan, approving additional appropriation from the General Reserve Fund of \$1,383.00 to the Fire Department-Capital Outlay for the purchase of the 1250 G.P.M. Pumper, which resolution was regularly

adopted by the following vote:

Ayes: Councilmen: Adams, Annan, Arata, Heckendorf, Mellis, Mayor Pro Tempore
Merrill
Noes: Councilmen: None
Absent: Mayor Marks

APPROVAL APPROPRIATION TRANSFER OF FUNDS FOR PERSONNEL SERVICES

Upon the recommendation of the City Manager, Councilman Adams introduced

RESOLUTION NO. 55-85

seconded by Councilman Heckendorf, approving the appropriation transfer of \$819.00 from the General Reserve Fund to the Personnel Department for services, professional and other, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Annan, Arata, Heckendorf, Mellis and Mayor Pro
Tempore Merrill
Noes: Councilmen: None
Absent: Mayor Marks

ORDINANCE REVERSING FLOW OF TRAFFIC IN ALLEY BETWEEN K AND J STREETS AND ELEVENTH AND TWELFTH STREETS

Upon the recommendation of Traffic Engineer Carmody, Councilman Arata moved the adoption and passage to print of

ORDINANCE NO. 18-C.S.

entitled: "AN ORDINANCE AMENDING SECTION 20 (a) OF ORDINANCE NO. 345-N.S. OF THE CITY OF MODESTO ENTITLED, 'AN ORDINANCE REGULATING TRAFFIC UPON THE PUBLIC STREETS OF THE CITY OF MODESTO'", which motion being duly seconded by Councilman Heckendorf, was upon roll call carried and ordered printed and published by the following vote:

Ayes: Councilmen: Adams, Annan, Arata, Heckendorf, Mellis and Mayor Pro
Tempore Merrill
Noes: Councilmen: None
Absent: Mayor Marks

ESTABLISH FREIGHT LOADING ZONE ON SIXTH STREET BETWEEN H AND I STREETS

Upon the recommendation of Traffic Engineer Carmody, Councilman Annan introduced

RESOLUTION NO. 55-86

seconded by Councilman Arata, designating a freight loading zone at the following location:

Beginning at a point on the northwesterly curb line of Sixth Street 15 feet northwesterly of the intersection of said curb line with the northeasterly curb line of H Street and continuing northwesterly along the Sixth Street curb line a distance of 75 feet.

which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Annan, Arata, Adams, Heckendorf, Mellis and Mayor Pro
Tempore Merrill
Noes: Councilmen: None
Absent: Mayor Marks

PRESENTATION OF NEW MAP OF THE CITY OF MODESTO AND SURROUNDING TERRITORY

The Planning Department presented a new map of Modesto and surrounding territory, which showed the area which could be served by sewers, state highways, major city streets, public owned buildings, parks, etc.

HOLD OVER APPOINTMENT ON PLANNING COMMISSION

The appointment of a new member to fill the vacancy on the Planning Commission, was held over until all the Council members were present.

CITY ATTORNEY REPORT ON PROPOSED IMPROVEMENT DISTRICT

The City Attorney stated that in line with the recent decision of the Council to consider as the city's next major project, the improvement of streets and drainage, the City Manager had recommended that an improvement district be considered for paving of streets, sidewalks, lights, curb and gutters in the John Muir triangle area, bounded by M.I.D. District on the west and on Sunrise by the east and Lucern by the south. He stated the reason this area was selected was solely due to the fact that it already had drainage facilities. He outlined the proposed procedure to be undertaken:

1. Poll to be conducted by his office of the property owners in the proposed district. Approval of a majority of the owners would be necessary before the district would be undertaken
2. Costs to be estimated, if necessary by outside engineering assistance, due to the fact City personnel is still too involved with other work. Contract will have to be approved by Council
3. Completion of the project is estimated to be before the summer season is ended
4. Paving to be financed under the policy established by the Council--City participate 20% of cost

The City Attorney pointed out the advantages to the city in being able to use this area as a "pilot project" for other improvement districts throughout the city.

Director of Planning Smeath reported that a special commission committee was considering a recommendation on construction of sidewalks and that a report would be submitted shortly. He stated that uniform city and county requirements were under consideration and would be most desirable.

The City Attorney pointed out that the use of the Modesto Irrigation District canals was almost essential in order to have any economical solution of the drainage problem. He stated that the quicker this could be solved, through city negotiation or public request, the quicker improvement projects could be undertaken.

Councilman Mellis moved, seconded by Councilman Heckendorf, and it was unanimously carried that authorization to proceed on this improvement district be approved.

The City Manager reminded the Council that arrangements were being made for a trip to Sunnyvale to inspect the improvement districts completed in that city on streets, drainage and sidewalks.

REPORT ON ADDITIONAL CONSTRUCTION AT DEL WEBB FIELD

The Director of Public Works reported that at a recent meeting attended by some of the members of the Council and representatives from the Modesto Community Athletic Association, that it had been agreed that additional concession facilities were needed. He outlined the proposed plan for increasing these facilities and estimated that the cost would be in the neighborhood of \$3300.00. He also outlined the ways and means which could be used in doing the work; cost plus 15% basis or on the basis of the present contract prices.

He pointed out that the new bleachers on the right side of the field which had been built to replace those destroyed by fire did not line up with the remaining bleachers since a concrete foundation had been used under the new bleachers. He pointed out that the old bleachers were in a poor condition and recommended that the Council seriously consider the replacement of them. He estimated the cost to be approximately \$1160.00. Councilman Arata introduced

RESOLUTION NO. 55-87

seconded by Councilman Mellis, authorizing the City Manager to execute a supplemental agreement with Spears Construction Company for the rebuilding of the remaining bleachers on the right side of the field for \$1160.00, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Annan, Arata, Heckendorf, Mellis and Mayor Pro Tempore Merrill
 Noes: Councilmen: None
 Absent: Mayor Marks

It was suggested by the Council that 1) additional study be made on the possible construction of additional concession facilities; 2) if necessary, additional meetings be held with representatives from the Modesto Community Athletic Association; 3) that if necessary, a special Council meeting could be called, and 4) that consideration be delayed for this season.

REPORT BY DIRECTOR OF PLANNING ON PROPOSED NEW K-6 SCHOOL SITE AND PARK

The City Manager reported that according to state law, the school district had asked for Modesto City Planning Commission approval of a school site for a new elementary school site northwest of the city. The Director of Parks & Recreation, Director of Planning, and Traffic Engineer, he stated, have worked with the school in consideration of a site, but no formal proposal has been made by the Planning Commission. He reviewed a report prepared by Planning Director Smeath which indicated that a site had been selected on Teresa Street.

The report also outlined a proposed plan for the acquiring of property jointly by the school and the city for the development of a park area adjoining the school.

It was agreed by the Council that the Council members should personally inspect the property and that a Council committee be appointed to work with the Board.

PROGRESS REPORT ON TIMING ON CIVIC CENTER PLANNING

Planning Director Smeath submitted a brief oral report on the timing on civic center planning and advised that copies would be sent to the Council members for their information.

PRELIMINARY REPORT ON OFFER OF WILBUR TWINING TO RESERVE SUMMER CAMP FOR USE OF "MODESTIANS"

The City Manager reported that Wilbur Twining, owner of a camp in the Pincrest recreational area, had offered to reserve the camp for a period of two weeks during the coming summer season, for Modestians. He stated that if the Council was interested Mr. Twining could be asked to appear before them to give additional information. It was agreed that Mr. Twining should be asked to appear before the Council at an early date.

CITY MANAGER REPORTED ON MEETING HELD BY THE STATE CHAMBER OF COMMERCE ON "WATER RIGHTS" (COUNTY OF ORIGIN RULING BY ATTORNEY GENERAL)

The City Manager reported that as soon as a transcript of the meeting which he had attended in San Francisco, February 23, which had been sponsored by the State Chamber of Commerce on water allocation and appropriation from mountain counties, was available, a further report would be made to Council members.

He reported that the Attorney General had expressed surprise at the interest in his opinion and the attendance at the meeting and had pointed out that his recent ruling on the matter was simply a clarification of a law which had been in effect for 20 years. The Attorney General had pointed out that this legislation was a result of six years of intensive study and discussion and he urged careful consideration before any change of the law be considered. Assemblywoman Davis had urged that no action be taken at this legislative session.

The City Manager suggested that the city check with its representatives and a further report be made to the Council.

REPORT BY CITY MANAGER ON CITY MANAGER'S SECTION OF LEAGUE OF CALIFORNIA CITIES CONFERENCE IN SANTA ROSA

The City Manager gave a brief report on the conference which he and the Assistant City Manager had attended in Santa Rosa, February 22-25, of the City Manager's section of the League of California Cities.

AUTHORIZE CITY MANAGER CONTACT WM. BELL ARCHITECT RE: PLANS FOR 18 HOLE COURSE

Councilman Annan reported that persons interested in the early completion of the 18 hole golf course had expressed a desire to take advantage of the offer to the city of various concerns to supply free of charge, heavy equipment for the rolling and removal of dirt at the course, during the spring weather when the dirt could be handled more advantageously.

This group, he reported, has asked if it would be possible for the city to proceed with the arrangements with Mr. William Bell, Golf Architect, on the plans so that this type of work could be accomplished at this time.

Councilman Annan asked if there was a possibility of the city allotting funds, if necessary, for Mr. Bell's services.

The City Manager suggested, to which the Council concurred, that Mr. Bell be contacted and a report be submitted to the Council on this phase of the development of the course.

CITY MANAGER REPORT ON PROPOSED LEGISLATION RELATING TO AVIATION

The City Manager reported that he had recently met with representatives of the League of California Cities and the California Airport Manager's Association. An effort is being made, he stated, to divert the funds allocated to cities and counties by the state on unclaimed aviation

gas tax to the Commission.

There was general agreement, he reported, 1) that these funds should be retained for the purposes for which they have been allocated-- improvement of airports; 2) that no special taxes should be passed by the legislature to support the aviation commission, but that, if continued, the commission should be supported out of the general fund; 3) that the aviation commission should not be a regulatory power since this would be an overlapping of regulation and a duplication of the powers of the Civil Aeronautics Commission; 4) regulatory provisions should be removed and the remaining responsibility, at the state level, be transferred to some other appropriate agency; 5) that the commission be retained on an advisory basis only.

The City Manager reported that Senator Hugh P. Donnelly had visited the municipal airport recently and had been shown the various improvements which had been accomplished with the city's portion of these funds.

Assemblyman Brown has introduced a bill to abolish the commission entirely, he stated.

The City Manager reported that an attempt had been made by the state commission last week to "horse trade" by offering to withdraw its bill in the legislature to take away the gas tax fund if this group would withdraw its bill to abolish the commission.

ADJOURNMENT.

Councilman Arata moved, seconded by Councilman Heckendorf, and it was unanimously carried, that this Council meeting be adjourned until 4:00 P.M. March 9, 1955. The meeting was adjourned at 6:30 P.M.

ATTEST: 
 REX E. GAILFUS, CITY CLERK

The Council of the City of Modesto met in adjourned session this date at 4:00 P.M. as provided by Section 2-1.07 of the Modesto Municipal Code, in the Council Chamber at the McHenry Public Library Building, 14th and I Streets, Mayor Marks presiding.

The City Clerk called the roll and there were

Present: Councilmen: Adams, Annan, Arata, Heckendorf, Mellis, Merrill, and Mayor Marks
Absent: Councilmen: None

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

A few moments of silent prayer were observed.

APPROVAL OF MINUTES

Council members having received copies of the minutes of February 16, 1955, and the same being available for public inspection, and there being no objections, the minutes were approved.

STATE COMPENSATION INSURANCE FUND RE: PREMIUM REFUND

Howard Brownson, representing the State Compensation Insurance Fund, presented Mayor Marks with a check for \$9,366.56 refund on compensation policy premium for year ending July 1, 1954. He attributed the good record of the city to the city's safety program which had been started in 1952. He pointed out that there had been a general increase in claims by other local governments throughout the state.

Mayor Marks recommended that all the city employees responsible for the city's good record be commended for their services in this program on behalf of the citizens of the city.

Councilman Adams introduced

RESOLUTION NO. 55-88

seconded by Councilman Mellis, expressing appreciation to the city employees for their excellent safety record and authorizing the posting of a copy of this resolution on bulletin boards in the various city buildings, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Annan, Heckendorf, Mellis, Merrill,
and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Arata

LETTER FROM GRACE SIMMONS--TRIANGLE MARKET RE: PARKING ON 11th AT NEEDHAM AVENUE

A letter from Grace Simmons, operating the Triangle Market on 11th Street at Needham Avenue regarding parking at this location was read and referred to the City Manager for study and report.

ACCEPT BIDS ON PIPE, VALVES, AND FITTINGS

Director of Public Works Ray presented tabulations of the bids received for pipe, valves, and fittings which had been opened at 2:00 P.M. February 28, 1955, and his recommendations for award of bid.

Councilman Merrill introduced

RESOLUTION NO. 55-89

seconded by Councilman Heckendorf, accepting the bid of Water Works Supply Company of \$2,309.90 on Items No. 5 to No. 23, inc., as set forth in the Notice to Bidders, for the furnishing of miscellaneous cast iron fittings, as recommended by the Director of Public Works, as the lowest responsible bid, and authorizing the execution of a contract by the city's designated officials, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Annan, Heckendorf, Mellis, Merrill, Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Arata

Councilman Adams introduced

RESOLUTION NO. 55-90

seconded by Councilman Annan, accepting the bid of the Republic Supply Company of \$2,274.32, on Items 24 to 27 inc., as set forth in the Notice to Bidders, for the furnishing of gate valves, as recommended by the Director of Public Works, as the lowest responsible bid, and authorizing the execution of a contract by the city's designated officials, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Annan, Heckendorf, Mellis, Merrill, Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Arata

Councilman Arata arrived at this time (4:20 P.M.)

Councilman Mellis introduced

RESOLUTION NO. 55-91

seconded by Councilman Arata, accepting the bid of \$17,257.90 of United States Pipe and Foundry Company for the furnishing of cast iron pipe (4" and 6") Items 1 and 2, as set forth in the Notice to Bidders, as recommended by the Director of Public Works, as the lowest responsible bid, and authorizing the execution of a contract by the city's designated officials, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Annan, Arata, Heckendorf, Mellis, Merrill, Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: None

Councilman Merrill introduced

RESOLUTION NO. 55-92

seconded by Councilman Annan, accepting the bid of \$26,065.59, submitted by Crane Company for the furnishing of cement asbestos pipe, Items 3a and 4a, as set forth in the Notice to Bidders, as recommended by the Director of Public Works, as the lowest responsible bid, and authorizing the execution of a contract by the city's designated officials, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Annan, Arata, Heckendorf, Mellis, Merrill, Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: None

AUTHORIZE PURCHASE OF WHITE TRAFFIC LINE PAINT

Upon the recommendation of the City Manager, Councilman Adams introduced

RESOLUTION NO. 55-93

seconded by Councilman Annan, approving the purchase of 1000 gallons of white traffic paint (amount to be purchased will exceed \$1500), which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Annan, Arata, Heckendorf, Mellis, Merrill,
Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

CALL FOR BIDS ON ADDITIONAL UNITS FOR TREATMENT PLANT

The City Manager reported that the plans and specifications had been completed by Harry N. Jenks, Consulting Sanitary Engineer, for the construction of additional major units at the treatment plant.

Director of Public Works Ray stated that Mr. Jenks had done a magnificent job on these plans and specifications considering the time allotted to him. He stated that it was the recommendation of the Council Sewer Committee that the plans and specifications be presented for approval and the call for bids be authorized. He gave a brief report on the work to be done which called for "the furnishing of all materials, labor and services for the construction of sewage and industrial waste treatment works, comprising essentially of a clarifier and biofilter, together with appurtenances and miscellaneous construction". He reported that the Dorr Company and Fairbanks Morse Company had agreed to donate, without cost to the city or the contractor, certain needed equipment for the pilot plant and that the Chicago Pump Company had agreed to provide certain equipment at cost. Permission to use this pilot plant, he continued, to conduct tests, has been promised to these companies when it does not interfere with the city's operations.

Mr. Jenks, who was present, stated that he had contacted various contractors who would be interested in bidding on the work so that they would be prepared to submit bids and to line up their work so that the plant could be constructed according to outlined time schedule.

Mr. Ray reported that Mr. Jenks had provided his service without charge on the designing of the pilot plant.

Mr. Jenks reported that his son was anticipating coming to Modesto and spending a good deal of time on the work which, he stated, would be their contribution for the advancement of knowledge along these lines. Mr. Jenks expressed appreciation for the help and the moral support given him in this project.

Councilman Adams introduced

RESOLUTION NO. 55-94

seconded by Councilman Mellis, approving the plans and specifications and contract documents, for the construction of sewage and industrial wastes treatment works, and authorizing the calling for bids, said bids to be opened in the office of the City Clerk, Friday, April 1, 1955, at 2:00 P.M., which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Annan, Arata, Heckendorf, Mellis, Merrill and
Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

Mr. Jenks pointed out that the biofilter proposed on the plans would be the largest in the world and that the clarifier would be the largest in the west.

FURTHER CONSIDERATION OF OFFER TO RESERVE USE OF CAMP FACILITIES FOR MODESTIANS

At the request of the Council, Wilbur Twining, operating the Pinecrest Chalet in the Pinecrest Recreational Area, appeared before the Council to further discuss his offer to reserve the Chalet for the first two weeks of July for Modestians only.

Mr. Twining outlined the facilities which would be furnished, charges, and the program which would be furnished at the camp. He pointed out the benefit to be gained by creating closer family ties. He stated that he would work with the city's recreation department and that reservations would be made through this department. The city would incur no expenses by sponsoring this project, he stated.

Both the City Manager and Director of Parks and Recreation Lowry expressed approval of the proposed program. The City Manager pointed out that this would be a wonderful opportunity to give the people a taste of family camping at no obligation to the city, and would afford an opportunity to determine the public reaction to the program. If it was successful, a longer period could be reserved next year, he stated.

The Council was polled and all members expressed approval of the plan. Councilman Merrill moved, seconded by Councilman Arata, and it was unanimously carried, that the City Attorney prepare a contract for Council consideration.

RESOLUTION PROVIDING FOR GENERAL MUNICIPAL ELECTION ON APRIL 12, 1955

The City Attorney read a resolution for Council consideration calling the general municipal election and Councilman Arata introduced

RESOLUTION NO. 55-95

seconded by Councilman Annan, calling a general municipal election to be held on Tuesday, April 12, 1955, in the City of Modesto and in Modesto City School District for the election of the following officers:

- (a) One Mayor for the full term of four years
- (b) Three Councilmen for the full term of four years each
- (c) One Councilman for the short term of two years
- (d) Three members of the Board of Education of Modesto City School District, for the full term of four years

and designating precincts and polling places and appointing members of precinct boards, which resolution was regularly adopted by the following vote:

Ayes:	Councilmen:	Adams, Annan, Arata, Heckendorf, Mellis, Merrill and Mayor Marks
Noes:	Councilmen:	None
Absent:	Councilmen:	None

MAYOR CLIFFORD E. RISHELL OF OAKLAND INTRODUCED TO COUNCIL

Mayor Marks introduced Clifford E. Rishell, Mayor of the City of Oakland, guest of the Council.

REPORT ON EXTENSION OF D STREET ACROSS SOUTHERN PACIFIC RAILROAD

The City Manager reported that the plan for the rearrangement of the Carnation Company feed plant on 7th Street, to permit the extension of D Street from 9th Street to 7th Street, could not be done without substantial damage to the building plans. The present part of the plant which is near completion represents an expenditure of about \$50,000. and the company is planning to build an additional building for approximately a like amount. He recommended that the city give up the proposed plan to extend D Street and

consider a plan with the state, in relation with the freeway, to relieve the traffic problem at 7th and B Streets. He pointed out that the city could ask the company to forego the installation of this industry but that he would recommend that the city give up the plan and welcome the new industry to the city. The only permanent solution to the traffic problem across the tracks would be a grade separation.

Traffic Engineer reviewed the background of the proposal for extension of D Street and pointed out that the Council could consider the following three alternatives:

1. Drop the matter and allow the construction of the plant
2. The City could proceed, realizing that the Public Utilities Commission may or may not approve an application (they disapproved it in 1948-49) and that this action may discourage the company from locating their plant in Modesto.
3. Drop the matter of the D Street grade crossing and proceed with greater force toward the creation of one or more grade separations, perhaps in connection with the freeway.

He recommended that the Council consider alternative No. 3. He pointed out that the extension of D Street would be a temporary measure only for approximately five years and that a grade separation would be the only permanent solution. He also pointed out that the increase in the number of trains would require this separation.

Councilman Arata recommended that the City Manager be instructed to proceed to complete plans for traffic relief at the intersection of 7th and B Streets.

The City Manager stated that the administrative staff was planning on suggesting a major program of installation of traffic signals for Council consideration and that the signalization of B Street would given high priority. It is proposed to signalize 8-12 intersections, plus the ones already considered on McHenry Avenue and Yosemite Boulevard, he stated.

He suggested that consideration be given to financing this over-all program through the capital improvement program due to the large amount of money needed for the program.

Councilman Mellis moved, seconded by Councilman Merrill and it was unanimously carried, that the matter of extending D Street from 9th Street to 7th Street be terminated and the Mayor be authorized to write to the Carnation Company expressing the city's willingness to cooperate with them.

Councilman Arata left the meeting at this time (5:32 P.M.)

DISCUSSION ON TRAFFIC CONTROLLERS AND SIGNAL HEADS

The City Manager suggested that in order to have any degree of uniformity in traffic signal heads and controllers, that the Council consider at this time, calling for bids for six new installations. He estimated the cost of the installations, which would be done by contract, to be approximately \$20/22,000; which would also include lighting. He stated that this was proposed on the basis that the capital improvement fund be adjusted to include this expenditure.

Mayor Marks questioned whether this expenditure would belong in the capital improvement program and suggested that it be placed in the regular budget.

The City Manager pointed out that next year's budget would be extremely "tight", and that an expenditure of \$30/40,000 on traffic channelization would afford more traffic relief to the people of the city than any other expenditure on streets.

Councilman Mellis contended that in allocating 75% of the parking meter revenue to the Authority, the need for traffic signals was not taken into consideration. He stated that money had not been allotted to the traffic department to signalize the street and there was no way of getting the money. He stated that allocating the additional 25% to the traffic department instead of the Parking Authority, for the purchase of traffic signals, would have done more good for more people. Traffic signals and traffic channelization belongs to the parking problem. He pointed out that the city would have to face the problem of traffic channelization and more and more money would have to be provided. The money will have to be found somewhere, he stated, and "to my way of thinking, it should come from the meter revenue". He pointed out that the regulation of traffic in the downtown district was as important as providing parking. "Part of the money put in those meters," he stated, "should be spent on traffic regulations--how to get the people in and out of the city and on the operation of the traffic department."

Mayor Marks stated that he believed it could be considered that traffic signals could logically be considered a part of the improvement program since the more traffic in the city, the more sales tax is collected and adequate ingress and egress plus lighting of traffic signals would be a part of the capital improvement program.

The City Manager pointed out that an expenditure of approximately \$30/40,000 for signalizing intersections would clear out the traffic at intersections faster and do much more good for traffic than the same expenditure on any street in the city. He pointed out that if one way streets were adopted that the cost could also be considered a part of the capital improvement program.

The City Manager stated that a more detailed report would be submitted at a later meeting.

REPORT ON STREET LIGHTING DISTRICT

Carter Harrison, member of the Chamber of Commerce Street Lighting District Committee, outlined the boundaries of the proposed downtown lighting district.

The City Manager reported that copies of the proposed district would be distributed to the Council members.

Mayor Marks moved, seconded by Councilman Mellis, and it was unanimously carried that plans and specifications for the district be prepared, that the hiring of a bond counsel be authorized and the administrative staff be authorized to take any other necessary action.

CITY CLERK CERTIFY CANDIDATES FOR GENERAL MUNICIPAL ELECTION

City Clerk Gailfus filed a certified list of candidates properly qualified to be placed on the ballot in the general municipal election to be held on April 12, 1955, for the offices of Mayor, Councilman, and Member of Board of Education.

Councilman Annan introduced

RESOLUTION NO. 55-96

seconded by Councilman Heckendorf, resolving that at the election to be held in the City of Modesto and in the Modesto City School District on April 12,

1955, there shall appear upon the ballot as candidates for the various offices as indicated, the following named persons:

For Mayor (One to be elected for the full term of four years)

Harry Marks

For Councilman (Three to be elected, each to serve for a full four year term)

Lyndall O. Merrill
Henry E. Anderson
Clarence L. Baker
Herbert G. Florcken
Paul Gann
Philip E. (Phil) Humphreys
Sidney E. Losher
John Morgan
Lawrence R. Robinson Jr.
Raymond S. Shearn
Leo Shoob

For Councilman (One to be elected for the short term of two years)

Don D. Hammond
George F. Langley
Joseph A. Sequeira
Alvin A. Woods

For Member of Board of Education (Three to be elected for the full term of four years each)

Catherine E. Everett
Jack Wherry
T. K. Beard
Clarkson B. Bradford Jr.
Joseph R. Byrne
A. C. (Al) Dandy
William B. Hughes
Watson L. Johns
Leslie M. Juetta
C. D. (Don) Oliver
Cecil G. Plummer
Robert H. Smith
Oliver Burdean Thompson

which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Annan, Heckendorf, Mellis, Merrill and Mayor
Marks
Noes: Councilmen: None
Absent: Councilmen: Arata

The City Clerk reported that records in his office would indicate the disposition of all nomination papers filed.

APPROVAL OF FINAL MAP OF CAMPUS HEIGHTS TRACT

The City Manager reported that the final map of Campus Heights Tract, which has been submitted by Joe Nunes, Jr., Kathryn Nunes, Arthur J. Wylie, and Florence E. Wylie had been approved by the Planning Commission, a bond had been filed with the City Clerk and required cash payment had been made.

Director of Planning Smeath reported that at the time the tentative map of the subdivision had been approved by the Planning Department, in July, 1954, the question of the installation of sidewalks on major thoroughfares, as provided by the Municipal Code, had not been cleared up. He stated that the definition of "major thoroughfare" was not clear but that he had asked Mr. Wiley to consider the installation of sidewalks on Roseburg Avenue since this was a narrow and busy street. He pointed out that the city had required the subdivider developing the area on the north side of Roseburg Avenue to install sidewalks. He stated that it was considered by the Planning Commission that the Municipal Code requirement relating to sidewalks in subdivisions was a directive to require these sidewalks, but due to an oversight, the tentative map had been approved without clearing this point. He pointed out that it would work a hardship on a subdivider, in some cases, if the price level for the sale of the lot had been established and the city required him to install sidewalks.

The City Attorney stated that at this point the Council could not compel Mr. Wiley to install sidewalks; that his interpretation of the code requirements on subdivisions was that if the tentative map had been approved by the Planning Department without requiring sidewalks, the approval of the final map could not be held up unless sidewalks were installed.

He pointed out that the Council would have the right at this time to return the map to the Commission if the design of the subdivision did not meet with its approval but that it did not have the power to impose sidewalk construction as a requirement for the approval of the final map. Legally, he stated, the final map had met the requirements established by the Planning Commission. The City Manager asked how the Planning Commission could approve the map if it did not conform with the Ordinance relating to sidewalks.

Mr. Art Wiley stated that the reason the subdivider north of Roseburg had agreed to install sidewalks, was because his subdivision was close to schools and that this had been the policy of the engineering department of the city in the past. He pointed out that the Campus Heights Subdivision was not close to a school. There never had been any reference to sidewalks at the time the tentative map had been approved, he stated, and he felt that approval of the final map should not be held up because of sidewalk requirements. He stated, "I feel that we will probably install sidewalks on Roseburg Avenue but at this time, I cannot commit my partner until I have had time to study it." He pointed out that he had always been in favor of sidewalks, but did not like to have this requirement imposed on him as a condition to Council approval of the final map.

A general discussion was held by the Council on the definition of "major thoroughfare". The City Manager pointed out that Roseburg had been designated as a "major city street".

The City Manager pointed out that Mr. Wiley had always cooperated with the city and that "he was sure that he would do so in this instance and would probably install sidewalks on Roseburg Avenue. That although he was within the letter of the law, as ruled by the City Attorney, that he was not within the spirit of the law if he refused to install sidewalks."

Councilman Adams introduced

RESOLUTION NO. 55-97

seconded by Councilman Merrill, approving the final map of the Campus Heights Tract; accepting the streets, alleys and easements on behalf of the public for public use; authorizing the City Clerk to certify the map after certain conditions were complied with; and, authorizing execution of agreement as required by Section 4-4.604 (c) of the Modesto Municipal Code, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Annan, Arata, Heckendorf, Mellis, Merrill and
Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

LETTER FROM CALIFORNIA HIGHWAY COMMISSION RE: PROCEDURE FOR DETERMINATION OF
FREEWAY ROUTINGS

A letter enclosing a copy of a resolution adopted by the California Highway Commission on February 18, 1955, restating its procedure for determination of freeway routings, was read. The City Manager was asked to furnish copies to each Council member.

REPORT ON AERIAL MAPPING OF MODESTO AREA

The City Manager reported that the joint agreement between the city and county for the aerial mapping of the Modesto area had not been cleared by the county as yet, but that the form of agreement had been approved by the County Counsel's office.

AUTHORIZE CITY ATTORNEY PREPARE NECESSARY LEGISLATION TO ESTABLISH DIAGONAL
PARKING NEAR THE BETHEL FULL GOSPEL CHURCH ON 15th AND G STREETS

Traffic Engineer Carmody reviewed the discussion which had previously been held on the request of Rev. Donald Weston for the painting of white stripes on 15th and G Street in front of the Bethel Full Gospel Church to permit diagonal parking. He recommended that diagonal parking be permitted on Sundays and after 6 P.M. other days but that the street should not be painted but signs be posted permitting this type of parking during the hours specified. He pointed out that three other churches were in the same category. He stated that parking was not critical at this location but the traffic volume was too heavy to permit diagonal parking at all times.

During the discussion it was brought out that limited diagonal parking could be established at the Bethel Full Gospel as an experiment and if it did not prove out it could be changed.

The City Attorney reported that he had written to the Automobile Associations to obtain opinions on the legality of this proposal. He suggested that the adoption of any legislation on this matter be held up until a reply had been received.

Councilman Annan moved, seconded by Councilman Merrill and it was unanimously carried, that the City Attorney be directed to prepare for Council consideration the necessary legislation to establish limited diagonal parking as recommended by the Traffic Engineer.

Councilman Mellis pointed out that this type of parking could create confusion at times when a car had parked diagonal at night time and during the day other cars had parked parallel.

ACCEPT CONSTRUCTION OF SANITARY SEWER LATERALS IN NORTH CENTRAL ADDITION FROM
CONTRACTOR VINCENT RODRIGUES

Director of Public Works Ray reported that the construction of sanitary sewer laterals in the North Central Addition had been completed by the contractor, Vincent Rodrigues, with the exception of certain soft spots in the pavement on Roseburg and Mensinger Avenues. He stated that the contractor had deposited with the City Clerk, a check in the amount of \$200. as insurance that these deficiencies would be corrected. He recommended that the contractor be assessed liquidated damages for two days at \$50.00 per day as this project should have been completed earlier. He recommended that the project be accepted on this basis as complete, by the Council at this time; Notice of Completion filed with the County Recorder; and, payment as due be approved. Councilman Adams introduced

RESOLUTION NO. 55-98

seconded by Councilman Heckendorf, accepting the project, with the corrections to be made in the streets, as complete, and assessing the contractor liquidated damages for two days, as recommended by the Director of Public Works, that Notice of Completion be filed with the County Recorder, and that payments as due be authorized, as recommended by the Director of Public Works, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Annan, Heckendorf, Mellis, Merrill, Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Arata

Councilman Merrill left the meeting at this time (6:25 P.M.)

ACCEPT CONSTRUCTION OF COLLEGE AVENUE CROSSING OF M.I.D. LATERAL NO. 3 FROM CONTRACTOR, STANDARD MATERIALS INC.

The Director of Public Works reported that the contract for the construction of College Avenue Crossing of M.I.D. Lateral No. 3, had been completed in accordance with the contract by the Standard Materials, Inc. and he recommended its acceptance, recordation of Notice of Completion be authorized, and payments due be authorized. Councilman Heckendorf introduced

RESOLUTION NO. 55-99

seconded by Councilman Annan, accepting the construction of College Avenue Crossing of M.I.D. Lateral No. 3 from Standard Materials, Inc., authorizing recordation of the Notice of Completion with the County Recorder and authorizing payments as due, as recommended by the Director of Public Works, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Annan, Heckendorf, Mellis and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Arata and Merrill

MAYOR MARKS REPORT ON REQUEST FOR ASSISTANCE BY THE CALIFORNIA FRYERS FESTIVAL ASSOCIATION

Mayor Marks reported that representatives of the California Fryer's Festival Association had requested legal assistance in preparing incorporation documents. He stated that he had advised them this matter should be handled by a private attorney but that the City Attorney would assist with legal matters relating to its festival celebration in the city.

ESTABLISH POLICY ON GRANTING OF PERMITS TO DISPLAY BANNERS AND DECORATIONS OVER AND ACROSS STREETS IN THE CITY OF MODESTO

The City Attorney presented for Council consideration, a resolution which would include the California Fryer's Festival in the organizations which would be permitted to display banners and decorations over and across the city streets. Councilman Adams introduced

RESOLUTION NO. 55-100

seconded by Councilman Mellis, establishing the policy of granting permits, to display banners and decorations over and across the streets in the city, to the following groups, for the following occasions: United Crusade, California Relays, Fourth of July Celebration, Christmas Celebration, and Fryer Festival, and rescinding Resolution No. 9433-N.S., which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Annan, Heckendorf, Mellis and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Arata and Merrill

PROCLAIMING CALIFORNIA FRYER FESTIVAL WEEK JUNE 12 THROUGH JUNE 18, 1955

The City Attorney presented for Council consideration, a resolution proclaiming the week of June 12 through June 18, 1955, as "California Fryer Festival Week". Councilman Mellis introduced

RESOLUTION NO. 55-101

seconded by Councilman Heckendorf, proclaiming the week of June 12 through June 18, 1955, as California Fryer Festival Week and inviting the public to attend the festival on Saturday, June 18, at Legion Park between the hours of 3 P.M. and 7 P.M. and directing the City Clerk to transmit copies of the resolution to individuals and organizations, as set forth in the resolution, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Annan, Adams, Heckendorf, Mellis and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Arata and Merrill

REPORT BY CITY ATTORNEY ON USE OF SOUND TRUCKS IN CITY

The City Attorney distributed copies of a report on the use of sound trucks in the city, to the Council members for their study and consideration at the next Council meeting.

APPOINT PETER JANOPAUL MEMBER OF THE MODESTO CITY PLANNING COMMISSION

Mayor Marks reported that he had contacted Peter Janopaul and he had agreed to serve on the Modesto Planning Commission. Councilman Adams introduced

RESOLUTION NO. 55-102

seconded by Councilman Heckendorf, appointing Peter Janopaul a member of the Modesto City Planning Commission, to serve the unexpired term of John Bomberger until January 1, 1957, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Annan, Adams, Heckendorf, Mellis and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Arata and Merrill

CITY OF MODESTO PARTICIPATE IN REVENUE BOND LITIGATION

The City Attorney read a letter from the League of California Cities stating that litigation was pending, relating to the validity of revenue bonds issued for the purpose of financing construction or enlargement of municipally owned public utilities and that a favorable ruling would be of benefit to cities which operated its own utilities. The City Attorney recommended to the Council that it authorize the city to participate in the pending litigation as a "friend of the court" without cost to the city. Councilman Mellis moved, seconded by Councilman Annan, and it was unanimously carried, that the participation of the City of Modesto as recommended by the City Attorney be authorized.

REPORT ON CITY ATTORNEY'S OFFICE

Copies of a report on the City Attorney's office were distributed to members of the Council for their study.

CITY MANAGER SUBMIT FINANCIAL STATEMENT FOR MONTH OF FEBRUARY, 1955

The City Manager submitted financial report for the month of February, 1955, which was accepted by the Council and ordered filed.

CITY MANAGER REPORT ON MEETING TO DISCUSS FORMATION OF SAFETY COUNCIL

The City Manager reported on the meeting held March 7, 1955, to discuss the formation of a Safety Council. This meeting was attended by representatives from various clubs, P.T.A. Associations, County and City officials. A representative from the National Safety Council had talked on organizational and financing problems and outlined the work done in other cities. A steering committee had been appointed and Robert Wooldridge had been elected temporary chairman. Other meetings were planned in a few weeks, he stated. Various industries had offered support and assistance in the formation of the committee, he stated, and it is hoped to form a local chapter.

COUNCILMAN ADAMS ISSUE INVITATION TO MEETING OF CALIFORNIA SOCIETY OF PROFESSIONAL ENGINEERS ON WATER RIGHTS

Councilman Adams issued an invitation to the Council members on behalf of the California Society of Professional Engineers to attend a meeting on Friday, March 11, in the map room of Hotel Covell. Luther Thompson, member of the Modesto Irrigation District Board will discuss the subject of Water Rights.

DISCUSSION ON SERVING AREA EAST OF COFFEE ROAD WITH CITY WATER

The City Manager reported that from the study made by the Public Works Department, it was considered that it would not be wise, from the standpoint of operation, to install a water line to serve the Gould Medical Center and the subdivision being developed by Mineni and Oman, north of the center.

The Director of Public Works stated that when the purchase of the park site on Coffee Road was under consideration, it was planned to serve this area along with the Center, with city water. He stated that the area could be served better by the Del Este Water Company, which had a large main, the full length of Coffee Road. The closest city water line is a 6" line, east of the west property line of the new John Muir School on Lucern Avenue, which would dead end at the subdivision. In order to maintain the city fire rating in this area, which has agreed to annex to the city as soon as possible, he stated, he recommended that the area be served by the Del Este Water Company. He stated that he had already contacted the company which had indicated willingness to serve the area with water.

Councilman Mellis contended that when the city refused to extend its water service to an area, it was "building up its competition and when the city has to buy the company, it would be necessary to buy a big company." Inside of a year, he continued, the city would receive a large portion of its expenses from water revenue. He recommended the digging of a well in the area. He stated, that if the city refused to grant water service it would be a reversal of its established policy. He pointed out that this was one of the first subdivisions in the area but there would be others, soon, and if the city started now to lay the foundation to furnish water, it would be in a position to expand in that district as the development progressed.

Councilman Annan pointed out that serving water was a lucrative business, but furnishing sewer service was costly to the city.

The City Manager pointed out that the city has not followed the policy of laying city lines along lines of private companies. The question is, he stated, do we go out and vigorously compete line by line in the same street. The policy has been to serve where it was economically feasible.

The Director of Public Works suggested that an investigation be made if it would be permissible for the city to encroach in an area assigned

to another utility company by the Public Utilities Commission.

The City of Stockton was cited as an example where private water companies were allowed to expand to such an extent that it would be extremely expensive for the city to acquire them;

Mayor Marks suggested that one alternative would be for the city to buy all the private companies and to bring the service to the city standard.

Councilman Mellis pointed out that to buy out the other companies would not be an easy job and would take time to accomplish. "We are faced with this problem now," he stated. Mr. Mineni will have to pay \$3,000.00 to the Del Este for its service and this money should be coming to the city. We do not make money on sewers but we do on water. It is up to us to improve and expand our water system and never allow these private companies to get bigger and bigger. We should try to keep our competition small. The same thing applies to a private company," he stated.

Mayor Marks suggested that the City Manager submit a report at the next meeting, outlining the alternatives, whether a well could be drilled outside the city to the east and a line be built to serve the area, and the approximate cost.

The Director of Public Works pointed out that if this source of water supply could be connected with the city line, the fire rate and protection could be the same as the city.

AUTHORIZE THE COMMENCEMENT OF TRAFFIC SIGNALS AT INTERSECTION OF 14TH AND H STREETS

Councilman Heckendorf introduced

RESOLUTION NO. 55-103

seconded by Councilman Mellis, authorizing the Traffic Engineer to commence operations of the automatic traffic signals installed at the intersection of 14th and H Streets, as of this date, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Annan, Adams, Heckendorf, Mellis, Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: Arata and Merrill

ADJOURNMENT

Councilman Adams moved, seconded by Councilman Annan, and it was unanimously carried, that the meeting now in session adjourn. The meeting was adjourned at 6:30 P.M.

ATTEST: *Rex E. Gailfus*
REX E. GAILFUS, CITY CLERK
By Anne M. Collins

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 Chamber at the McHenry Public Library Building, 14th and I Streets, Mayor Marks presiding.

The City Clerk called the roll and there were
Present: Councilmen: Adams, Annan, Arata, Heckendorf, Melis, Merrill and
Mayor Marks

Absent: Councilmen: None

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

A few moments of silent prayer were observed.

APPROVAL OF MINUTES

Council members having received copies of the minutes of February 23, 1955, and the same being available for public inspection, and there being no objections, the minutes were approved.

APPROVE OFFICE SPACE IN MCHENRY LIBRARY FOR GROUND OBSERVERS CORPS

Sergeant L. Jacobsen of the U. S. Air Force, in charge of the Ground Observer Corps for Mariposa, Merced, and Stanislaus Counties, appeared before the Council requesting office space for the headquarters which is to be located in Modesto.

City Manager Miller reported that space could be made available in the Library Building, with Council and Library Board approval, and that the City would loan a desk and chair. Councilman Merrill moved, seconded by Councilman Arata, and it was unanimously carried, that permission be granted to the Ground Observer Corps to establish its area headquarters in the McHenry Public Library Building.

INVITATION TO COUNCIL MEMBERS TO ATTEND DINNER SPONSORED BY THE WOMEN'S IMPROVEMENT CLUB

Mayor Marks read a letter from the Women's Improvement Club inviting Council members to attend its annual dinner at the Tuolumne River Club house Thursday, March 21. Members were asked to make reservations through the Clerk's office.

LETTER FROM FRANK ANDREWS RE: LOCATION OF FREEWAY

A letter from Frank Andrews regarding the location of the freeway was briefly discussed by Mr. Andrews and members of the Council.

DISCUSS APPROPRIATION FOR TRAFFIC SIGNAL HEADS AND CONTROLLERS

As directed by the Council, the City Manager reported on a method which could be used to finance six traffic signals during the fiscal year. He stated that it would be possible to finance these from the capital improvement program as follows: \$15,000 from the Capital Improvement fund, allocated, but not used, for park development; and, \$5,000 from the unallocated fund of \$28,000.

Mayor Marks stated "money in this capital improvement fund is inviolate. It should be expended only on capital improvement projects." He suggested that a study be made on the possibility of financing traffic signals from funds derived from parking meter revenue. He pointed out that the city already had a number of parking lots bought and paid for, and that the new proposed parking program should stand on its own feet. He stated that the traffic problem would not get any better - never reach a point where the city

would not need traffic signals. "I just feel that we should take the revenue from the lots already paid for to finance traffic signals." "If you take money from the capital improvement fund for traffic signals, many other things could be financed from this fund on the same basis. We promised the people that the money would be used for capital improvement program--this is a traffic matter and in my mind it does not come under the capital improvement program."

The City Manager pointed out that street improvement could logically be considered a capital improvement as much as any other. He stated that money spent on signals would do more good for traffic than any other type of street improvement.

Councilman Annan contended that at the time the ordinance was adopted creating the capital improvement program, in the discussion on the projects which could be accomplished, it was pointed out that such things as a city hall, auditorium, larger golf course, and rebuilding of the Lake Modesto Dam, things to beautify the city, not such things as traffic signals. Signals are a part of the everyday expenses of the city. We will never accomplish the program for which the ordinance was intended if we spend the money for such things as traffic lights. If this is the feeling of the Council, some policy statement should be adopted for a guide of the Councils which will succeed us, he stated.

The City Manager pointed out that the Council, at a prior budget hearing, had pointed out that the final budget which had been approved was a "good operating budget but would not take care of any capital needs". He pointed out that only \$4500.00 had been allocated for traffic signals in the present budget which would not pay the cost of the two installations already made. He suggested that if there was any reservation in the minds of the Council that they not make any final decision until the next year's budget was considered. "It will probably be the tightest budget we have had."

Councilman Mellis stated that he was certain that if the charter amendment was successful at the election that the Traffic Engineer would determine that the city would not need all the revenue to finance a program for parking stalls. "We can use the money from the meters for the signal light improvement," he stated. At the same time, we are providing parking, we will also provide traffic signals in the most acute places in town. he stated. We should not draw from the sales tax improvement fund except for capital projects, he stated, signals are a part of the operation of the city. We should try to find ways and means for traffic improvement.

Mayor Marks asked if the Council wished to proceed with approving plans and specifications for the intersection at 7th and B Streets now, or wait until after the election when the new council members could consider the matter. Before the Council members were polled on the question, further discussion was held.

The City Manager pointed out that signal installations were a major improvement; whether the Council wanted to include it in the capital improvement program was a matter of policy.

Mayor Marks stated that the money should come from the parking meters for the signals but recommended that the improvement of 7th and B Streets be started at once.

Councilman Arata and Merrill both expressed the opinion that signals should be considered in the capital improvement program.

City Attorney Grimes stated that from a legal point of view, he would agree with the City Manager--that there was no question but that traffic signals were a capital outlay. However, he stated, it is a question of policy for the Council to determine how it wishes to use the money in the capital improvement fund.

Councilman M. Adams suggested that the signals be financed out of parking meter revenue money.

The City Manager pointed out that there were many more traffic signals needed which would cost at least \$40/50,000. The six signals now under discussion, he stated, is the smallest part of a signal program which is needed in the city. He pointed out that the decision to purchase the six signals could wait until the council had decided on a program. He asked the City Attorney whether it was clear that some of the funds from the parking meters could be used for other items of expenditure. He suggested that the record should be clarified if there was any doubt that the money from the parking meter, both on and off-street, would be available.

The City Attorney stated that the charter amendment allows the Council to pledge 75% on-street and 100% existing off-street and proposed off-street lots. Once a pledge is made then the fund may not be taken out of the trust fund until the bonds are fully paid. The amount of funds pledged may vary, he stated. The resolution of issue must provide how much is pledged of various types of funds. If all of the money that comes from the meters is not pledged, the balance could be used for any purpose related to traffic.

Councilman Adams moved that the decision on financing the traffic signal be held over. The motion died for a lack of a second.

Councilman Arata introduced

RESOLUTION NO. 55-104

seconded by Councilman Merrill, approving an appropriation transfer of \$5,000. from the unallocated capital improvement fund of \$28,000. and \$15,000. from the Capital Improvement fund, allocated for park development, to the Traffic Department for the purchase of traffic controllers and signal heads, which failed of adoption by the following vote:

Ayes: Councilmen: Arata and Merrill
 Noes: Councilmen: Adams, Annan, Heckendorf, Mellis and Mayor Marks
 Absent: Councilmen: None

The City Manager was directed to bring up the matter after the election had been held on the charter amendment.

HEARING ON IMPROVEMENT DISTRICT NO. 2 (SEWER LATERALS AND LIGHTING IN NORTH CENTRAL ADDITION)

This being the time set for the public hearing of any and all protests against the assessment and/or against the work done under Resolution of Intention No. 242 providing for construction of sewer laterals and furnishing of materials for street lighting in the North Central Addition, Improvement District No. 2, Mayor Marks declared the hearing open.

The City Clerk reported receipt of a letter from Mrs. Vera Winger, 120 Griswold Avenue, protesting that "nothing had been done to improve the lighting on Griswold Avenue".

Director of Public Works Ray stated that under the State Improvement Act, all improvements in a district are the property of the contractor until final assessment roll is adopted and the city has accepted the project. Since only the materials are being furnished by the property owners for the lights, and the work is to be done by the city, the city could not legally begin the installation of the street lights until after this assessment roll is adopted. If that is done, he stated, the city is ready to begin tomorrow.

The City Clerk was directed to notify Mrs. Winger of these facts.

Mayor Marks asked for oral protests. No protests were filed.

The Director of Public Works reported that the city's cost was below the original estimate in the district.

Mayor Marks declared the hearing closed.

Councilman Mellis introduced

RESOLUTION NO. 843-S.P.

seconded by Councilman Arata, overruling all protests against the assessment against the work done under Resolution of Intention No. 242, adopted by the Council on the 14th day of July, 1954, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Annan, Arata, Heckendorf, Mellis, Merrill, and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: None

Councilman Merrill introduced

RESOLUTION NO. 844-S.P.

seconded by Councilman Heckendorf, ratifying and confirming the assessment and the diagram and warrant attached, the proceedings leading up to the same and all acts and determinations of all officers of the city in relation to the Improvement District No. 2 and ordering the City Clerk to deliver said warrant, assessment and diagram to W. M. Lyles Company, the Contractor, forthwith upon the payment by him of the incidental expenses due thereon, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Annan, Arata, Heckendorf, Mellis, Merrill and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: None

Mayor Marks commended Director of Public Works Ray and the personnel of the Public Works Department for the manner in which the Improvement District No. 2 work was handled and brought to conclusion.

DIRECTOR OF PUBLIC WORKS OUTLINES METHOD USED TO SURVEY FOR RIGHT OF WAY ACQUISITION

George Arano, 624 W. Roseburg Avenue, questioned the manner in which the city's survey crew were "measuring the street, bushes, houses and yards" along Roseburg Avenue. He considered that the method being used was costly to the tax payers of the City.

The Director of Public Works stated that the city's engineering crew were surveying property along Roseburg in order to prepare a right-of-way map to acquire the property for widening Roseburg to 60 feet so that state gas tax funds could be used to improve the street. He pointed out that the map would show the location of the building, shrubbery, trees, etc. so that when the right-of-way agent talked to the property owners, he could relate the map to the property owners own property. He pointed out that it was not necessary for the city construction purposes, but was vitally needed when the property owners were interviewed to give them a complete picture.

CONSIDER MATTER OF USE OF SOUND TRUCKS (CALIFORNIA FRYER FESTIVAL)

The City Attorney presented for Council approval an ordinance which would amend Section 4-2.20 of the Modesto Municipal Code to permit the use of

sound trucks in other than residential areas, to publicize events of community-wide interest and importance of a non-commercial nature, subject to appropriate regulations.

Mayor Marks pointed out that the Council had agreed that the California Fryer Festival would be considered of community-wide interest and could be granted a permit under the ordinance.

Mr. C. Seagraves, representing the Festival Association, expressed the belief that in order to make a success of the festival that it would be necessary to "get coverage" of the event all over the city. He asked for a definition of the commercial area and the City Attorney stated that it would be ruled by the zoning ordinance. After a general discussion, it was agreed that this association would not be made an exception and permitted to use a sound truck in the residential area, Councilman Merrill moved the introduction and passage to print of

ORDINANCE NO. 19-C.S.

entitled: "AN ORDINANCE AMENDING SECTION 4-2.20 OF CHAPTER 2 OF TITLE IV OF THE MODESTO MUNICIPAL CODE REGULATING NOISES", which motion being duly seconded by Councilman Heckendorf, was upon roll call carried and ordered printed and published by the following vote:

Ayes: Councilmen: Adams, Annan, Arata, Heckendorf, Mellis, Merrill and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: None

RESOLUTION RECOMMENDING THE ADOPTION OF BILL BEFORE STATE LEGISLATURE CONCERNING THE PROTECTION OF STRIPED BASS

John Fee, Chairman of the Stanislaus County Recreation Commission, appeared before the Council and asked that the Council consider the adoption of a resolution recommending the adoption of the Bill before the State Legislature concerning the protection of striped bass. Councilman Merrill introduced

RESOLUTION NO. 55-105

seconded by Councilman Arata, recommending to the State Legislature that Assembly Bill No. 3443 which will prohibit netting in Grizzly and Honker Bays to protect striped bass, be adopted, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Annan, Arata, Heckendorf, Mellis, Merrill and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: None

HOLD OVER MATTER OF ESTABLISHING DIAGONAL PARKING AREA AT BETHEL CHURCH-LIMITED BASIS

The City Manager reported that the matter of establishing diagonal parking area at Bethel Full Gospel Church at 15th and G Streets on a limited basis was not yet cleared for Council consideration.

REPORT ON POSSIBLE WATER SERVICE TO DOWNEY HIGH SCHOOL AREA

Reports prepared by the Director of Public Works on the possibility of furnishing water service to the Downey High School area were distributed to the Council members for their study and further consideration next week. The Director of Public Works was asked to notify subdividers Oman and Mineni that the Council was studying the report.

ACCEPT TRAFFIC SIGNALS AT 14th AND H STREETS FROM THE INDUSTRIAL ELECTRICAL COMPANY

Upon the recommendation of the Director of Public Works, Councilman Heckendorf introduced

RESOLUTION NO. 55-106

seconded by Councilman Adams, accepting the construction of traffic signals and street lighting at 14th and H Streets, from contractor, Industrial Electrical Company, directing the City Clerk to file Notice of Completion with the Stanislaus County Recorder, and authorizing payments as due, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Annan, Arata, Heckendorf, Mellis, Merrill and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: None

ACCEPT DEED FROM JOE NUNES AND KATHRYN NUNES ON LAND TO BE USED FOR WIDENING OF COLLEGE AVENUE FROM ROSEBURG AND ULRICH AVENUES

The City Attorney presented for Council consideration, a grant deed from Joe and Kathryn Nunes on land to be used in the widening of College Avenue, between Roseburg and Ulrich Avenues. Councilman Annan introduced

RESOLUTION NO. 55-107

seconded by Councilman Arata, accepting grant deed from Joe and Kathryn Nunes, husband and wife, on land to be used in the widening of College Avenue, between Roseburg and Ulrich Avenues, and authorizing the recordation with the Recorder of Stanislaus County, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Annan, Arata, Heckendorf, Mellis, Merrill and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: None

HOLD OVER APPOINTMENT TO BOARD OF LIBRARY TRUSTEES UNTIL AFTER ELECTION

It was agreed by the Council members that an appointment to the Board of Library Trustees would be held over until after the election, April 12th.

MAYOR MARKS REPORTS ON RESIGNATION OF PETER JANOPAUL FROM PLANNING COMMISSION

Mayor Marks reported that the newly appointed member of the Planning Commission, Peter Janopaul, would not be able to serve due to press of business. He suggested that the Council members suggest names of persons to fill this vacancy so that an appointment could be made immediately. He recommended that the members also ask their candidates to check with Planning Director Smeath so that they could learn of the scope of the job before accepting appointment.

HOLD OVER MATTER OF TRANSFER OF FUNDS FOR CONTRACT FOR CONSTRUCTION OF BALL PARK

The matter of transfer of funds for the contract for construction at the Del Webb Field was held over for consideration at a later date.

APPROPRIATION TRANSFER FOR AERIAL MAPPING

Upon the recommendation of the City Manager, Councilman Adams

introduced

RESOLUTION NO. 55-108

seconded by Councilman Annan, approving appropriation transfer of \$3,085 from the General Reserve Fund to Planning Department, Capital Outlay, aerial mapping, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Annan, Arata, Heckendorf, Mellis, Merrill, and
Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

APPROVE AGREEMENT BETWEEN CITY-COUNTY-FAIRCHILD AERIAL SURVEYS, INC.

Councilman Annan introduced

RESOLUTION NO. 55-109

seconded by Councilman Heckendorf, approving and authorizing execution by the city's designated officials of a contract for the aerial photographing of the Modesto area, between the County of Stanislaus, City of Modesto and Fairchild Aerial Surveys, Inc., which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Annan, Arata, Heckendorf, Mellis, Merrill, and
Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

APPROVE AGREEMENT WITH MILTON T. PFLEUGER FOR ARCHITECTURAL SERVICES FOR CITY HALL

The City Manager presented for Council consideration, agreement with Milton T. Pfleuger for his architectural services for the city hall. He outlined certain changes which had been made and checked by the majority of the members of the Council committee and Mr. Pfleuger, as follows:

1. Change in the wording of the agreement so that it was made clear that the architect was to employ a regular landscape architect to lay out the plans for the grounds.
2. Eliminated the word "public" in section a, subsection (a) page 1 to permit; if desirable, construction of private buildings in the civic center
3. Added a section (section 11, page 8) which provided that the city would not be obligated to employ Mr. Pfleuger to design any future buildings in the civic center or to design any enlargements, expansions or alterations of the City Hall.

Councilman Annan, member of the Council Committee, stated that he did not approve of the agreement and asked for permission to outline his objections.

Councilman Mellis reported that Councilman Heckendorf and he, the other members of the Council Committee, considered that the agreement was satisfactory and that the city would be well protected, and recommended its approval by the Council.

Councilman Annan listed his main objections as follows:

1. That the landscape architect should be employed by the city and not the architect, to preclude the payment of 8% fee on

that portion to Mr. Pfleuger. Mr. Pfleuger should not be in a position of employing people for governmental agencies and make a profit in the deal. (Planning Director Smeath pointed out the importance of including this requirement in the agreement.)

2. That the city should not be required to furnish the architect with "all necessary engineering data in respect to the city hall site, including borings or test pits for foundation design". He considered that in the event the building developed some structural weakness after its construction, that the city should be in a position to "put its finger on one person", and that the architect would not be in a position to say that he used the city's figures. The city could pay the expenses for these findings but it should be done by the architect, he stated. Director of Public Works Ray pointed out that the same laboratory would do the testing whether it was done by the city or the architect, since these types of laboratory were limited.
3. He objected to the provision that provided "when labor or material was furnished by the city or from other sources below its market cost, the cost of the work upon which the fee for the work is based shall be computed upon the prevailing market cost of such labor or materials". He pointed out the possibility of public contributions and work as in the case of the 18 hole golf course and objected to the payment of 8% fee to the architect on this basis.
4. He objected to section 9, page 7, of the agreement relating to the method of arbitration on the grounds that it was an "unknown quantity" as to what the "provisions, then obtaining, of the Standard Form of Arbitration Procedures of the American Institute of Architects" would be in the future if a dispute arose.
5. He also objected to section 7, on page 7, relating to fee to be paid architect for any revision of the plans.

Councilman Arata suggested the retention of the members of the committee after the election in an advisory capacity, but it was agreed by the Council that this decision should be made after the new members of the Council took office.

Councilman Mellis introduced

RESOLUTION NO. 55-110

seconded by Councilman Heckendorf, approving the agreement with Milton T. Pfleuger for his architectural services for the city hall, as submitted, with the two words "landscape architectural" added to subsection (c) of section 2 (page 2) and authorizing its execution by the city's designated officials, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Arata, Heckendorf, Mellis, Merrill and Mayor Marks
 Noes: Councilmen: Annan
 Absent: Councilmen: None

REPORT ON REQUEST OF GRACE SIMMONS FOR LIMITED PARKING NEAR INTERSECTION OF ELEVENTH AND NEEDHAM AVENUE

Traffic Engineer Carmody reported on his investigation of the request of Grace Simmons, operating the Triangle Market at the intersection of Needham Avenue and 11th Street, for limited parking in this location. He outlined three alternatives for Council consideration to relieve the parking situation at this location and recommended that a two hour zone be

established on 11th Street between M Street and Needham Avenue. Councilman Heckendorf moved, seconded by Councilman Merrill, and it was unanimously carried, that the City Attorney be directed to prepare a resolution for Council consideration establishing 2 hour parking on 11th Street, between M Street and Needham Avenue.

REPORT ON PROGRESS ON POSSIBLE POLIO VACCINE PROGRAM

Health Officer Landquist reported that at a recent meeting attended by representatives from the city, county, schools and medical representatives of the county chapter of the National Foundation for Infantile Paralysis, plans had been made for the vaccination of first and second graders throughout the county in the event the Salk vaccine is found to have passed its nationwide test. He stated that the report on the effectiveness of the vaccine would be released April 1 and plans would go forward immediately afterward.

AUTHORIZE APPROPRIATION TRANSFER FOR PURCHASE OF DIVIDERS FOR THE MODESTO MUNICIPAL CODE

The City Attorney reported that it would be necessary to appropriate additional funds to purchase dividers for the Municipal Code and to pay for the assembling of the dividers in the 250 copies by the printer, Willey Printing Company.

He pointed out that this extra cost would bring the cost of the code to \$14.50 and asked if the Council wished to change its established price of \$12.50 to conform with the actual cost. He also pointed out that the cost could be held down if the printers only assembled 100 copies.

Councilman Merrill moved, seconded by Councilman Adams, and it was unanimously carried that the established price of the code of \$12.50 be maintained and the printer should assemble the entire 250 copies.

REFER PETITION FOR ANNEXATION OF THE LA VILLA ROSE SUBDIVISION TO CITY TO PLANNING COMMISSION

Upon the recommendation of the City Manager, Councilman Mellis introduced

RESOLUTION NO. 55-112

seconded by Councilman Arata, referring the petition of Rose Chapman, Russell Briggs and Mable Briggs for the annexation of the La Villa Rose Tract to the City, to the Modesto City Planning Commission for report and recommendation, which resolution was regularly adopted by the following vote:

Ayes: Councilman: Adams, Annan, Arata, Heckendorf, Mellis, Merrill and
Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

GRANT VARIANCE TO TIDEWATER ASSOCIATED OIL COMPANY FOR CURB CUT-SERVICE STATION AT LALOMA, BURNEY AND RUE DE YOE

The City Manager reported that the Tidewater Associated Oil Company had requested a variance for two additional curb cut lengths on LaLoma Avenue for its service station at the intersection of LaLoma, Burney and Rue De Yoe Avenues. He recommended that the request be granted upon the condition that the company construct curbs, gutters and sidewalks on LaLoma. The company has agreed to this provision, he stated.

Councilman Arata introduced

RESOLUTION NO. 55-113

seconded by Councilman Heckendorf, granting variance for two curb cuts on LaLoma Avenue to the Tide Water Associated Oil Company as outlined in the report and recommendation of the Director of Public Works, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Annan, Arata, Heckendorf, Mellis, Merrill and
Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

RESOLUTION EXTENDING SYMPATHY TO THE FAMILY OF THE LATE FRITZ S. HARRISON
AND TO THE COUNCIL OF THE CITY OF PATTERSON

Councilman Heckendorf introduced

RESOLUTION NO. 55-114

seconded by Councilman Arata, extending sympathy of the Council to the members of the family of late "Fritz" S. Harrison, former City Clerk of Patterson and to the Council of the City of Patterson, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Annan, Arata, Heckendorf, Mellis, Merrill and
Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

RESOLUTION IN COMMEMORATION OF THE LATE JUDGE B. C. HAWKINS AND EXTENDING
SYMPATHY TO HIS FAMILY

Councilman Arata introduced

RESOLUTION NO. 55-115

seconded by Councilman Merrill, taking formal notice of the loss to the city due to the death of Judge B. C. Hawkins of the Superior Court and extending sympathy to his family, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Annan, Arata, Heckendorf, Mellis, Merrill and
Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

REPORT FROM LEAGUE OF CALIFORNIA CITIES "DIGEST OF LEGISLATION" INTRODUCED
AFFECTING CITIES"

The City Manager reported receipt of three copies of the League of California Cities "1955 Legislative Session-Digest of Legislation Introduced Affecting Cities-March, 1955" which would be made available to the Council members for their study.

REPORT ON SALE OF PROPERTY AT BODEM NEAR SCENIC BY COUNTY

The City Manager reported that the county had sold its property located at Bodem Avenue and Scenic Drive at public auction last week. He stated that previously the city had advised the county of its interest in acquiring a portion of this property to be used in extending Sunrise Avenue. Further studies by the city staff have indicated that the extending to Scenic Avenue of this street, which was just one-half block from Bodem Avenue, would not be justified. He stated that the request of Ed Tinney of the State Department of Public Works, with the county a few hours prior to the sale of
filed

the property, to hold up the sale pending further state studies on the possibility of extending Sunrise Avenue to relieve the traffic load on McHenry Avenue, was based on the premise of the state that public owned lands lying in prospective right-of-ways should be held and not sold.

Planning Director Smeath reported briefly on the study being made by the Planning Department on the master plan for highway and streets.

REPORT ON MEETING WITH RAILWAY OFFICIALS ON POSSIBLE USE OF SOUTHERN PACIFIC RIGHT OF WAY BY THE TIDEWATER SOUTHERN RAILWAY

The City Manager reported that at a recent meeting attended by Southern Pacific Officials, Carnation Company officials and city administrative officials to discuss the possible opening of D Street, he had asked the Southern Pacific officials, who had agreed, to designate a person from its office to work with the city and the Tidewater Southern Railway Co. on the possibility of joint use of the S.P. right-of-way through the city. He reported that the Tidewater Southern Railway Co. had agreed to the meeting.

REPORT ON GOLF COURSE PLANNING

The City Manager reported that he had contacted William Bell, Golf Architect, who had advised that he would submit to the city, a letter which would set forth the specific basis upon which he could proceed on the golf course plans. He also advised that he would be in Modesto in approximately 10 days to further discuss the matter.

Mayor Marks recommended that the agreement with Mr. Bell for his services be written on a flat fee basis.

PROGRESS REPORT ON CIVIC CENTER STUDIES

Planning Director Smeath gave a progress report on the civic center studies to the members of the Council and administrative officials prior to the meeting.

REPORT ON MEETING WITH CONTRACTORS ON DEPOSITS FOR PLANS AND SPECIFICATIONS

The City Manager reported that a meeting had been held with representatives of local contractors to discuss the city's policy for retention of a part of deposits by contractors for plans and specifications on public work's contracts. The following suggestions were submitted by the representatives:

1. The amount of deposit required should be revised upward, particularly on plans and specifications of considerable magnitude. A sliding scale could be used for this purpose, with a high of perhaps \$100 and low of \$10 per set issued. This higher deposit amount would have the effect of discouraging the taking out of plans by those who have no direct interest in the project.
2. The general contractor should be allowed not more than 2 sets of plans on ordinary public works projects and not more than 3 sets of plans and specifications for those of some magnitude and complexity. In the latter category would be such plans and specifications as for a new city hall. For such numbers of sets of plans and specifications, the general contractor would deposit the regular amount required. This amount to be refunded, in full, upon return of the plans and specifications in good condition. If the general contractor requests more sets than the above amount, he would be required to pay a full deposit for the extra set, none of which would be returned to him. No deposits would be refunded without

return of all sets of plans and specifications held by that contractor.

3. A sub-contractor would be entitled, upon application, for one set of plans and specifications. Any other requested would be at the full deposit rate, none of which would be refunded.

Councilman Mellis moved, seconded by Councilman Adams, and it was unanimously carried, that the recommendations as outlined above relating to deposits for plans and specifications be approved.

REQUEST OF CITY MANAGER FOR PERMISSION TO BE ABSENT FROM COUNCIL MEETING OF APRIL 6, 1955

Upon the request of City Manager Miller, Councilman Annan moved, seconded by Councilman Adams, and it was unanimously carried, that the City Manager be allowed to be absent from the Council meeting of April 6, 1955.

ADJOURNMENT

Councilman Heckendorf moved, seconded by Councilman Merrill, and it was unanimously carried, that the Council meeting now in session adjourn.

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 Chamber at the McHenry Public Library, 14th and I Streets, Mayor Marks presiding.

The City Clerk called the roll and there were
Present: Councilmen: Adams, Annan, Arata, Heckendorf, Mellis, Merrill,
and Mayor Marks
Absent: Councilmen: None

The pledge of allegiance to the flag was given by all those present
A few moments of silent prayer were observed.

APPROVAL OF MINUTES

Council members having received copies of the minutes of March 2, 1955, and the same being available for public inspection, and there being no objections, the minutes were approved.

MAYOR MARKS INTRODUCE GUESTS TO COUNCIL

Mayor Marks welcomed Ken W. Baldrige, teacher of the Modesto Junior College adult education class on Local Government and members of his class who were guests of the Council.

APPROVE AGREEMENT REASSIGNING INTEREST IN DEL WEBB FIELD TO THE MODESTO COMMUNITY ATHLETIC ASSOCIATION

City Attorney Grimes presented for Council consideration, agreement reassigning the interest of Stanislaus County Athletic Association in Del Webb Field to the Modesto Community Athletic Association.

Councilman Arata introduced

RESOLUTION NO. 55-117

seconded by Councilman Heckendorf, approving agreement between the City of Modesto and Stanislaus County Athletic Association for the reassignment of its interest in the Del Webb Field to the Modesto Community Athletic Association, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Annan, Arata, Heckendorf, Mellis, Merrill and
Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

Floyd Benson, representing the Modesto Community Athletic Association, stated that in order to make a profit, the club would need additional concession space at the field. The club could get by with one more space, he stated. He also asked Council consideration for the painting of white lines on the parking area. This would make it easier to control the traffic, he stated, and possibly relieve the club from hiring additional personnel to assist in parking cars. Councilman Mellis moved, seconded by Councilman Adams, and it was unanimously carried, that the City Manager be instructed to work with the Association in establishing the parking area.

Director of Public Works Ray reported that Spears Construction Company had quoted a price of \$1,444 to construct the additional concession area, which would not include sheet rock on the inside, and \$1,550 with sheet rock. He stated that these prices were fair and recommended that if the Council desired to have this work accomplished that it be done by the present contractor by an amendment to the existing contract. Councilman

Adams moved, seconded by Councilman Merrill that the concession area be built at a price of \$1,550 which would include sheet rock. Before the vote was taken, a discussion was held on the method of financing the project.

The City Manager pointed out that the rebuilding of the facilities was to be financed by the amount recovered in the fire loss from the insurance companies and the balance from the capital improvement fund. He stated that after all the work had been done an appropriation transfer would be presented for Council consideration. It was generally agreed by the Council that this procedure met with approval.

The City Attorney recommended that supplemental agreement be executed on the additional concession area instead of amending the existing contract with Spears Construction Company. Councilman Arata withdrew his motion and Councilmen Merrill his second. Councilman Arata introduced

RESOLUTION NO. 55-118

seconded by Councilman Merrill, approving a supplemental agreement with Spears Construction Company for additional concession space for the sum of \$1,550.00 and authorizing its execution by the city's authorized officials, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Annan, Arata, Heckendorf, Mellis, Merrill and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: None

The Director of Public Works reported that the design of the safety screen to be installed in front of the grand stand had not been cleared. It was agreed that the administration work with the Council committee on the screen and bring back a report.

Director of Public Works Ray reported that it had been determined that it would be necessary to change the design of the grand stand since the railing would prevent the occupants in the front row from seeing the game. He stated that this would reduce the number of seats by 65.

REPORT ON "ALL AMERICA CITY AWARD" SHOULDER EMBLEMS

The City Manager reported that "All America City Award" shoulder emblems would be made available to uniformed police and fire personnel. An extra supply would also be made available to members of the Modesto Red Baseball team, he stated. Arrangements for the presentation of the emblems to the team would be worked out later, it was agreed.

REPORT ON REQUEST TO UNITED STATES POST OFFICE DEPARTMENT FOR "ALL AMERICA AWARD" DIE

The City Manager reported that the city's request to the United States Post Office Department for an "All America City Award" die had been denied on the basis that this award was sponsored by a private organization, Look Magazine. He pointed out that the National Municipal League, which also sponsored this project was not a private organization and that another effort would be made to secure this die on that basis.

LETTER FROM NATIONAL MUNICIPAL LEAGUE RE: CITY ASKED TO PREPARE CITY BROCHURE AND EXHIBIT ON CELEBRATION HELD IN MODESTO ON "ALL AMERICA AWARD"

The City Manager reported on a letter received from the National Municipal League notifying that Modesto had been elected to prepare a brochure and exhibit for the National Conference on Government at Seattle, July 24-27, on the City of Modesto celebration on the All America City Award. Councilman Mellis moved, seconded by Councilman Arata, and it was

unanimously carried, that the City Manager be authorized to prepare an exhibit and brochure for the conference of the National Conference on Government at Seattle.

GRANT PERMIT TO THE CALIFORNIA RELAYS TO INSTALL SIGN AT LALOMA AND BURNEY INTERSECTION AND STREET BANNERS

A letter from Tom Moore, Director of the California Relays requesting that the Council "grant no permit for any shows or events that would interfere with the Relays which would be held on Saturday, May 21, 1955", was read. Mr. Moore also requested permission to hang street flags ten days prior to the Relays, which would be removed immediately following the Relays, and to erect a 4x12 Relays sign on Mike Angelo's lot at Burney and LaLoma, which would be removed May 23. Councilman Merrill moved, seconded by Councilman Adams, and it was unanimously carried, that permit be granted to the California Relays to install a bill board at the corner of LaLoma and Burney Streets, providing that it be removed by May 23, 1955; that banners and flags be displayed on the city streets; that the city will be held harmless from and against all costs, damages and liability arising out of the erection of the banners, signs and displays; and that the organization contact the City Manager regarding the installation of the banners in the business district.

LETTER FROM MAYOR VERMILLION OF LONG BEACH RE: PROPOSED STATE LEGISLATION

A letter from Mayor Vermillion of Long Beach, requesting the City of Modesto to review proposed AB3762 in the State Legislature which would "threaten the right to full ownership of state grant lands", was read and referred to the City Manager and City Attorney for study and report.

LETTER FROM SHORELINE PLANNING ASSOCIATION OF CALIFORNIA, INC.

A letter from the Shoreline Planning Association of California, Inc., asking the city to ask its representatives in the State Legislature, to vote "no" on any bill which seeks to divert oil royalty money away from beaches and parks, was read.

The City Manager pointed out that this had already been done. The letter was ordered filed.

LETTER FROM NATIONAL HEADQUARTERS OF THE MILITARY ORDER OF THE PURPLE HEART, INC., TO HOLD EXHIBIT OF FIREARMS IN CITY

A request from the National Headquarters of the Military order of the Purple Heart, Inc. to hold an exhibit of firearms in the city, was read. The City Manager reported that a prior request had been referred to the local chapter which had declined to sponsor the exhibit. He recommended that this request be similarly handled. Councilman Mellis moved, seconded by Councilman Arata, and it was unanimously carried, that the local chapter of the Military Order of the Purple Heart, Inc. be contacted before any action was taken on the request.

LETTER OF RESIGNATION FROM PETER JANOPAUL-MEMBER OF THE PLANNING COMMISSION

A letter of resignation was received from Peter Janopaul, recently appointed member of the Modesto City Planning Commission. Mr. Janopaul had stated that serving on this board was "too controversial and confining".

Mayor Marks stated that in order to avoid a reoccurrence, the Council had taken the position that all candidates for appointment to various boards and commissions be asked to acquaint themselves of the duties and the scope of the work to be undertaken before accepting appointment. He suggested that if the Council members had anyone in mind who would be willing to serve on the Commission that they be asked to check with Planning Director Smeath as soon as possible since it was vitally important that an

appointment be made soon.

Mayor Marks introduced

RESOLUTION NO. 55-119

seconded by Councilman Arata, accepting the resignation of Peter Janopaul, member of the Modesto City Planning Commission, and rescinding Resolution No. 55-102, adopted by the Council on March 9, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Annan, Arata, Heckendorf, Mellis, Merrill and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: None

TELEGRAM FROM GOVERNOR KNIGHT ON "DISASTER CARE-CAPACITY SURVEY"

The City Manager reported receipt of a telegram from Governor Knight advising that the State office of Civil Defense, in cooperation with communities throughout California, was undertaking an intensive disaster care-capacity survey beginning March 21, and asking the city's participation in this survey. The City Manager stated that a similar survey had been previously made jointly by the city and county. A further check would be made on the request of the Governor with the thought of supplementing the report.

REPORT ON DISTRIBUTION OF CITY ANNUAL REPORT

The City Manager reported that arrangements were being made to mail the city's annual report, prior to March 31, at which time the federal bulk mailing arrangement would expire. He stated that there would be an insert in the report relating to civil defense information. Bulletins and information on various phases of civil defense will be available at the City Hall, he stated, and notices advising the public of this arrangement will be on the insert sheet.

LETTER FROM CALIFORNIA SEWAGE AND INDUSTRIAL WASTES ASSOCIATION

A letter from the California Sewage and Industrial Wastes Association urging the city to send a representative to its conference in Riverside, April 28-30, 1955, was presented. The City Manager advised that this matter could be handled administratively.

REQUEST OF THE MODESTO OPTIMIST CLUB TO USE THE DEL WEBB FIELD APRIL 13 TO PRESENT RUDDY BROTHERS CIRCUS

Jared W. Hawkins Jr. on behalf of the Modesto Optimist Club, filed a request for use of the Del Webb Field on April 13 (both afternoon and evening) to present the Ruddy Brothers Circus. A letter from the Modesto Community Athletic Association, approving the use of the field by the club on this date was also filed.

The City Manager recommended that the request be granted and that the club clear its operations with Director of Parks and Recreation Lowry.

Councilman Mellis introduced

RESOLUTION NO. 55-120

seconded by Councilman Merrill, approving the request of the Modesto Optimist Club for the use of the Del Webb Field on April 13, to present Ruddy Brothers Circus and waiving the required license fees on the following conditions:
 that the club submit written evidence to the City Clerk that the city will

be held harmless from and against any and all costs, damages and liability arising out of the erection and maintenance of said circus; that the club agrees to clean the field after the show and leave it in a satisfactory condition, and that the club work close with the Modesto Community Athletic Association and the Parks and Recreation Department to see that the circus is set up and handled so that there will not be any damage to the field, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Annan, Arata, Heckendorf, Mellis, Merrill and
Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

DISCUSSION ON PROGRAM FOR THE REESTABLISHING OF LAKE MODESTO

A letter was read from the Civic Development Committee of Modesto advising that Pete Barton and Phil Humphreys would be present at the meeting to "ascertain the Council's thinking and ideas" as to what would be necessary to accomplish the re-establishment of Lake Modesto.

At the request of the Council, Director of Public Works Ray gave a report on the present status of the project. Both the city and county had budgeted funds in the 1954-55 fiscal year, he stated. Copies of the preliminary study, made by a local engineering firm, had been made available to the County, M.I.D. and other officials in the city, which gave general data on estimated costs on reconstruction of the dam. He stated that he had contacted the County Engineer this date, who had advised that some field surveys at the site were being made, and that he had asked the Board what priority it wished to give this particular project.

The Director of Public Works stated "it has always been the position of the City's Public Works Department that we, with our limited staff and all the other work, have not been in a position to do any design work on the dam. Unless we have additional personnel in the future (and the county may be in the same position), we will not be able to do this work. It was my understanding that the two groups would get together and decide upon an engineering firm to do this service."

Mayor Marks recommended that since the reconstruction of the dam was a specialized field, that a special engineer be hired and that the Council adopt the position at this meeting that a portion of the budgeted \$10,000 be used for the designing and engineering, providing arrangements can be made with the county for the joint participation. He also recommended that the Council consider the budgeting of an additional \$35,000 in the 55-56 budget which would be one-half of the estimated \$90,000 cost for reconstruction.

Mr. Ray recommended that the available money be used for the development of plans. He pointed out that a portion of the expense would be paid by the State Fish and Game Department since the fish ladder for the salmon in the river would be involved. He pointed out since it would be necessary for the state to approve the plans, prompt consideration would be advantageous.

Councilman Mellis moved, seconded by Councilman Arata and it was unanimously carried, that the City and County Public Works Departments jointly recommend to both governmental bodies, a competent engineering firm to design the plans and do the necessary engineering work for the reconstruction of the Lake Modesto Dam, to be participated in jointly by the county and city.

Councilman Mellis moved, seconded by Councilman Arata, and it was unanimously carried, that the Council approves the immediate reconstruction of Lake Modesto Dam jointly with the County of Stanislaus and indicates its intention to provide its share in the 1955-56 budget.

REPORT BY COUNCIL MEMBERS ON VISIT TO NEIGHBORING CITIES TO INSPECT INDUSTRIAL PLANT AND IMPROVEMENT DISTRICT

Councilmen Mellis and Annan reported on their recent visit to Sunnyvale, Santa Clara and San Jose to inspect various industrial concerns and improvement districts which involved sidewalks, street paving, curbs and gutters and drainage in the City of Sunnyvale.

CONSIDER DEFINITION OF POLICY RE: SIDEWALKS IN SPECIAL STREET IMPROVEMENT DISTRICTS

For the benefit of the audience, Mayor Marks and the City Manager reported on the history of paving streets in the city; the program used in paving streets with gas tax funds; and the proposed street improvement program of the Council which would call for paving of streets, construction of drainage facilities, sidewalks, curbs and gutters. They pointed out that the city was to pay 20% of the cost of paving the streets and the property owners the balance of the improvements.

The City Attorney pointed out that the Traffic Engineer's report had indicated that there were street deficiencies in the city amounting to \$8,000,000.00.

The City Manager stated that it would be necessary at this time for the Council to consider the definition of policy regarding sidewalks in special street improvement districts. Since approval was given to proceed with a project for a street improvement district in the John Muir area, the question has been raised as to whether or not the city would pay 20% of the paving if any of these improvements, particularly sidewalks are not included in the program proposed in a given area. He pointed out that the Council's decision in this district, may set a precedent and a general pattern for such improvements in the future, and that the Forward Modesto Committee recommended that the city participate in the cost of paving only if all the improvements were put in, paving, drainage, sidewalks, and curbs and gutters. He suggested the question was of sufficient importance for the Council to consider setting a date for a public hearing, and that members of the committees which had worked on the matter be given an opportunity to present their views. He pointed out the importance of requiring sidewalks at this time since it would be difficult to obtain them at a later time.

The City Attorney stated that since he had been empowered to secure the information from the John Muir area residents on the proposed improvement district, it was important to know whether the Council wished him to ask the property owners whether they favor an individual type of improvement or whether it is to be a package deal. He pointed out that the Council would find many ramifications in considering its policy on sidewalks, such as street trees, buildings, etc. He pointed out that in order to complete the project by fall, as originally planned, it was important that the questionnaire be sent out very soon. He suggested that a public hearing be set soon and the press give sufficient publicity of the hearing so that those wishing to express their opinion would have an opportunity to do so.

Director of Planning Smeath stated that the problem of sidewalks was not only related to improvement districts but also to subdivisions.

The City Attorney pointed out that it was important to require sidewalks in new subdivisions because under an improvement district procedure the property owners would have the right to protest them out. He asked to be permitted to go ahead with this canvas of the views of the property owners in the John Muir area in order to avoid delaying the procedure while the Council was resolving the sidewalk policy. It was agreed that this be delayed until after a public hearing.

It was generally agreed by the Council that the Council meeting be adjourned until March 30 and that a public hearing be held on the sidewalk requirements.

PETITION FILED WITH COUNCIL FOR WIDENING OF McHENRY AVENUE AND INSTALLATION OF TRAFFIC SIGNALS

Petitions signed by 1112 property owners and residents of the City of Modesto and vicinity using McHenry Avenue "in traveling to and from our homes and conducting our business", were filed by Russell Briggs and Howard B. Wilbourn, asking for the widening of McHenry Avenue and the installation of traffic signals. Mr. Briggs reported that several meetings had been held. They requested that at least three automatic traffic signals be installed and listed the following intersections to be considered--Roseburg & McHenry, Orangeburg & McHenry, Granger at McHenry, and Judith Lane at McHenry. They asked that the widening of the street be from Needham Avenue to the intersection of Salida-McHenry Highway, and that immediate widening be started from Maynell Avenue north since a number of the property owners have indicated willingness to donate right of ways.

Mr. Briggs reported that since the circulation of the petitions, the State Division of Highways, Stockton office, had been contacted and representatives of this office had indicated that if the right of ways were donated by the property owners and the drainage was furnished by the city, that prompt consideration would be given to the project. He requested that the petitions be forwarded to the State Highway Commission when the city was through with them.

The City Attorney stated that there would be nothing to prevent the Council from referring the petition to the Commission or the Council could appear before the Commission with the petitions if it so desired.

The City Manager stated that the widening of McHenry Avenue was one of the three following projects which the city had placed high priority on:

1. Extension of Yosemite Boulevard through to 15th and D Streets
2. Improvements of McHenry Avenue--city and property owners participating
3. Grade separation of S.P. tracks

The City Manager pointed out that these three projects would tie in with the proposed master plan for the city which was not yet completed. If it can be presented to the state that all three of these projects can be tied in together with the building of the freeway to relieve the traffic situation in the city, more consideration will be given by the state to these projects. He stated that the administrative staff would be glad to work with the McHenry Avenue property owners and submit a report to the Council. He stated that there were additional factors which were important to consider along with this petition.

Councilman Mellis stated that the traffic situation was of such intensity that this project should be cleared along--that it could not wait for the other projects. The city should concentrate on McHenry Avenue to widen it and install more signals to prevent the accidents.

The City Manager pointed out that it was not the intention to develop all projects at the same time, but to tie them together as a long range solution.

The City Attorney stated that it was a matter of policy as to the method of handling the petition as it was addressed to the state and city jointly. It was agreed by the Council that the City Manager should submit a report and at that time a decision would be made on the method of approaching the state.

DISCUSS PLANS FOR IMPROVING ROSEBURG AVENUE

Attorney Ronald Bates, on behalf of Mrs. H. B. Thatcher, and George Arano, property owners on Roseburg Avenue, appeared before the Council for information relating to the proposed widening of Roseburg Avenue to 60 feet.

The City Manager stated that in order to spend state gas tax funds on a city street that it was necessary for the city to secure additional rights of way.

The property owners along this street, who were present, were advised that it was not proposed to make Roseburg a part of the state highway system; that it would be continued as at present; that even if state funds were used in improving the street, that the state would have no control over the type of traffic allowed on the street and that the 60 foot right of way was from the property line to the property line, which included the sidewalks and area for trees.

Director of Public Works Ray outlined the procedure used by the city to obtain gas tax funds to improve a street. He stated that the present traffic on Roseburg Avenue, together with the fact that certain areas of the street were in poor condition due to the installation of sewer laterals, makes it almost imperative that the street be improved as soon as possible.

The property owners, who were present, expressed satisfaction at the explanation given and the action being taken.

APPROVE SPECIFICATIONS AND AUTHORIZE CALL FOR BIDS ON STREET LIGHTING MATERIALS

Upon the recommendation of the City Manager, Councilman Adams introduced

RESOLUTION NO. 55-121

seconded by Councilman Heckendorf, approving the specifications for the furnishing of street lighting materials to be used in the new subdivisions, and authorizing the call for bids, said bids to be opened on Monday, April 11, 1955, at 2 P.M., which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Annan, Arata, Heckendorf, Mellis, Merrill and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: None

REPORT ON PROPOSED AMENDING OF MODESTO MUNICIPAL CODE TO PROVIDE SURETY BOND REQUIREMENTS FOR LICENSING USED CAR DEALERS

The City Manager reported that a report would be sent to the Council members for their study on the proposed amending of the Modesto Municipal Code to provide surety bond requirements for licensing of used car dealers, as soon as it was checked by the dealers.

APPROVE EXTENDING WATER SERVICE TO DOWNEY HIGH SCHOOL AREA (OMAN MANOR)

As recommended by the Director of Public Works in his report of March 16, 1955, to the City Manager, Councilman Heckendorf moved, seconded by Councilman Annan, that the water service of the City of Modesto be extended to Oman Manor by construction of water lines as outlined in the report of the Director of Public Works, including those sections paralleling the private water company, and the motion was unanimously carried.

RESOLUTION APPROVING AGREEMENT WITH EUGENE K. STURGIS AS BOND COUNSEL FOR DOWNTOWN LIGHTING DISTRICT (IMPROVEMENT DISTRICT NO. 4)

The City Attorney presented for Council consideration an agreement with Eugene K. Sturgis relating to the downtown street lighting district (Improvement District No. 4). Mayor Marks introduced

RESOLUTION NO. 55-122

seconded by Councilman Mellis, approving agreement with Eugene K. Sturgis, bond counsel for the downtown street lighting district (Improvement District No. 4), and authorizing its execution by the city's designated officials, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Annan, Arata, Adams, Heckendorf, Mellis, Merrill and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: None

APPROVE AGREEMENT FOR ENGINEERING SERVICES FOR SEWAGE PUMPING STATION WITH LAWRENCE ADAMS

An agreement with Lawrence Adams, for his engineering services for a sewage pumping station south of Dry Creek (Thousand Oaks Park) was presented by the City Attorney for Council consideration. Councilman Adams introduced

RESOLUTION NO. 55-123

seconded by Councilman Arata, approving agreement with Lawrence Adams and authorizing its execution by the city's designated officials, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Annan, Arata, Adams, Heckendorf, Mellis, Merrill and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: None

CONSIDER DIAGONAL PARKING ON A LIMITED BASIS AT 15th AND G STREETS ADJOINING THE BETHEL CHURCH

The City Attorney presented an ordinance for Council consideration providing for combination parallel and diagonal parking at 15th and G Streets, adjoining the Bethel Church, as requested by the Council. He stated that he had received replies from both automobile clubs and they agreed that there would be no legal difficulty involved but considered the result would be confusing and the program impractical. Both urged careful consideration before this action was taken.

Traffic Engineer Carmody stated that he was still of the opinion that the results would solve the existing problem and would clear the illegal practice of diagonal parking now in existence.

Objections were advanced by some members of the Council.

Councilman Adams moved the introduction and passage to print of

ORDINANCE NO. 20-C.S.

entitled: "AN ORDINANCE AMENDING ORDINANCE NO. 345-N.S. (TRAFFIC ORDINANCE)", which motion being duly seconded by Councilman Annan, upon roll call failed of adoption by the following vote:

Ayes: Councilmen: Adams and Annan
 Noes: Councilmen: Arata, Heckendorf, Mellis, Merrill and Mayor Marks
 Absent: Councilmen: None

The City Attorney presented for Council consideration, a resolution establishing angle parking at this location. Mellis moved its adoption, which motion died for a lack of a second.

The Traffic Engineer stated that the street would be marked immediately for parallel parking. He pointed out that illegal diagonal parking was also being practiced at other locations in the city.

The City Manager pointed out that the city might have some responsibility if this illegal parking is not either formally legalized by the Council or parallel parking regulation enforced.

ESTABLISH TWO HOUR PARKING ON BOTH SIDES OF ELEVENTH STREET BETWEEN M AND NEEDHAM AVENUE

The City Attorney presented for Council consideration, a resolution establishing two hour parking on both sides of Eleventh Street, between M and Needham Avenue, as requested by the Council. Councilman Mellis introduced

RESOLUTION NO. 55-124

seconded by Councilman Heckendorf, establishing a two hour parking zone on both sides of Eleventh Street, between M Street and Needham Avenue, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Annan, Arata, Heckendorf, Mellis, Merrill and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: None

DISCUSSION ON LOADING ZONE ON SIXTH STREET

Traffic Engineer Carmody reported that the 75 foot freight loading zone established by Resolution No. 55-86 on Sixth Street at H Street was principally for the benefit of the Racque Furniture Store, which did not have an alley entrance. Large semi-trucks were double parking on the narrow street to unload large heavy merchandise, which created a traffic problem. Mr. Racque had stated that he had three deliveries daily and since parking was not critical in this area, the establishment seemed warranted.

Councilman Mellis reported that the merchants in this area considered that the small use made of this parking zone by Mr. Racque did not warrant the loss of four parking spaces. Merchants do not have spaces for their customers to park now, he stated, and Mr. Racque is using the space to park his own car a great deal of the time.

Mr. Carmody pointed out that the purpose of the zone was for loading and unloading purposes only to prevent the necessity of carrying the large articles of furniture for a distance of 140 feet from the alley to the store. He reported that he had not checked Mr. Racque's statement that he had three deliveries daily. Councilman Mellis stated that the merchants had reported that many days Mr. Racque did not have any deliveries.

Mr. Racque, who was present, admitted that he only averaged one delivery a day and suggested that if the zone was reduced to 25 feet that it would serve his purpose as well.

It was pointed out to him that this space would not be large enough to park the large semi-trucks and that it would still be necessary for them to park and unload in the alley and cart the merchandise 140 feet.

Mayor Marks pointed out that the Council had established a policy of establishing loading zones for the convenience of merchants where they did not have alley entrances but not for the parking of large semi-trucks. It was finally agreed after a long discussion, that the zone should be reduced and Councilman Heckendorf moved, seconded by Councilman Merrill, and it was unanimously carried, that the City Attorney should prepare, for Council consideration, a resolution reducing the parking zone to approximately 29 feet.

Mr. Racque complained that the area did not receive adequate parking enforcement and that many park all day in one hour zone. The Traffic Engineer recommended Council consideration for the installation of parking meters, which would be almost self-enforcing and take less than half the time to patrol. He stated that discussions with the Police Department indicated that the policewomen were operating at capacity. To give an idea of the enforcement problem, he stated, there are at the present time, 404 one hour and 876 two hour, non-metered time limit spaces on the street, equivalent to 5 miles of spaces.

REPORT ON INDUSTRIAL WASTE DISPOSAL CHARGES

Councilman Adams, member of the Council sewer committee, reported that after meeting with industrial representatives and members of the city's administrative staff, that it had been agreed that the most equitable method to correct the problem in the industrial rates for tomato paste, would be to add another step in the graduated scale of charges which would reduce the rate for volume beyond a certain point. He pointed out that this would also benefit other large industrial operators.

The Director of Public Works reported on the proposed rate which would add to the Class B rate, a step for "all over 1,200,000 C.F. of water used, of 0.020 per 100 C.F." and to Class A rate a step for "all over 1,200,000 C.F. a rate of 0.015 per C.F.".

Cecil Jones of the Stanislaus Food Products Co. reported that his company had suggested that the new rate should be one-half the preceding rate which would make the new rate for Class B 0.015 and for Class A 0.012. He also suggested that the new rate expire on December 31, so that the program could be reevaluated. The Director of Public Works pointed out that it would be necessary for the city to have an entire year's record to properly evaluate the rates.

Councilman Adams moved, seconded by Councilman Merrill, and it was unanimously carried that the City Attorney be directed to prepare an ordinance for Council consideration including the rates as outlined by the Director of Public Works, said rates to be effective retroactive to March 1, 1955.

Councilman Adams reported on the meeting with representatives of Barium Products Company. He pointed out that the city had been serving this industry, outside the city for a long time and it had installed recirculating equipment which would substantially reduce its volume of industrial waste, but everyone at this meeting, had considered that there should be some difference in the rate for inside and outside users. He stated this rate will also set a pattern for other outside users, such as those in the proposed new Tidewater Southern Industrial Tract which has agreed to come into the City. However, in this case, he continued, it was agreed that some further concession should be made since there is a possibility of the plant being annexed and the recommended rate is two and one-half times the inside rate. Councilman Adams moved, seconded by Councilman Annan, and

it was unanimously carried, that the City Attorney be instructed to prepare a resolution fixing the rate for the Barium Products Inc. to two and one-half times the inside industrial sewer rate, retroactive to March 1, 1955.

CONSIDER REMOVAL OF STOP SIGNS ON STODDARD AND MAGNOLIA AVENUE

Upon the recommendation of the Traffic Engineer, Councilman Merrill introduced

RESOLUTION NO. 55-125

seconded by Councilman Arata, authorizing the removal of stop signs located on Stoddard Avenue, at its intersection with Magnolia Avenue and rescinding that portion of Resolution No. 6276 adopted by the Council on the 23rd day of August, 1944, which established stop signs on Stoddard Avenue at its intersection with Magnolia Avenue, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Annan, Arata, Heckendorf, Mellis, Merrill
and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

TRAFFIC ENGINEER TO INVESTIGATE LEGALITY OF STOP SIGN ESTABLISHED IN ALLEY BETWEEN STODDARD-ELMWOOD COURT

The Traffic Engineer was asked to investigate whether the stop sign in the alley between Stoddard Avenue and Elmwood Court and Magnolia Avenue and Elmwood Avenue, had been legally established by the Council.

CITY ATTORNEY TO PREPARE RESOLUTION CREATING "NO PARKING" ZONE ON NINTH STREET AT THE MILK PRODUCERS ASSOCIATION

Upon the recommendation of the Traffic Engineer, Councilman Annan moved, seconded by Councilman Arata, and it was unanimously carried, that the City Attorney be instructed to prepare a resolution establishing a forty foot "no parking" zone on Ninth Street in front of the Milk Producers Association.

RESOLUTION GIVING NOTICE OF PROPOSED ANNEXATION OF LA VILLA ROSE ADDITION

Councilman Arata introduced

RESOLUTION NO. 55-116

seconded by Councilman Heckendorf, fixing the date of April 27, 1955, at the hour of 8:00 P.M. in the Council Chamber of the McHenry Public Library as the time and place for considering the petition of Rose A. Chapman, H. Russell Briggs and Mabel Briggs for the annexation of the LaVilla Rose Addition to the City of Modesto, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Annan, Arata, Heckendorf, Mellis, Merrill and
Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

RESOLUTION APPROPRIATING FUNDS FOR DIVIDERS FOR MUNICIPAL CODE

Councilman Merrill introduced

RESOLUTION NO. 55-126

seconded by Councilman Adams, approving appropriation transfer of \$275 from the General Reserve Fund to the Miscellaneous Unclassified Fund for the

purchase of dividers and assembling of municipal codes, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Annan, Arata, Heckendorf, Mellis, Merrill, and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: None

ACCEPT NORWEGIAN AVENUE TRUNK SEWER FROM KEVRY CONSTRUCTION COMPANY

Director of Public Works Ray reported that the Kevry Construction Company had completed the construction of the Norwegian Avenue Trunk Sewer and recommended its acceptance, recording of Notice of Completion with the County Recorder and payment of amounts due. Councilman Adams introduced

RESOLUTION NO. 55-127

seconded by Councilman Arata, accepting the construction of the Norwegian Avenue Trunk Sewer from the Kevry Construction Company, as recommended by the Director of Public Works, authorizing the recording of Notice of Completion with the County Recorder and payment of amounts due as provided by the contract, which resolution was regularly adoption by the following vote:

Ayes: Councilmen: Adams, Annan, Arata, Heckendorf, Merrill and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: None

APPROVE AGREEMENT WITH STATE RE: HANDIE-TALKIE RADIO FOR OFFICE OF CIVIL DEFENSE FIRE PUMPER

Upon the recommendation of the City Manager, Councilman Mellis introduced

RESOLUTION NO. 55-128

seconded by Councilman Heckendorf, approving agreement with the State Office of Civil Defense for the assignment and use of a handie-talkie radio for the OCD fire pumper assigned to the City, and authorized the execution by the city's designated officials, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Annan, Arata, Heckendorf, Mellis, Merrill and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: None

REPORT ON STATUS OF PROPOSED ZONING ORDINANCE

Director of Planning Smeath reported that the Planning Commission expected to file the completed text and map of the new zoning ordinance by April 6.

REPORT ON BEARD BROOK BRIDGE, CONEJO AVENUE DEVELOPMENT AND RELATED PROBLEMS

The City Manager reported that a meeting had been held with school representatives recently to discuss the proposed width of the right of way on Conejo adjacent to a new site acquired by the schools for a Junior High School. He reported that the Planning Commission considered that this should be a major street and that there should be a bridge across Beard Brook at Conejo instead of the proposed County crossing at ElVista Avenue to meet the Old Oakdale Road at Scenic Drive. Since the schools are already preparing plans for this school and must know the width of this street and the county has ordered a survey of this crossing, it is urgent that prompt

action be taken. He suggested that the Council consider the acquisition of a small park area adjoining the school to be developed in conjunction with the school. He pointed out the need of two crossings of Beard Brook. He suggested the appointment of a Council committee to meet with representatives of the county and schools immediately to clear this matter. Councilman Mellis moved, seconded by Councilman Heckendorf, and it was unanimously carried, that Mayor Marks, Councilmen Arata and Adams be appointed as a Council committee to confer with the school and county to determine the best location for a bridge across Beard Brook which would serve the people in this area to the best advantage.

QUESTION ON PROPOSED CHARTER AMENDMENT ANSWERED BY CITY ATTORNEY

The City Attorney clarified the matter of participation in the parking program under the proposed charter amendment at the request of Councilman Annan. He pointed out that this was a matter which was entirely within the hands of the Council; it could require participation or not under the charter amendment as it saw fit. The effect of the charter amendment, he stated, was to provide a means for long range financing of parking facilities through the issuance of revenue bonds paid for by meter funds.

REPORT ON PROGRESS OF GARBAGE SURVEY

Copies of a progress report on the garbage survey were distributed to Council members for their information.

REPORT ON BILLS BEFORE THE STATE LEGISLATURE

The City Manager stated that occasionally it would be necessary to take prompt action on state legislation and it would be impossible to wait for Council action. He suggested that since the administrative staff was familiar with the policies of the Council that when this happened that the staff would send a wire or a letter or take other action urging the adoption or defeat of certain legislation which would be detrimental to the city when the policy was clear. He stated that whenever the policy was not clear that the matter would be presented for Council approval before any action was taken by the staff. It was agreed by the Council that this practice should be continued.

REPORT ON CITY PERSONNEL

The City Manager presented the Council members with a report on city personnel and a special report on police department personnel.

PROGRESS REPORT ON CIVIC CENTER STUDIES

The City Manager reported on plans for future meetings with Milton T. Pflueger, Architect for the City Hall. Mayor Marks asked the Council to go on record what it wished to do on the two following questions:

1. Should the City Hall be a part of a civic center?
2. Should the civic center be located in or near the central business district?

Councilman Adams moved, seconded by Councilman Annan, and it was unanimously carried, that the City Hall should become a part of the civic center.

Councilman Mellis moved, seconded by Councilman Heckendorf, and it was unanimously carried, that the civic center should be located in or near the business area in the central section of the downtown area.

ADJOURNMENT

Councilman Heckendorf moved, seconded by Councilman Mellis, and it was unanimously carried, that this meeting be adjourned until 7:30 P.M. March 30, 1955, and that the matter of definition of policy on sidewalks be set for the hour of 8:30 P.M. The meeting was adjourned at 11:45 P.M.

ATTEST: 
REX E. GALLFUS, CITY CLERK

The Council of the City of Modesto met in adjourned regular session this date at 7:30 P.M., as provided by Section 2-1.07 of the Modesto Municipal Code, in the Council Chamber at the McHenry Public Library Building, 14th and I Streets, Mayor Marks presiding.

The City Clerk called the roll and there were

Present: Councilmen: Adams, Annan, Arata, Heckendorf, Merrill and Mayor
Marks
Absent: Councilmen: Mellis

GRANT VARIANCE TO TIDEWATER ASSOCIATED OIL COMPANY FOR CURB CUT FOR STATION
AT NEEDHAM AND J STREETS

Director of Public Works Ray reported on the request for a curb cut variance, filed by the Tidewater Associated Oil Co., for its service station under construction at Needham and J Streets, and recommended its approval on the condition that the company deposit the fee of \$78.00 covering 26' of new cut in addition to the regular inspection fee. Councilman Arata introduced

RESOLUTION NO. 55-129

seconded by Councilman Merrill, approving the request of the Tidewater Associated Oil Company for variance to provisions of Section 7-1.04 of the Modesto Municipal Code as related to street openings for a service station at Needham and J Streets under the conditions outlined by the Director of Public Works, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Annan, Arata, Heckendorf, Merrill and Mayor
Marks
Noes: Councilmen: None
Absent: Councilmen: Mellis

LETTER FROM MRS. ROBERTA B. HARRISON RE: COUNCIL RESOLUTION OF CONDOLENCE

A letter from Mrs. Roberta B. Harrison, acknowledging receipt of the Council's resolution of condolence on the recent death of her husband, "Fritz" Harrison, was read and ordered filed.

LETTER FROM ATTORNEY ROBERT C. BIENVENU RE: PROTEST TENTATIVE QUARESMA
SUBDIVISION

A letter was filed by Attorney Robert C. Bienvenu on behalf of a number of property owners adjoining and in the vicinity of the proposed Quaresma Subdivision, bounded by Tully on the west, Roseburg Avenue on the north, Cecil Way on the south and Notre Dame on the east, protesting to the tentative subdivision plan submitted by Mr. Quaresma. Mr. Bienvenu requested that he be notified when the final map was to be considered by the Council.

Mayor Marks moved, seconded by Councilman Adams, and it was unanimously carried, that the letter be referred to the Planning Commission.

City Clerk Gailfus was directed to notify Mr. Bienvenu that Planning Director Smeath would set up a meeting with the property owners in this district, representatives of the Planning Commission and Mr. Quaresma to discuss the proposed plan for the subdivision.

APPROVE PLANS AND SPECIFICATIONS, CALL FOR BIDS FOR SEWER LATERALS IN GRANGER-
FREMONT ADDITIONS

Plans and specifications for the construction of sewer laterals

in the Granger-Fremont Additions, for which cash fees were paid, were presented for Council consideration by the Director of Public Works. He reported that additional easements which the city must acquire would be cleared by the time the bids were opened and he recommended that the call for bids be authorized at this time in order to serve the area with sewers as promptly as possible. He reported that the specifications provided for the deposit for the plans by the bidders in accordance with the procedure recently cleared with local contractors. Councilman Arata introduced

RESOLUTION NO. 55-130

seconded by Councilman Adams, approving the plans and specifications for the construction of sanitary sewer laterals in the Fremont-Granger Additions, and authorizing the call for bids. Said bids to be opened at 3:00 P.M. Monday, April 11, in the office of the City Clerk, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Annan, Arata, Heckendorf, Merrill and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Mellis

The Director of Public Works reported that approximately 75% of the property owners in these additions paid cash or had the sewer laterals put in by private contractors.

FINAL ADOPTION ORDINANCE NO. 19-C.S. AMEND CODE REGULATING NOISES

Ordinance No. 19-C.S. entitled: "AN ORDINANCE AMENDING SECTION 4-2.20 OF CHAPTER 2 OF TITLE IV OF THE MODESTO MUNICIPAL CODE REGULATING NOISES", having been heretofore introduced and ordered printed and published at the regular meeting of March 16, 1955, Councilman Merrill moved, seconded by Councilman Heckendorf, that the ordinance be finally adopted, which motion was upon roll call carried by the following vote:

Ayes: Councilmen: Adams, Annan, Arata, Heckendorf, Merrill and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Mellis

AUTHORIZE CITY ATTORNEY PREPARE AGREEMENT WITH WILLIAM BELL, GOLF ARCHITECT, FOR 18 HOLE GOLF COURSE

Councilman Merrill reported that a meeting had been held this date with Golf Course Architect William Bell and plans discussed for the 18 hole golf course. He recommended that the Council consider entering into an agreement with Mr. Bell for the course as soon as possible, so that the city could take advantage of the offer of concerns for the use of heavy equipment for earth moving and labor services from members of the golf course club.

The City Manager reported that Mr. Bell had first estimated his fee to be \$6,000.00 upon which the \$500 deposit for preliminary plans previously paid by the city, would apply. After further discussion with the Council members and administrative officials, Mr. Bell agreed to reduce his fee to \$5,000, less credit for the \$500 previously paid, on the condition the City's Director of Public Works, Director of Parks and Recreation and Director of Planning assist him on certain phases of the project. It was brought out in the discussion that these officials would have had to integrate the golf course in the city's over all master plan and water system anyway, and that Mr. Lowry would be more familiar with the type of tree best for the area. It was considered that the arrangements suggested by Mr. Bell were satisfactory. Councilman Merrill moved, seconded by

Councilman Annan, and it was unanimously carried, that the City Attorney be instructed to prepare the necessary agreement with Mr. Bell, on the basis discussed, for Council consideration.

Councilman Arata introduced

RESOLUTION NO. 55-131

seconded by Councilman Heckendorf, approving appropriation transfer of \$5,000.00 from the unallocated \$28,000 sum in the 1954-55 capital improvement fund budget, to be used for Mr. Bell's fee and other incidental expenses relating to the 18 hole golf course, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Annan, Arata, Heckendorf, Merrill and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Mellis

PETE RUFFINO REQUEST INSTALLATION OF WATER MAINS TO THE LALOMA AREA IN ORDER TO REDUCE THE FIRE RATE FOR THAT AREA

Mr. Pete Ruffino appeared before the Council, protesting that the Council had not kept its promise to the residents of the LaLoma Addition to reduce the insurance fire rates after annexation.

The City Manager pointed out that two important factors involved in insurance rates in this area were: 1) fire alarm system and 2) water supply system. The fire alarm system, the obligation of the city, he stated, has already been installed and paid for out of the general fund of the city. The improvement of the private water system by the City of Modesto would be a gross injustice to the people who own the municipal water system, since this is the obligation of the company supplying the service to this area. He pointed out that the fire alarm system had been installed before any taxes had been collected from the property owners of the Laloma area and that the area had obtained a substantial reduction in the insurance rate upon coming into the city.

The City Manager stated that meetings had been held with property owners in this area and it had been made clear to them by the city officials 1) what the situation was, 2) what had been done, 3) what the city could do, and 4) what the city already had done, and 5) that the city was not going out to improve a private water system with public money.

Mayor Marks asked Mr. Ruffino if he would like to see the city acquire by condemnation or by negotiation the Del Este Water Company and bring it up to the standard of the municipal water system.

Mr. Ruffino pointed out the difference in rates paid by the LaLoma area property owners and the older part of the city and pointed out that he was paying heavy taxes to the city and that large water main was needed to the commercial area on Yosemite Avenue. He stated that it was not up to him to go to the private water company but was up to the city. He reported that the water company already had a 12" water main close to his business area furnishing service to the Marathon plant and intimated that the company should use this line to furnish better water service to this district.

Mayor Marks again questioned Mr. Ruffino whether, if there was no other way to get more adequate water service to the LaLoma area, whether he, as a private citizen, would advocate the condemnation and purchase of the Del Este Water Company.

Director of Public Works Ray pointed out that there were three alternatives available to the city: 1) City could install fire mains in this area with no revenue whatsoever and expenses of construction of the line and maintenance, or 2) obtain improvement to the private water system by the company, or 3) acquire the private water system. He reported on the conferences held with officials of the company to obtain increased facilities in this area, which had not been concluded as yet. He pointed out the rate had been decreased immediately upon annexation of the area due to the furnishing of service by the City Fire Department. He pointed out that it would be difficult to install a fire line from the existing city water system to this area unless a well was installed in that area. He estimated the cost to be approximately \$55,000.

The City Manager pointed out the other services which were being furnished to the area, the large trunk sewer line now under construction, proposed signaling of Yosemite Boulevard, and improvement of Yosemite Boulevard to connect it with other streets in the city.

Mayor Marks suggested that Mr. Ruffino check with the company, since he was its customer and not the city.

Mayor Marks asked again that Mr. Ruffino answer the question--- "in the event it is impossible to get your area the proper water service from the private water company, do you recommend that the city condemn those facilities and acquire them through a revenue bond program."

Mr. Ruffino stated that his answer was "yes"---that if a private company could not provide the sort of service required by the people in an area that he would consider it the duty of the city to condemn and purchase the system and incorporate it into the municipal system and give the people all the same type of water service. "All the private water companies should be owned by the city---all the people get the same protection", he stated.

CONSIDER SCREEN CONSTRUCTION AT BALL PARK

Director of Public Works Ray stated that Spears Construction Company, contractor reconstructing the Del Webb Field facilities, had quoted a maximum price of \$1950 to construct a screen at the field. He recommended that the work be done on a cost plus arrangement as provided in the original contract. He suggested that the Council consider delaying construction of a screen on other areas than the grandstand and aisles, until after a couple of weeks during the season to determine what kind of problem existed. If it is determined that additional screen facilities are needed, he stated, it could be done later. Councilman Arata recommended that this suggestion be approved. Other members of the council indicated approval in principle and authorized the City Manager to work out the arrangements later. Councilman Arata moved, seconded by Councilman Merrill and it was unanimously carried that the installation of the screen in front of the grandstand and aisles be authorized under the cost plus basis as recommended by the Director of Public Works on the provision that it would not exceed \$1,950.

The City Manager reported that by eliminating some unnecessary aisles at the ball park, 25 seats had been gained in the grandstand making the net loss due to an error in the plans of only 40 seats.

AUTHORIZE EXPENDITURE FOR STERILIZATION OF SOIL UNDER BLEACHERS AT BALL PARK

Upon the recommendation of the Director of Public Works, Councilman Arata moved, seconded by Councilman Merrill, and it was unanimously carried, that an expenditure of \$150 for sterilization of the soil under the bleachers at the ball park to kill the weeds be approved.

APPROVE PAINTING OF FACILITIES AT BALL PARK

Director of Public Works Ray pointed out the advisability of obtaining some protection to the new structure at the ball park before it is used for games by providing for a surface coat to preserve the wood from termites, fungus and the weather. He outlined the informal bids which had been received which would be under \$1500. Other proposals and informal bids could also be considered, the City Manager stated. Councilman Annan moved, seconded by Councilman Adams, that the City Manager be authorized to proceed on the general basis outlined by the Director of Public Works, which motion was unanimously carried.

CONSIDER DEFINITION OF POLICY RE: SIDEWALKS IN SPECIAL STREET IMPROVEMENT DISTRICTS

This being the time set by the Council for an informal public hearing on the matter of securing public opinion of requiring sidewalks in a street and drainage improvement district program, Mayor Marks declared the meeting open for discussion.

He stated that the Council in considering this program had taken recognition of the recommendations of the Forward Modesto Committee as follows:

1. Amend City and County ordinances and specifications to require higher type of street surfacing and also require sidewalks, provisions for lighting of all streets, and adequate drainage;
2. That the provisions of existing ordinances pertaining to installation of underground utilities prior to surfacing of any streets be strengthened; be more rigidly enforced, and made applicable to utility companies and city water departments, as well as subdividers; and the adoption and enforcement of a specification for proper compaction of backfill and replacement of pavement when it is necessary to cut holes or trenches in any city or county street;
3. That re-oiling operations be stopped and the money be applied toward a paving program;
4. Streets to be surfaced full width with a pavement equivalent to a 2 inch plant mix wearing surface on a 6 inch cement stabilized base. The final design of base and surface course to be determined by the Department of Public Works based on engineering principles considering the expected traffic load;
5. Street improvement to be financed generally by improvement district procedure with the city contributing 20% of the cost of paving on streets where the width of pavement does not exceed 47 feet, exclusive of gutters, and all of the cost of the additional width on wider streets;
6. On streets which the city has already paved as part-width, it will participate in paving the remaining strips on either side provided those strips are more than 18½ feet in width;
7. The improvements shall include, in addition to paving, curbs and gutters, sidewalks where they do not exist, and extension of storm drainage collection lines where necessary;
8. The city shall not participate in the cost of any of these improvements except as already specified for paving.
9. Proper drainage shall be prerequisite for paving any street.

A letter was read from Planning Director Smeath, advising that the Planning Commission, at a special meeting held March 29, had considered the serious problem arising from the lack of sidewalks in the city, both in subdivisions and in built up areas of the city.

It considered that the absence of sidewalks in urban areas was a constant threat to the safety of the people, particularly children; an inconvenience to pedestrians; encouraged childrens' play in the streets; and discouraged walking where such would be practical for short distances if sidewalks were available. It also pointed out that the cost of sidewalks was generally greatly increased if not provided at the time of street construction.

It recognized that two separate problems are involved 1) sidewalks in special improvement districts under the city "20% participation" program, and 2) new subdivisions.

The Commission recommended that "in the case of special improvement districts that the council adopt a policy of encouraging sidewalk construction by making the city's 20% participation to paving costs contingent upon the provision of sidewalks."

The Commission recommended that in the case of subdivisions, that a change should be made in the Code as soon as possible to require sidewalks on all streets. Steps were being taken to work this program out with the county in order that subdivisions in the city and in the unincorporated areas would have a uniform policy. Since this program would require some time, the letter brought out, the city should proceed with a change while working with the county officials. The wording of a suggested change in the code was included in the letter. Included with the letter was a draft of a resolution prepared by the Planning Department entitled "A RESOLUTION OF THE MODESTO CITY PLANNING COMMISSION ADOPTING CERTAIN STANDARDS CONCERNING SIDEWALKS IN SUBDIVISIONS". Mr. Smeath stated that copies of his letter and the resolution would be sent out to subdividers, engineers, title companies for their consideration and a public hearing on the resolution would be held before it was adopted. If the resolution is adopted by the Commission, it will be referred to the Council for action and if approved, sidewalks will be required on all streets in new subdivisions except cul-de-sacs or loop streets serving fewer than 10 dwelling units.

Traffic Engineer Carmody's report to the City Manager on the subject of sidewalks was read. He outlined the approximate cost for improvements (street paving, curb & gutter, sidewalk, storm drain) for a 60' lot which had been given in the Forward Modesto Committee's final report. He stated that it was the recommendation of the National Committee for Traffic Safety and the Institute of Transportation & Traffic Engineering of University of California that on local residential streets there should be sidewalks of 4' minimum width. He listed the following reasons why sidewalks should be included in the improvement district program:

1. It is rather futile to provide traffic signals, stop signs and cross walks for pedestrians protection if the absence of sidewalks can be the cause of up to 23% of the pedestrian deaths (figure quoted by the National Safety Council in the year 1953)
2. Without sidewalks, the simple trip from one child's house to another child's house can mean the exposure to death at least twice unless the intervening home owners are willing to have their lawns walked upon.
3. The use of wheeled goods, such as bicycles, wagons, cars, etc. is seriously curtailed if the children are to play on paved surfaces and to stay off the streets, for a double width driveway provides only a 400 square foot area in this city.

4. I believe that there are many adults who enjoy a walk after dinner in the wonderful Modesto evenings. Such a walk in the daylight is hazardous, but after dark it becomes a nightmare without sidewalks.

Mayor Marks at this time asked for comments from the audience. Mr. C. F. Heckman, 637 Geer Court, asked if the city would, in addition to the 20% participation in paving costs in improvement district, also participate in the cost of sidewalks by paying for the corners, and alley crossings. Director of Public Works outlined the practice of the city in participating in the cost of sidewalks on corner property.

The City Attorney pointed out that with respect to corner property, owners should not be required to pay the entire cost but the cost should be apportioned throughout the block; it would depend on the way the improvement district was set up.

Mr. Heckman also asked if money could not be secured for improvement districts at less than the usual 5%.

The City Attorney stated that in improvement districts, if the interest rate was cut down it would result in "watering of the contract" and nothing would be saved in the long run. He pointed out that a property owner could pay cash which would be a material savings or possibly money could be borrowed at a lower rate of interest.

Mayor Marks pointed out the advisability of establishing a large improvement district and not doing the improvement by a "block to block deal".

Fred Johnson, member of the street improvement study group of the Forward Modesto Committee, stated that he was interested in noting the change in the attitude of people on improvement districts; when it was first discussed, they wanted their streets paved and did not care about drainage or sidewalks. He introduced other members of the study group, Dr. R. S. Shearn and Vernon Withuhn.

Mr. Johnson briefly reviewed the findings of the 1952 citizen committee regarding sidewalks and the Forward Modesto Committee, study groups. He stated that they were still of the same opinion and that the only deviation would be in cases where large number of street trees would be involved, that the location of the sidewalk might be changed.

Dr. Shearn pointed out that the reasons why the committee advocated the installation of sidewalks were 1) increase the property value and 2) over a long term, it would ultimately mean a reduction in taxes due to the fact the maintaining of streets would be reduced.

Mr. Withuhn stated that "the more you kick it around, the only accepted thing is to require sidewalks in all cases."

Mr. William Mitchell, member of the study group for "Flow of Traffic" spoke in favor of requiring sidewalks on all new subdivisions as well as the proposed program for improvement districts for the rest of the city. As an advisory member of the County Planning Commission, he stated that "if the city includes a mandatory provision in its ordinance on sidewalks, the county probably would follow along". He pointed out the savings to the property owner if this cost for sidewalks could be included in the original cost for the house and also that the cheapest time to install sidewalks was when the subdivision was being developed by the subdivider. "I would individually speak in favor of having, within the city, mandatory provisions for sidewalks in all areas," he stated.

Phil Humphrey, chairman of civic committee concerned with parks and recreation pointed out that "recreational areas have little value if the children who would use them are endangered on their way to and from those park area." He concurred in Mr. Mitchell's statement that the best time to build sidewalks was when the subdivision was being developed by the subdivider.

Mr. Graham May, member of the Modesto City Planning Commission, pointed out the difficulty the commission was faced with in requiring subdividers and contractors to build sidewalks. He pointed out that the resolution on which the Commission would hold its public hearing on April 19, would make it mandatory that sidewalks be constructed and that the building code could also be clarified in this respect.

The City Attorney pointed out the possibility that the recommendation made by the Planning Commission that the 20% participation in the cost of paving by the city only be given when sidewalks were included would prevent certain areas from taking advantage of the offer if more than 50% of the owners did not want sidewalks and protested them out of the district.

Robert Elliott, representing the schools, stated that the schools would endorse any program which would alleviate the present condition, city wide.

Mayor Marks asked for protests to the proposed sidewalk program. Mr. H. C. James, 607 Roseburg Avenue, suggested that consideration be given to installing black top sidewalks since they would be cheaper to install. The City Manager pointed out that in the long run this type of sidewalk would cost more due to maintenance cost and they would also be a potential hazard.

Mr. Robert Elliott, resident in the proposed John Muir Park improvement district, urged that the property owners be furnished with additional information on the city's sharing in the cost of the sidewalks at the corners, alley approaches, etc., to clear up a "lot of misinformation that is floating around".

The City Manager stated that as soon as the Council had established the policy on sidewalks that a letter explaining all these facts would be sent to each property owner in this area.

Mrs. H. S. Walton, member of the Forward Modesto Committee, suggested that street lights be included in improvement district, since a number of women in the LaLoma district have expressed a desire for this type of improvement.

Mr. Ray pointed out that street lights would be proposed with sewer laterals in the Laloma Improvement District which would be started shortly since the trunk sewer was near completion.

The City Manager pointed out that only those improvements which are approved by a majority of the people residing in an improvement district area would be done.

The City Attorney questioned if the Council might consider a little more generous offer on sidewalks to encourage construction.

Mayor Marks pointed out that this could be considered later after the discussion had been concluded on what the people wanted. "If the council wants to increase the participation degree, that can be done later when another council is sitting here, but right now we are talking about the idea of sidewalks."

Dr. Shearn pointed out that the committee's suggestion of 20% was only a suggestion and that it could be raised or lowered by the Council if, after a study, it was desirable.

Councilman Arata pointed out that the amount presently budgeted, \$50,000.00, might not be sufficient if the district was a large district.

Ronald Bates, property owner in the proposed John Muir Park Improvement District, suggested that the Council might consider the possibility of only requiring sidewalks on certain streets, (Helen and High) due to the fact that this area was a self contained unit and only had three outlets. He stated that he did not want sidewalks in front of his property.

Mr. Carmody pointed out the difficulty in apportioning the cost of the sidewalks if they were only installed on High and Helen Streets.

Mayor Marks declared the informal hearing on the matter of sidewalks closed, and opened the meeting for discussion of policy to be established by the Council.

The City Attorney offered the suggestion that the Council instead of denying 20% participation in the cost of paving streets if sidewalks were not included in the improvement district, that it offer to participate 20% in the cost of sidewalks to encourage construction. He pointed out that although the Council had placed funds in two annual budgets to be used in a participation program for the paving of streets, the only area that had indicated interest, so far, was the small area surrounding the John Muir Park.

The City Manager pointed out that this was no direct measure of the interest since four improvement districts had either been completed or were underway. He expressed confidence with this program that some of the people would take advantage of the city's offer of participation and that the City's funds were limited.

It was generally agreed by the Council that the proposal of 20% participation by the city in the cost of paving be adopted.

Councilman Annan introduced

RESOLUTION NO. 55-131A

seconded by Councilman Merrill, adopting a policy of encouraging sidewalk construction by making the city's 20% participation to paving costs contingent upon the provision of sidewalks, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Annan, Arata, Heckendorf, Merrill and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Mellis

Director of Public Works Ray pointed out that the reason the City of Merced had been able to complete its paving, sidewalk and storm drainage improvement districts was because it was able to arrange with the Merced Irrigation District to dispose of its storm drainage.

The City Manager reported that preliminary negotiations had been held with the Modesto Irrigation District already and he expressed confidence that arrangements could be worked out with the district for the use of the canals.

Mr. Mitchell stated that he was pleased to see that the Council was unanimous in its decision on sidewalks but that he had some grave misgivings on the policy established making it mandatory to include sidewalks in order to receive the 20% participation.

Mr. Johnson objected to the "coercive" nature of the policy.

The City Manager reported that the Director of Public Works and City Attorney were presently preparing forms to be sent to property owners for the repairing of sidewalks.

APPROVE APPROPRIATION TRANSFER OF FUNDS FOR RECONSTRUCTION OF BALL PARK

Councilman Annan introduced

RESOLUTION NO. 55-132

seconded by Councilman Arata, approving appropriation transfer of \$11,750 from the unallocated portion of the capital improvement fund to the Park and Recreation Department, reconstruction of the ball park, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Annan, Arata, Heckendorf, Merrill and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Mellis

ESTABLISH INDUSTRIAL SEWER CHARGES FOR BARIUM PRODUCTS, LTD.

As requested by the Council, City Attorney Grimes presented for Council consideration a resolution establishing industrial sewer charges for Barium Products, Ltd. Councilman Adams introduced

RESOLUTION NO. 55-133

seconded by Councilman Heckendorf, establishing the charge for the use of the city's industrial waste system for the disposal of industrial wastes as 2.5 times the rate established for the industrial users, inside the city, as provided by the provisions of Chapter 6, Title V of the Modesto Municipal Code, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Annan, Arata, Heckendorf, Merrill, and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Mellis

RESOLUTION MAKING APPLICATION TO STATE FOR AN OPERATING PERMIT FOR THE MODESTO WATER SYSTEM

Upon the recommendation of the City Manager, Councilman Arata introduced

RESOLUTION NO. 55-134

seconded by Councilman Merrill, authorizing an application by the City of Modesto to the State Board of Public Health relating to the furnishing of domestic water services, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Annan, Arata, Heckendorf, Merrill and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Mellis

ORDINANCE AMENDING MUNICIPAL CODE RELATING TO INDUSTRIAL WASTE DISPOSAL CHARGES

As requested by the Council, the City Attorney presented for approval an ordinance amending the municipal code relating to industrial waste disposal charges. Councilman Adams moved the introduction and passage to print of

ORDINANCE NO. 21-C.S.

entitled: "AN ORDINANCE AMENDING SUBSECTIONS (e) AND (f) OF SECTION 5-6.206 OF ARTICLE 2, CHAPTER 6, TITLE V OF THE MODESTO MUNICIPAL CODE REGULATING INDUSTRIAL WASTE DISPOSAL CHARGES", which motion being duly seconded by Councilman Arata, was upon roll call carried and ordered printed and published by the following vote:

Ayes: Councilmen: Annan, Arata, Adams, Heckendorf, Merrill and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Mellis

ESTABLISH 29 FOOT LOADING ZONE AT SIXTH STREET AND H STREET AND RESCINDING RESOLUTION NO. 55-86

The City Attorney presented for Council approval, as previously requested, a resolution establishing a freight loading zone on Sixth Street, between H and I Streets. Councilman Merrill introduced

RESOLUTION NO. 55-135

seconded by Councilman Arata, designating a 29 foot freight loading zone along the northwesterly side of Sixth Street, between H and I Streets and rescinding Resolution No. 55-86, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Annan, Arata, Heckendorf, Merrill and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Mellis

RESOLUTION ESTABLISHING A 40 FOOT "NO PARKING" ZONE ON NINTH STREET IN FRONT OF MILK PRODUCERS ASSOCIATION BUILDING

As requested by the Council, the City Attorney presented for Council consideration a resolution establishing a 40 foot "No Parking" zone on Ninth Street in front of the Milk Producers' Plant.

Councilman Annan introduced

RESOLUTION NO. 55-136

seconded by Councilman Adams, establishing a "No Parking" zone on the north-easterly curb line of Ninth Street, 156' southeasterly from the southeasterly curb line of F Street and continuing southeasterly along the Ninth Street curb line a distance of 40 feet; to be effective upon approval by the Division of Highways, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Annan, Arata, Heckendorf, Merrill and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Mellis

REFER AGREEMENT WITH DIVISION OF HIGHWAYS RELATING TO "NO RIGHT TURN" SIGNALS FOR NINTH AND B STREETS TO THE CITY ATTORNEY FOR STUDY AND RECOMMENDATION

Councilman Annan moved, seconded by Councilman Arata, and it was unanimously carried, that the agreement between the city and Division of Highways covering the installation of three 14" railroad type signals lettered "No Right Turn", at the intersection of B and U.S. 99 Highway be referred to the City Attorney for his study and recommendation.

APPROVE AND AUTHORIZE EXECUTION OF AGREEMENT WITH C. D. NATTINGER FOR AUDITING THE CITY RECORDS FOR A TERM OF THREE YEARS

Upon the recommendation of the City Manager, Councilman Heckendorf
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introduced

RESOLUTION NO. 55-137

seconded by Councilman Adams, approving agreement between the City and C. D. Nattinger, C. P. A., for the auditing of the City records for a period of three years (fiscal years ending June 30, 1955, June 30, 1956, and June 30, 1957), and authorizing its execution by the city's designated officials, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Annan, Arata, Heckendorf, Merrill, and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Mellis

REPORT BY CITIZENS RECREATION COMMITTEE ON GOLF COURSE

Al Seagal, member of the Citizens Recreation Committee, reported that the funds collected by the committee for the building of the 18 hole golf course would be made available to the city since work would be started shortly. Mayor Marks asked Mr. Seagal to organize the volunteer workers and offers of various concerns for use of heavy equipment for earthmoving at the golf course since they would be needed during the season.

RESOLUTION DECLARING INTENTION OF COUNCIL TO ANNEX DRYDEN-DURAND PROPERTY

The City Attorney presented for Council approval a resolution relating to the annexation of the property given by Horace Dryden for an 18 hole golf course and two parcels of the Dryden property which will be included in the course.

Councilman Arata introduced

RESOLUTION NO. 55-138

seconded by Councilman Merrill, declaring the intention of the Council of the City of Modesto to initiate on its own motion, proceedings to annex certain uninhabited territory, hereinafter described and designated as the Dryden-Durand Addition to the City of Modesto and authorizing and directing the City Clerk to file such proposal with, and submit such proposal to the Boundary Commission of the County of Stanislaus, State of California, for a report thereon as required by law, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Annan, Arata, Heckendorf, Merrill and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Mellis

RESOLUTION ACCEPTING GRANT DEEDS AND RIGHT OF WAY AGREEMENT FROM CHARLES N. TAYLOR, ET UX, CARL E. HEERMAN, ET UX, AND RIGHT OF WAY AGREEMENT FROM FLORENCE L. BROWN

The City Attorney presented for Council consideration grant deeds from Charles N. Taylor, et ux, and Carl E. Heerman, et ux, and Florence L. Brown. Councilman Merrill introduced

RESOLUTION NO. 55-139

seconded by Councilman Adams, accepting grant deeds from Charles N. Taylor and Cecelia M. Taylor and Carl E. Heerman and Sally J. Heerman, covering a portion of Lot 1 of the Weil Colony for alley purposes (Block 6128A) and right of way agreement from Florence L. Brown covering the east 10 feet of the South 63.91 feet of the north 255.64 feet of Lot 1 of Mensinger Colony (Fremont-Granger Addition) sanitary sewer lateral on McHenry Avenue, and authorizing their recordation with the County Recorder, which resolution was

regularly adopted by the following vote:

Ayes: Councilmen: Adams, Annan, Arata, Heckendorf, Merrill and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Mellis

ACCEPT DEED FROM C. E. PIERCEALL, ET UX, FOR WIDENING OF ROSEBURG AVENUE
 BETWEEN TULLY AND COLLEGE AVENUE

The City Attorney presented for Council consideration, a grant deed from C. E. Pierceall and Rose Pierceall for widening of Roseburg Avenue between Tully and College Avenue. Councilman Arata introduced

RESOLUTION NO. 55-140

seconded by Councilman Annan, accepting the grant deed from C. E. and Rose Pierceall for widening of Roseburg Avenue between Tully and College Avenue, and authorizing its recordation with the County Recorder, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Annan, Arata, Heckendorf, Merrill and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Mellis

REPORT ON PROPOSED GROUND WATER STUDY BY STANLEY DAVIS, SCHOOL OF MINERAL
 SCIENCE, STANFORD UNIVERSITY

The City Manager reported that Stanley Davis, of the School of Mineral Science, of Stanford University who is to conduct a two year study of the ground water study of the areas surrounding Modesto, had visited the City and outlined the area to be covered. As previously agreed by the Council, the City Manager stated, full cooperation of the city was offered to Mr. Davis in his project, on his recent visit.

REPORT ON MATTER OF LAND GRANTS RAISED BY CITY OF LONG BEACH

The City Manager reported that the matter of land grants raised by the City of Long Beach had been studied by the City Attorney and himself. This raises the question of whether the state can give something to a local agency and then come back and take it away. After a general discussion of the matter it was agreed that the Council did not have sufficient facts to take a stand as requested by the Mayor of Long Beach, George M. Vermillion.

Councilman Adams moved, seconded by Councilman Annan, and it was unanimously carried, that the matter be tabled until lifted by the Council from the table after additional information is accumulated.

REPORT ON PRESENTATION OF ANNUAL REPORT

The annual report of the City entitled "Years of Achievement" presented by the City Manager, was accepted by the Council. The City Manager reported that 13,500 copies were being distributed through the mail to residents of the city and surrounding area. Copies would also be made available to libraries and schools and other public agencies throughout the state.

REPORT ON SEWER SERVICE TO DOWNEY HIGH SCHOOL, NORTHEAST AREA

Director of Public Works Ray reported that the primary concern of the Public Works Department in furnishing sewer service to the area east of Coffee Road near the Downey High School was the possibility of furnishing this service to an area north of the M. I. D. Lateral #3. This would necessitate a pumping plant and the possibility of an entirely new disposal plant due to the slope of the land. He stated that this matter was being brought up at this time because the city had just completed the construction of the

LaLoma trunk sewer which required a pump station in the Thousand Oaks Park area.

The City Manager stated that preliminary studies had shown that the area east of Coffee Road and over to the Old Oakdale Road and south of M.I.D. Lateral #3 could be served without pumping. However, he stated, this is yet to be finally determined by additional studies. He stated that this question was being raised at this time in order to determine the size of the pump station that should be designed in that area as well as the trunk line. At a meeting attended by representatives of the schools and planning departments it was generally agreed that since the area north of the M.I.D. lateral No. 3 was in a different school district that it would be more advantageous to expand in an easterly direction.

Director of Planning Smeath stated that the location of schools are based on a neighborhood pattern and it was the belief of the department that the expansion in an easterly direction would be most desirable. He pointed out that the land north of the M.I.D. lateral #4 was valuable for agricultural purposes. He expressed the opinion that agricultural zoning protection should be given by the county on the land north of the #4 canal.

The City Manager stated that one of the real basic problems was the economical limit the people could be asked to stretch their resources. As a matter of fairness and equity, development should be encouraged in an area which can logically be served with police, fire, water, sewers, and school facilities. It would be more economical to the people bearing the burden to stretch east instead of north. It will be necessary to know now, so that development could be encouraged in this area. He asked that the city staff be authorized to place the sewer service area on each city map with a green line so that everybody would know where the city proposes to serve people of this community with sewers.

Councilman Adams moved, seconded by Councilman Heckendorf, and it was unanimously carried, that the Council does approve in principle, the further expansion of the city in an easterly direction, east of Coffee Road, south of M.I.D. lateral #3 and as far east as economically feasible.

REPORT ON RIGHT OF WAY ADJOINING NEW SCHOOL ON CONEJO AVENUE

The City Manager reported that the schools had been contacted regarding the future need of the city for a 60 foot right of way on the east side of the new school on Conejo Avenue, which it had agreed to arrange. Although, there is no need at the present time for a wider right of way than 60 feet, ultimately there may be and the schools should be asked to take this into account in the plans so that the school could be set back far enough.

Mayor Marks moved, seconded by Councilman Merrill, and it was unanimously carried, that the City Manager should write to the schools advising them of this fact.

PROGRESS REPORT ON YOUTH CENTER PROGRAM

A program report for the L. J. Maddux Youth Center filed by Lloyd T. Lowrey, Director of Parks and Recreation was accepted by the Council and ordered filed. Mayor Marks asked the City Manager to prepare a report on the share of recreation facilities and recreation program available for the west side.

ADJOURNMENT

Councilman Heckendorf moved, seconded by Councilman Adams, and it was unanimously carried, that the meeting now in session adjourn. The meeting was adjourned at 11:45 P.M.

ATTEST: 
 REX E. GAILFUS, CITY CLERK *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 Chamber at the McHenry Public Library, 14th and I Streets, Mayor Marks presiding.

The City Clerk called the roll and there were

Present: Councilmen: Adams, Annan, Arata, Mellis, Merrill, and Mayor Marks
Absent: Councilmen: Heckendorf

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

The invocation was given by Rev. Glen Murphy of the Trinity Baptist Church.

City Manager Miller being absent on vacation, Carl Millar, Assistant City Manager, acted in his place.

APPROVAL OF MINUTES

Council members having received copies of the minutes of March 9 and 16, 1955, and the same being available for public inspection, and there being no objections, the minutes were approved.

LETTER FROM R. H. WARD, ADMINISTRATOR, CITY OF TURLOCK RE: CENTRAL VALLEY DIVISION LEAGUE OF CALIFORNIA CITIES MEETING IN TURLOCK

A letter from R. H. Ward, Administrator, City of Turlock, regarding the Central Valley Division League of California Cities meeting in Turlock on April 21st, at 7:00 P.M., was read. The City Manager was requested to make arrangements for attendance at the meeting.

LETTER FROM AMERICAN SOCIETY OF UNIVERSITY WOMEN RE: USE OF OLD JOHN MUIR SCHOOL BUILDING

A letter from Mrs. Elaine B. Stanley, President of the American Society of University Women, Modesto Branch, requesting information on the use of the old John Muir School Building, was read.

The question was raised as to whether the Council should appoint a committee to work out the problem of the use of the John Muir Building or whether the City should investigate the cost of fixing the building and the use of it.

Mayor Marks pointed out that one particular group should take over the handling of this building.

Councilman Arata suggested that a meeting be held with the various groups to decide on some method of handling the building.

After general discussion, the City Manager was instructed to arrange a meeting with the Council and the various groups interested in the building to decide whether the City should handle the improvement and rental of the building or whether some particular group should do it, in order to come out with some concrete solution to the problem.

REQUEST OF THE STANISLAUS COUNTY RABBIT BREEDER'S ASSOCIATION TO USE LEGION PARK FOR PUBLIC RABBIT BARBECUE ON MAY 28

A letter from Theodore H. Slack, President of the Stanislaus County Rabbit Breeder's Association requesting permission to use Legion Park for a public rabbit barbecue on May 28, from 6 P.M. to 8 P.M., was read.

Councilman Mellis moved, seconded by Councilman Merrill, and it was

unanimously carried that permission be granted to the Stanislaus County Rabbit Breeder's Association to hold a public rabbit barbecue at Legion Park on May 28, 1955, providing the Association will hold the City harmless from and against any and all costs, damages, and liabilities arising from this activity and further provided that the Association will conduct their operations under the supervision of Director of Parks and Recreation Lowry.

LETTER FROM NATIONAL ELECTRICAL CONTRACTORS ASSOCIATION RE: LIGHTING EQUIPMENT PURCHASE AND INSTALLATION

A letter from Henry E. Anderson, Secretary, Central Valley Chapter, National Electrical Contractors Association, Inc., suggesting that the City would benefit by asking for bids on the furnishing and installation of street lighting standards and traffic signal standards, was read. The letter was referred to the City Manager for report to Council "on the most economical way to do it".

ACCEPT BID FOR CONSTRUCTION OF INDUSTRIAL WASTE TREATMENT WORKS

Director of Public Works Ray presented tabulations of the bids received for construction of Industrial Waste Treatment Works which had been opened at 2:00 P.M., April 1, 1955, and his recommendations for award of bid.

Councilman Mellis introduced

RESOLUTION NO. 55-141

seconded by Councilman Adams, accepting the bid of North Bay Construction Company of \$448,200.00, for the construction of Industrial Waste Treatment Works, as recommended by the Director of Public Works, as the lowest responsible bid, and authorizing the execution of a contract by the city's designated officials, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Annan, Arata, Mellis, Merrill, and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: Heckendorf

HEARING ON PROPOSED VACATION OF PARK PROPERTY IN THE COLLEGE VILLAGE NO. 2 TRACT (DALTON ELLIS)

Mayor Marks declared the hearing open for the proposed vacation of park property in the College Village No. 2 Tract (Dalton Ellis).

As there were no written or oral protests filed, Mayor Marks declared the hearing closed.

Councilman Arata introduced

RESOLUTION NO. 843-S.P.

seconded by Councilman Merrill, declaring the abandonment of certain park property located in College Village No. 2 Tract (Dalton Ellis), City of Modesto, and directing that a certified copy of this resolution be recorded in the office of the Recorder of Stanislaus County, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Annan, Arata, Mellis, Merrill, and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: Heckendorf

Councilman Mellis introduced

RESOLUTION NO. 55-143

seconded by Councilman Arata, declaring the intention of the City of Modesto to sell certain real property belonging to the City and rescinding Resolution No. 55-21. Bids will be received on April 27, at 8:00 P.M. for the purchase of this property, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Annan, Arata, Mellis, Merrill, and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Heckendorf

FINAL ADOPTION OF ORDINANCE NO. 21-C.S. (INDUSTRIAL SEWER SERVICE CHARGES)

Ordinance No. 21-C.S. entitled: "AN ORDINANCE AMENDING SUBSECTIONS (e) and (f) OF SECTION 5-6.206 OF ARTICLE 2, CHAPTER 6, TITLE V OF THE MODESTO MUNICIPAL CODE REGULATING INDUSTRIAL WASTE DISPOSAL CHARGES", having been heretofore introduced and ordered printed and published at the adjourned regular meeting of March 30, 1955, Councilman Annan moved, seconded by Councilman Adams, that the ordinance be finally adopted, which motion was upon roll call carried by the following vote:

Ayes: Councilmen: Adams, Annan, Arata, Mellis, Merrill, and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Heckendorf

APPROVE CONTRACT FOR SERVICES OF WILLIAM BELL, GOLF COURSE ARCHITECT

City Attorney Grimes asked that this item be carried over until next week as he had received contracts from two other cities which he would like to study before the Council approved Mr. Bell's contract for the new golf course.

APPROVE AGREEMENT WITH STATE OF CALIFORNIA FOR PARTICIPATION IN INSTALLATION OF ILLUMINATED SIGNALS AT 9th AND B STREETS

City Attorney Grimes presented for Council consideration, agreement with State of California for participation in installation of illuminated signals at 9th and B Streets.

Councilman Arata introduced

RESOLUTION NO. 55-144

seconded by Councilman Annan, approving agreement between the City of Modesto and the State of California for participation in installation of illuminated signals at 9th and B Streets, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Annan, Arata, Mellis, Merrill and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Heckendorf

ACCEPT CONSTRUCTION OF STORM DRAIN IN 8TH STREET FROM CONTRACTOR TED SWINFORD

Assistant Director of Public Works Fredricksen reported that Contractor Ted Swinford had completed the construction of the storm drain in 8th Street and recommended its acceptance, recording of Notice of Completion with the County Recorder, and payment of amounts due.

Councilman Adams introduced

RESOLUTION NO. 55-145

seconded by Councilman Arata, accepting the construction of the storm drain in 8th Street from Contractor Ted Swinford, as recommended by the Assistant Director of Public Works, authorizing the recording of Notice of Completion with the County Recorder and payment of amounts due as provided by the contract, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Annan, Arata, Mellis, Merrill and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Heckendorf

RESOLUTION APPROPRIATING FUNDS FOR THE SIGNALS AT 9TH AND B STREETS

Upon the recommendation of the Assistant City Manager, Councilman Arata introduced

RESOLUTION NO. 55-146

seconded by Councilman Merrill, approving appropriation transfer of \$700 from the General Reserve Fund to the Public Works Department, Electrical Division, Capital Outlay, for railroad signals at 9th and B Streets, (work to be done by the Public Works Department, the State of California to reimburse the City 50% of cost after completion, in accordance with the agreement with the State of California), which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Annan, Arata, Mellis, Merrill and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Heckendorf

RIGHT OF WAY AGREEMENT FOR SANITARY TRUNK SEWER ALONG HIGHWAY 99 EXTENDING SEWER TO CARVER ROAD

The City Attorney recommended that this item be carried over until the next Council meeting.

RESOLUTION REFERRING ANNEXATION PETITION OF WEST GLENN ADDITION TO PLANNING COMMISSION

The City Attorney stated that he had received the annexation petition of the West Glenn Addition as certified by the County and recommended that it be referred to the City Planning Commission for study and recommendation to the Council.

Councilman Mellis introduced

RESOLUTION NO. 55-147

seconded by Councilman Arata, referring to the Modesto City Planning Commission a petition for annexation of certain uninhabited territory to the City of Modesto, known as the West-Glenn Addition, for its report and recommendation, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Annan, Arata, Mellis, Merrill and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Heckendorf

APPROVE AGREEMENT WITH SPEARS CONSTRUCTION CO. ON SCREEN AT DEL WEBB FIELD

Upon the recommendation of the City Attorney, Councilman Arata introduced

RESOLUTION NO. 55-148

seconded by Councilman Annan, approving an amendment to the agreement between the City of Modesto and Spears Construction Co. for the construction of a screen at Del Webb Field, and authorizing its execution by the City's designated officials, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Annan, Arata, Mellis, Merrill and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Heckendorf

APPROVE AGREEMENT WITH ROBERT BOMBERGER AND MURIEL F. BOMBERGER FOR FURNISHING SEWER AND WATER SERVICE TO WESTWOOD MANOR SUBDIVISION

The City Attorney presented for Council consideration an agreement with Robert P. Bomberger and Muriel F. Bomberger, for the furnishing of water and sewer service to Westwood Manor Subdivision. Councilman Adams introduced

RESOLUTION NO. 55-149

seconded by Councilman Arata, approving agreement, under certain conditions as outlined in the Agreement, with Robert P. Bomberger and Muriel F. Bomberger, for the furnishing of water and sewer service to Westwood Manor Subdivision, and authorizing its execution by the City's designated officials, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Annan, Arata, Mellis, Merrill and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Heckendorf

ACCEPT DEED FROM LANCE & CAROL ELLIS FOR ALLEY PURPOSES IN CAROLAND MANOR NO. 1 AND 2 ADDITIONS

The City Attorney presented for the consideration of the Council, a grant deed from Lance and Carol Ellis on real property to be used for alley purposes in Caroland Manor No. 1 and 2.

Councilman Annan introduced

RESOLUTION NO. 55-150

seconded by Councilman Merrill, accepting the grant deed from Lance and Carol Ellis on a portion of Lot 5 in Block 6710 of Caroland Manor No. 1, a portion of Lots 1 to 7 inc., in Block 6709 of Caroland Manor No. 1, and a portion of Lots 1 to 12 inc., in Block 6705 of Caroland Manor No. 2, and authorizing its recordation with the Stanislaus County Recorder, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Annan, Arata, Mellis, Merrill and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Heckendorf

COUNCILMAN MELLIS PROPOSES A RESOLUTION URGING THE LEGISLATURE OF THE STATE OF CALIFORNIA TO ENACT LEGISLATION RELATING TO THE ACQUISITION OF REAL PROPERTY FOR SCHOOL PURPOSES BY GOVERNING BOARDS OF SCHOOL DISTRICTS

Councilman Mellis reported that he had attended a meeting last week and the matter of the problem in the location of property for school purposes had come to his mind. "The problem we face today will be magnified many folds in the near future and it seems," he stated, "that we have no place and no expert advice toward the location of these facilities." "The City has a Planning Commission and a Traffic Department, which in conjunction with the County Planning Commission should be used by the school authorities in deciding on a location for City schools in order that they be accessible

to roads and be located properly from every standpoint." He stated that he would like to ask that the City Council adopt the following resolution:

"A RESOLUTION URGING THE LEGISLATURE OF THE STATE OF CALIFORNIA TO ENACT LEGISLATION RELATING TO THE ACQUISITION OF REAL PROPERTY FOR SCHOOL PURPOSES BY GOVERNING BOARDS OF SCHOOL DISTRICTS.

WHEREAS, the governing boards of school districts in the State of California are authorized to acquire real property for school purposes, and

WHEREAS, each of said school districts is located in a county and a great number of them are located wholly or partially within cities, and

WHEREAS, proper planning requires that such acquisitions be in accordance with general plans for the physical growth and development of the respective governmental agencies, and

WHEREAS, Section 65300 of the Government Code of the State of California requires that each county shall create a planning commission and authorizes the legislative body of each city to create a planning commission, most of which cities have done so, and

WHEREAS, Section 65460 of the Government Code of the State of California requires each planning commission to adopt a comprehensive, long term general plan for the physical development of the city, county, area or region, and of any land outside of its boundaries which in the commissions judgment bears relation to its planning, and

WHEREAS, Section 65475 of the Government Code of the State of California provides that during the formulation of master plans, the planning commission shall inform, and to such an extent as may be necessary, confer and cooperate with such school boards, departments or agencies as may have jurisdiction over the territory or facilities for which plans are being made to the end that maximum coordination of plans may be secured, and properly located sites for all public purposes may be indicated on the master plan, and

WHEREAS, the governing boards of school districts are not now required by law to clear the acquisition of real property for school purposes with the respective planning commissions and governing bodies of cities and counties affected thereby,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

1. That the Legislature of the State of California be urged to enact legislation at this session of the Legislature to require that the governing boards of school districts shall obtain the recommendations of the respective city and county planning commissions and the approval of the respective governing bodies and cities and counties, where effected, prior to the acquisition of real property for school purposes.

2. That if sufficient facts and information are not available to the Legislature to justify the enactment of such

legislation at this time, the appointment of a joint interim committee be authorized to study this problem and submit its findings and recommendations to the next session of the Legislature.

3. That the City Clerk furnish a copy of this resolution to the Chairman of both the Assembly and Senate Educational Committees, to Senator Hugh P. Donnelly, Assemblyman Ralph M. Brown and to the League of California Cities."

Councilman Mellis felt that the above resolution would bring about some fine legislation and that he had in mind, in presenting this legislation, the "good of the whole state" and that by the use of these facilities the school departments of the State would be put to no greater expense and that some good would surely come from the legislation.

Mayor Marks asked if there was any reason why this procedure had not been followed in the past. He stated that it would be good for the school board to follow a master plan because the location of schools is a very important part of the planning of the City. He stated that once the school had condemned a piece of property for school purposes, he understood that it could not be used for any other purposes.

Councilman Adams stated that he wondered if these various planning commissions and departments could come up with an answer that would be agreeable to all of them. He stated that there could still be a difference of opinion between the school district and the planning commission. He asked how the matter was handled in other cities.

Director of Planning Smeath reported that the schools have been referring their proposals for sites to the Planning Commission but had not always agreed on the locations. The matter could be solved by a master plan which the Board of Education would be required to follow. He stated that in most cities the schools must refer its plans to planning commissions. If there is a master plan, it must be complied with. He stated that under the present set up the proposal for purchase of property for school purposes might be too advanced before the Planning Commission could make a suggestion.

Councilman Annan stated that he had attended the same meeting as Councilman Mellis and that he considered something should be done. He questioned if it would be possible to get two or three agencies together on a joint problem. He stated that the City will have a master plan which can be followed by the School Board. He said, "I can't help thinking that the board's problem is getting children to school." He stated that he agreed with Councilman Mellis that when the board had plans, it should work with the City and County Planning Commissions. "We are talking about a statewide relationship and I believe that we should get in touch with the School Superintendent."

A discussion was held by the Council as to whether the word "approval" should be used in the resolution. It was agreed that the words "approval" and "recommendation" should both be included in the resolution and that a copy be sent to the League of California Cities for its study and recommendations.

Councilman Mellis moved, seconded by Councilman Adams, and it was unanimously carried, that Mr. Grimes send the resolution to the League of California Cities for study and comment.

DISCUSSION ON POLICE DEPARTMENT PERSONNEL

Councilman Merrill suggested that consideration be given in the 1955-56 budget to a salary adjustment for Police officers. He pointed out the fact that a number of policemen had left the department for the California Highway Patrol. He stated that the problem was a financial one and that due to the fact approximately 9% of the salary was taken out for retirement and an officer was compelled to furnish his equipment and uniform something should be done about the salaries.

Mayor Marks stated that this was being considered at the present time by the City Manager and an adjustment would be recommended.

Assistant City Manager Millar stated that a special personnel committee was studying this problem, also.

ACCEPT DEED FROM JOHN B. BEARD AND HELEN B. BEARD FOR ALLEY PURPOSES IN WILSON SCHOOL TRACT

The City Attorney presented for consideration of the Council, a grant deed from John B. and Helen B. Beard, to be used for alley purposes in Block 2057 of the Wilson School Tract.

Councilman Mellis introduced

RESOLUTION NO. 55-151

seconded by Councilman Arata, accepting the grant deed from John B. and Helen B. Beard on a portion of Lot 1 in Block 2057 of the Wilson School Tract, and authorizing its recordation with the Stanislaus County Recorder, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Annan, Arata, Mellis, Merrill and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Heckendorf

ACCEPT DEED FROM GRACE EVANGELICAL LUTHERAN CONGREGATION UNALTERED AUGSBURG CONFESSION FOR ALLEY PURPOSES IN THE WEIL COLONY

City Attorney Grimes presented for Council consideration, a grant deed from the Grace Evangelical Lutheran Congregation Unaltered Augsburg Confession to be used for alley purposes in Block 6067A of the Weil Colony. Councilman Arata introduced

RESOLUTION NO. 55-152

seconded by Councilman Adams, accepting the grant deed from the Grace Evangelical Lutheran Congregation Unaltered Augsburg Confession on a portion of Lot 20 in Block 6067A of the Weil Colony, and authorizing its recordation with the Stanislaus County Recorder, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Annan, Arata, Mellis, Merrill and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Heckendorf

ACCEPT FINANCIAL REPORT FOR MONTH OF MARCH, 1955

Assistant City Manager Millar submitted financial report for the month of March, 1955, which was accepted by the Council and ordered filed.

COUNCIL COMMITTEE REPORT ON MEETING WITH ARCHITECT ON CITY HALL

It was unanimously agreed that this report be carried over until the next meeting.

MAYOR MARKS REPORT ON BEARD BROOK BRIDGES

Mayor Marks reported that he had met with the Board of Supervisors and the Board of Education and had indicated to them that the Council did not like the idea of the bridge going over Dry Creek in the vicinity of El Vista Avenue where the County proposes to put it. The Chairman of the School Board stated that it would make no difference in the transportation of students whether the bridge went over at Conejo or at El Vista, where the County wanted it.

The Council Committee proposed that it was fair that the main bridge over the Tuolumne River and Beard Brook go over Richland Avenue and over Conejo as this would be the best plan for the area. The Council asked that every consideration be given to constructing the main bridge by using Richland Avenue. Mayor Marks stated that the meeting was held in order to discuss the proper location of the bridges over Beard Brook and that the Board of Supervisors were sincere in their thought that the bridge should go over at El Vista while the Council Committee approved the bridge at Conejo.

It was decided by the Council Committee that if the bridge was built at El Vista that the Council should seriously consider a low level bridge at Covena, which would not be constructed for truck traffic.

Councilman Mellis moved, seconded by Mayor Marks, and it was unanimously carried that the City of Modesto give consideration to putting a bridge at Covena after the completion of a County bridge at El Vista.


CITY ATTORNEY REPORT ON PARKING AUTHORITY MEETING

City Attorney Grimes stated that he would like to report on a Parking Authority Meeting which was held on April 5th. He said that he would like to make it clear that the report submitted to the Authority was prepared at the request of the Authority so that it could be used in future parking, whether the amendment passed or not. He stated that the Authority took no action on this report, other than to convey its appreciation to the Administrator for gathering the statistical data together, and would not take a position on it until after the people had voted on the amendment. The Parking Authority realized, he stated, that they needed a comprehensive report on parking meters, parking lots, etc., and that this report was not necessarily connected with the Charter Amendment.

ADJOURNMENT

Councilman Arata moved, seconded by Mayor Marks, and it was unanimously carried, that the meeting now in session adjourn. The meeting was adjourned at 6:00 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 Chamber at the McHenry Public Library, 14th and I Streets, Mayor Marks presiding.

The City Clerk called the roll and there were

Present: Councilmen: Adams, Annan, Arata, Heckendorf, Mellis, Merrill
and Mayor Marks
Absent: Councilmen: None

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

A few moments of silent prayer were observed.

APPROVAL OF MINUTES

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

PRESENTATION OF GIFTS TO RETIRING COUNCIL MEMBERS BY MAYOR HARRY MARKS

Mayor Marks presented personal gifts to the retiring Council members, Dan Mellis, Cliff Annan and Marvin Heckendorf and expressed his pleasure in having been able to serve with Councilmen Annan and Mellis for the past four years and Councilman Heckendorf for the past four months. Councilman Annan and Heckendorf expressed their appreciation for the gift and their pleasant association with the Council members and the administrative officials.

Councilman Mellis read a statement, a copy of which is on file, stating that "it had been a pleasure and honor to have served the people of Modesto and to have served with a fine group of elective and administrative officials".

ACCEPT BIDS ON STREET LIGHTING MATERIALS - TAPER TUBE CO., WILLE ELECTRIC SUPPLY COMPANY AND INDUSTRIAL ELECTRICAL COMPANY

Tabulation of the bids received for furnishing street lighting materials, which had been opened at 2:00 P.M. April 11, were distributed to Council members for their study. Director of Public Works Ray recommended that the following bids be accepted as they were the lowest responsible bids received:

- Item 1- Street Lighting Standards-Taper Tube Pole Co.
- Item 2- Street Light Luminaires-Wille Electric Supply Co.
- Item 3- Street Lighting Cable-Industrial Electrical Co.

Councilman Merrill introduced

RESOLUTION NO. 55-154

seconded by Councilman Heckendorf, accepting the bid of Taper Tube Pole Company of \$2,314.93 for street lighting standards, as the lowest responsible bid, as recommended by the Director of Public Works, and authorizing the execution of agreement by the city's designated officials, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Annan, Arata, Heckendorf, Mellis, Merrill and
Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

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Councilman Adams introduced

RESOLUTION NO. 55-155

seconded by Councilman Annan, accepting the bid of Wille Electric Company of \$986.00 for street light luminaires, as the lowest responsible bid, as recommended by the Director of Public Works, and authorizing the execution of agreement by the city's designated officials, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Annan, Arata, Heckendorf, Mellis, Merrill and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: None

Councilman Annan introduced

RESOLUTION NO. 55-156

seconded by Councilman Arata; accepting the bid of Industrial Electrical Company of \$2,289.69 for street lighting cable, as the lowest responsible bid, as recommended by the Director of Public Works and authorizing the execution of agreement by the city's designated officials, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Annan, Arata, Heckendorf, Mellis, Merrill and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: None

ACCEPT BID OF A. P. RASMUSSEN FOR CONSTRUCTION OF FREMONT-GRANGER ADDITION

Tabulation of bids received for the construction of Fremont-Granger Sanitary Sewer laterals (cash payments as provided by the code) which had been opened on Monday, April 11 at 3:00 P.M. were distributed to Council members for their study. Director of Public Works Ray recommended that the bid of A.P. Rasmussen of \$27,425.85 be accepted. Councilman Arata introduced

RESOLUTION NO. 55-153

seconded by Councilman Heckendorf, accepting the bid of A. P. Rasmussen of \$27,425.85 for the construction of Fremont-Granger Sanitary Sewer laterals, as the lowest responsible bid, as recommended by the Director of Public Works and authorizing the execution of agreement by the city's designated officials, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Annan, Arata, Heckendorf, Mellis, Merrill and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: None

ACCEPT CONSTRUCTION OF TWELFTH STREET INDUSTRIAL WASTE LINE FROM VINCENT RODRIGUES, AUTHORIZE RECORDATION OF NOTICE OF COMPLETION AND PAYMENT OF AMOUNTS DUE TO CONTRACTOR

A report was filed by the Director of Public Works notifying that the construction of the Twelfth Street Industrial Waste line had been completed by contractor, Vincent Rodrigues in accordance with the contract which had been awarded by the Council on February 2, 1955. He recommended the acceptance of the project.

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Councilman Mellis introduced

RESOLUTION NO. 55-157

seconded by Councilman Heckendorf, accepting the construction of Twelfth Street Industrial Waste line from contractor, Vincent Rodrigues, authorizing the recordation of Notice of Completion with the Stanislaus County Recorder; and payment of amounts as due, in accordance with the agreement on file in the City Clerk's office, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Annan, Arata, Adams, Heckendorf, Mellis, Merrill and
Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

APPROVE CHANGE OF ELECTRICAL SUBCONTRACTOR ON SEWAGE AND INDUSTRIAL WASTE TREATMENT WORKS

The City Manager reported that North Bay Construction Company, general contractors for the Sewage and Industrial Waste Treatment Works, had requested written permission to substitute the Industrial Electrical Company of Modesto as the electrical subcontractor for Fred Esselink, electrical contractor of Sebastopol. The specifications for this project provides that "the subletting of the whole or any part of the contract may be made only upon the formal approval of the City Council upon written request of the contractor". He pointed out that the proposed change would provide for the use of the services of a reliable local subcontractor.

Councilman Adams introduced

RESOLUTION NO. 55-158

seconded by Councilman Merrill, approving the request of the North Bay Construction Company, general contractor for the Sewage and Industrial Waste Treatment Works, to substitute the name of the Industrial Electrical Company as the electrical subcontractor for the name of Fred Esselink, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Annan, Arata, Heckendorf, Mellis, Merrill and
Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

FURTHER DISCUSSION ON PROPOSED RESOLUTION RELATING TO LEGISLATION ON ACQUISITION OF REAL PROPERTY FOR SCHOOL PURPOSES

At the Mayor's request, the City Manager read a letter, addressed to Mayor Marks, a copy of which is on file, from Robert T. Elliott, Assistant Superintendent of the City Schools, regarding the proposed resolution which the Council had agreed to submit to the League of California Cities for study and comment regarding proposed state requirements to insure co-operation of schools with city and county planning agencies in the selection of school sites. Mr. Elliott reported that the Board of Education and administrative staff of the Modesto City Schools had made every effort to cooperate with the city and county and to comply with all laws pertaining to the selection of a school site. He pointed out that school planning program had been several years in advance of the community planning program.

Mayor Marks reviewed briefly the discussion and action which had been taken by the Council at its meeting of April 6. Mr. Mellis had brought out in the discussion a number of times, Mayor Marks pointed out, that the proposed resolution did not relate to the local school district, but was state-wide, and that if a city had a master plan that it should be mandatory

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for the schools to select a site in conformity with the plan. Director of Planning Smeath had commented, Mayor Marks stated, that although the school officials were usually required to obtain a report from the Planning Commission, that the final decision on the school site was made by the school officials.

Councilman Mellis stated "the city and schools are the same people, represent the same tax payers. If a site is selected which would cost the schools less to improve but the city more, no overall savings would be made, as both agencies are created by the same people." He brought out the fact that the cost of transporting students from the LaLoma school site to the Downey High School would be more, with the county's proposed location of a bridge across Beard Brook at the Old Oakdale Road than if a bridge was located closer to the school site, in Laloma. "It will eventually be necessary," he stated, "to build an additional bridge nearer the school site. With the anticipation of more growth and more schools, there should be some kind of effort to make a study on a state level. We should not try to tell the board members how to run their business because they are more capable than we are; but if this problem is studied on a state-wide level, a satisfactory solution could be reached."

Mayor Marks pointed out that while most of the Council members were "unhappy" at the county's selection of the bridge site, that it was the county's money and there was nothing to be done about it. It will be necessary, he stated, for an additional bridge to be built, a low level type of bridge for automobiles and not for trucks, in the vicinity of Covena, to serve the residents on both sides of Beard Brook. This bridge should not be built until after the first one is built, he considered.

City Attorney Grimes reported that he had not yet received an answer from the League.

Councilman Arata contended that the Council should not try to dictate to either the School Board or the Board of Supervisors.

Councilman Annan pointed out that during the previous discussion on the proposed resolution, Councilman Mellis had stated a number of times that it was not a local problem but a state-wide problem.

Superintendent of Schools, James Corson, who was present, stated that the matter was being placed on the agenda for a special School Board meeting and that he was appearing before the Council for information. He listed a number of instances where the schools had cooperated with the city during the past years. He pointed out that the proceedings for the acquisition of the LaLoma school site had begun long before the area was a part of the city. He assured the Council that cooperation of the schools with the city and county would continue as in the past.

He requested copies of the proposed resolution and minutes of the April 6th meeting, be furnished to the school board. Councilman Adams moved, seconded by Councilman Heckendorf, and it was unanimously carried, that a copy of the minutes of the Council meeting of April 6th and of the proposed resolution, be sent to Superintendent of Schools, James Corson.

REPORT ON TERESA STREET SCHOOL SITE FOR PARK AND CITY UTILITIES

The City Manager reported that two problems, in which the city was concerned, had come up with regard to the new school site on Teresa Avenue, 1) sewer service and 2) the suggestion of a park area adjoining the site. He suggested that the appointment of a Council Committee to work with the administrative staff of the city and schools would be of great assistance in resolving the problems. Mayor Marks appointed Councilmen Merrill and Adams as a Council committee to work with the administrative

staff and to report its findings and recommendations to the Council.

AUTHORIZE APPROPRIATION TRANSFER FOR PURCHASE OF BRUSH CHIPPING MACHINE

The City Manager reported that a check into the relative merits of two different types of brush chipping machines for use in disposing of trimmings from the street trees had been going on for some time by Director of Parks and Recreation Lowry, who had concluded that the most satisfactory type to purchase was the Asplundh Brush Chipper, which had made the best offer. The sum of \$2950 had been included in the current Service Division-Public Works Department for the purchase of this equipment, which would cost \$3,037.00, making a difference of \$87.00, which would have to be appropriated from the general reserve if the Council approved the purchase. Mr. Lowry reported on his investigation and the work which could be accomplished, and the savings which would result in operation cost. Both the City Manager and Mr. Lowry recommended the purchase of the equipment. Councilman Arata introduced

RESOLUTION NO. 55-159A

seconded by Councilman Adams, approving the purchase of a Asplundh Brush Chipping machine and appurtenances from Ralph E. Bishop of Whittier, California, for the purchase price of \$3,037.00 and authorizing the execution of agreement by the city's designated officials, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Annan, Arata, Heckendorf, Mellis, Merrill, and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: None

Councilman Adams introduced

RESOLUTION NO. 55-159

seconded by Councilman Arata, approving the appropriation transfer of \$87.00 from the general reserve to the Service Division, Public Works Department, for the purchase of an Asplundh Brush Chipper, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Annan, Arata, Heckendorf, Mellis, Merrill and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: None

APPROVE AGREEMENT WITH WILBUR TWINING - FAMILY CAMP AT PINECREST CHALET

City Attorney Grimes presented for consideration, as directed by the Council, an agreement with Wilbur Twining for the operation of a summer camp at Pinecrest Chalet for Modesto community families. Councilman Annan introduced

RESOLUTION NO. 55-160

seconded by Councilman Mellis, approving agreement and authorizing its execution by the city's designated officials, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Annan, Arata, Heckendorf, Mellis, Merrill and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: None

DESIGNATE PARK AREA IN ASHFORD ADDITION AS "WHITMORE PARK"

The City Attorney presented for consideration, a resolution designating the park area in the Ashford Addition as Whitmore Park, as directed by the Council. Councilman Heckendorf introduced

RESOLUTION NO. 55-161

seconded by Councilman Mellis, designating the 5.307 acre park area acquired by the city in the Ashford Addition, as Whitmore Park, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Annan, Arata, Heckendorf, Mellis, Merrill and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: None

AUTHORIZE REDUCTION IN CASH BOND FILED BY THE WOLVERINE BUILDING SERVICE TO GUARANTEE IMPROVEMENTS IN THE PACIFICA TRACT

The Director of Public Works reported that the sanitary sewers installed in the Pacifica Tract were acceptable to the city and that it would be in order to reduce the cash bond of \$20,300 placed with the city by the Wolverine Building Service by \$5,000. Councilman Adams introduced

RESOLUTION NO. 55-162

seconded by Councilman Arata, approving the \$5,000 reduction of the cash bond of \$20,300 filed with the city by Wolverine Building Service to guarantee the improvements of the Pacifica Tract, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Annan, Arata, Heckendorf, Mellis, Merrill and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: None

APPROVE AGREEMENT WITH BEARD LAND AND INVESTMENT COMPANY RELATING TO TRANSFER AND MAINTENANCE OF STREET LIGHTS ON YOSEMITE BLVD.

Upon the recommendation of the City Manager, Councilman Annan introduced

RESOLUTION NO. 55-163

seconded by Councilman Arata, approving agreement with the Beard Land and Investment Company relating to the transfer of ownership, maintenance and operation of street lights on Yosemite Boulevard between Phoenix and Parry Avenues and authorizing its execution by the city's designated officials, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Annan, Arata, Heckendorf, Mellis, Merrill and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: None

ACCEPT DEED FROM VITO LOCONTE ET UX ON PROPERTY TO BE USED IN THE WIDENING OF ROSEBURG AVENUE

The City Attorney presented for Council consideration, a grant deed from Vito Loconte and Rosa Loconte on a strip of land 10 feet wide to be used in the widening of Roseburg Avenue between Virginia and McHenry Avenue (street lighting in North Central Addition).

Councilman Merrill introduced

RESOLUTION NO. 55-164

seconded by Councilman Heckendorf, accepting the grant deed from Vito Loconte and Rosa Loconte, dated April 9, 1955, on a 10 foot strip of land to be used in the widening of Roseburg Avenue, and authorizing the City Clerk to record it with the County Recorder, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Annan, Arata, Heckendorf, Mellis, Merrill and
Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

APPROVE AGREEMENT WITH JOHN QUARESMA AND BERNICE QUARESMA TO FURNISH CITY FACILITIES (WATER AND SEWER) TO GLENWOOD PARK SUBDIVISION

The City Attorney presented for Council consideration an agreement with John and Bernice Quaresma for the furnishing of water and sewer facilities to the Glenwood Park Subdivision.

The City Manager stated that this proposed agreement was similar to the agreements which the Council had approved for Robert Bomberger on the Westwood Manor Subdivision and for William F. Beckett on the Fremont Park Subdivision and that all three subdivisions were located north of Orangeburg and west of Tully Avenue and were contiguous to the city. All three subdividers agree to annex their property to the city as soon as possible.

The Director of Public Works stated that the city's major sewer trunk line ran up Kearney Avenue to Orangeburg then east on Orangeburg to Tully Avenue and north on Tully to Briggsmore. He stated that these three subdivisions could be served from the section of the line on Tully Avenue but this would result in some additional expense. He pointed out that the installation of a sub-trunk on Kearney from Orangeburg to the north line of the Fremont Park subdivision (Beckett) would permit more complete sewerage of the section between Tully and Carver Roads. It would therefore be to the advantage of the city, he stated, that this be done. Since it represents no additional cost to the subdividers there is no objection on their part. He pointed out that if the city was required to install manholes in the trunk line on Tully Road for the connection of laterals it would cost at least \$1200. It has been informally agreed that the city provide this sum toward completion of the Kearney Avenue sub-trunk line. He outlined a method by which the three subdividers would share in the cost of construction of the sub-trunk line on Kearney to serve the three subdivisions.

The City Manager suggested that if the Council approved this plan in principle, that an agreement with the three subdividers could be prepared by the City Attorney for consideration at a later date. The Council indicated its approval and authorized the administrative staff to proceed on this basis.

Councilman Mellis introduced

RESOLUTION NO. 55-165

seconded by Councilman Heckendorf, approving agreement with John Quaresma and Bernice Quaresma for the furnishing of city facilities (sewer and water) to the Glenwood Park Subdivision, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Annan, Arata, Heckendorf, Mellis, Merrill and
Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

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REPORT BY LIBRARIAN CARL HAMILTON ON POSSIBLE SELECTION OF MODESTO AS A LOCATION FOR A PILOT STUDY OF LIBRARY COMMUNITIES RE: ADULT EDUCATION

Librarian Carl Hamilton reported receipt of a letter from Helen Luce, Chairman of Adult Education of the California Library Association, advising that the A.L.A. had received a \$200,000 grant from the Fund for Adult Education for a Library-Community two year project. Grants are to be made from this to four State Library agencies and California will apply for this grant, with the provision that the state library will administer the grant by setting up a pilot project in one library and also by stimulating the development of library adult education throughout the state. It had been agreed that the pilot project should be a community analysis or survey in order to determine what the greatest need was in the field of adult education for the library to sponsor in a particular community. Modesto had been one of the communities selected for the pilot project to be conducted, the letter stated.

After a general discussion, Councilman Mellis moved, seconded by Councilman Heckendorf, that the Council would go on record as approving the acceptance of this grant if it was offered, without any strings attached, either in the expenditure of money or development of the program, until the funds are approved, which was unanimously carried.

CONSIDER PROPOSAL TO PROVIDE CERTAIN EQUIPMENT FOR POLICE PERSONNEL

The City Manager read a report to the Council relating to "Police Department Personnel Proposals", dated April 13, which stated that the Personnel Commission, at its meeting of April 12, had unanimously agreed to recommend to the Council and administration that serious consideration be given to the following proposals with any one or all of them to be made effective as soon as possible even before final consideration of the next fiscal year budget:

1. That the city furnish certain standard items of equipment to police personnel required to use such equipment: revolver holsters, gun belts, hand cuff cases and cartridge cases
2. Where necessary and justified hire at above the starting step of the range and make individual adjustments within the range for existing personnel.
3. That the present age limit of 21 to 34½ be extended in the case of applicants who are currently under the State Retirement System.

The City Manager stated that legally it would not be feasible for the city to purchase this equipment from the present personnel but new personnel would be furnished this equipment and the present personnel would be permitted to sell their equipment which would be replaced by the city.

Councilman Merrill moved, seconded by Councilman Adams, and it was unanimously carried that the City Attorney be requested to prepare a resolution for submission to the Council to carry out the program outlined in the City Manager's memorandum to the Council of April 13 in regard to the furnishing of certain items of standard equipment for Police personnel.

REPORT ON MEETING WITH BOARD OF SUPERVISORS ON AIRPORT

Mayor Marks reported on a meeting which Councilman Arata and he had attended with the County Board of Supervisors to discuss the joint financing of a matching fund of \$76,000 by May 1, for the purchase of additional airport land in order to take advantage of a federal allocation of \$89,000. He stated that no conclusion had been reached but both groups

were of the opinion that financing arrangement should be made so that the county could have a first class airport.

Mayor Marks suggested that some of the new members of the Council be named on a committee to further discuss this matter with the board.

Mayor Marks reported that Councilman Arata had offered the suggestion that in order to protect the citizens of the city, an appraisal be made of the airport property so that in the event the airport was abandoned at some future date a basis for sharing in the funds derived from its sale could be determined.

Councilman Mellis pointed out that the possibility of abandonment of the airport was remote and that the important thing to consider at this time was---the county should have a first class airport.

Councilman Annan suggested that an agreement be worked out by the city and county on the percentage of sharing the funds derived from the sale of the property if it was abandoned.

The City Manager stated that the county had appointed a committee to confer with the Council committee and had also agreed to hold a special meeting if it was necessary to resolve the problem.

Mayor Marks appointed Councilmen Arata and Adams and newly elected Councilmen Hammond and Anderson as a Council Committee to meet and discuss with the Board committee the problem of joint participation in the airport matching fund of \$76,000.

REPORT ON RECREATIONAL FACILITIES FOR THE WEST SIDE OF CITY

A report prepared by Director of Parks and Recreation Lowry on the recreation facilities and program available to residents of Modesto's West Side, were distributed by the City Manager.

REPORT AND RECOMMENDATION ON GARBAGE SERVICE AND RATES

Copies of a report on the survey of the operations of the Modesto Garbage Company were distributed to the Council members for their study by the City Manager. He stated that Assistant City Manager Millar, Owen Dyer, Director of Services of the City of Berkeley, had cooperated with the Council Committee composed of Councilman Merrill, Chairman, Adams and Mellis, and the Garbage Company over a period of many months. The report was read to the Council and it was discussed and the following points brought out:

1. That the Council wants to maintain this service as a private enterprise
2. That the garbage company will benefit materially by the detailed report made by the city and that the city will continue to render the company assistance and advice in its operations.
3. Mr. Dyer suggested for Council consideration as a protection for the company that the owner of multiple dwellings or apartments be responsible for the garbage fee to prevent the loss to the company when tenants move out without paying their fee for garbage service. He pointed out that this would mean more of an income to the city on the franchise fee payment.
4. A suggestion was made that the collection of garbage fees be placed on the same basis as water service fee--bill for two months, one month will be in advance and prevent the loss of fees in many cases.

5. That the company hire an accountant to establish its billing procedure.
6. That the company would have authority to discontinue service when and if the service fee was not paid.

Councilman Merrill moved, seconded by Councilman Adams, and it was unanimously carried, that the City Manager be instructed to prepare and present for Council consideration the necessary documents to implement the recommendations discussed and the recommendations outlined in the report.

PRELIMINARY REPORT ON GENERAL MUNICIPAL ELECTION

The City Manager gave a brief preliminary report on the results of the General Municipal Election held on Tuesday, April 12. Canvas of the absentee ballots by the Council will be held, he stated, at 4:00 P.M. Tuesday, April 19, in the Council Chamber.

REPORT ON STATE LEGISLATIVE PROPOSALS

Councilman Mellis introduced

RESOLUTION NO. 55-166

seconded by Councilman Adams, reaffirming the Council's position on the Uniform local sales and use tax program and directing the City Manager to send telegrams to the State Senator and Assemblyman representing this district to this effect, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Annan, Arata, Heckendorf, Mellis, Merrill and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: None

Mayor Marks appointed Councilman-elect Anderson to represent the city in Sacramento on Thursday, April 14, at the committee hearing on this bill.

Personal Property tax loss

Assembly Bill 2417 which would provide for a tax rate of \$1.50 per \$100. of assessed value on all personal property held for the purposes of sale (inventories), which is to be considered by the Assembly Revenue and Taxation Committee on Thursday, April 14, was discussed by the Council members.

Mayor Marks suggested that the Director of Finance make a study on the approximate loss of income to the City. If this loss appeared sufficiently large, then the City should express opposition to this bill.

The Council agreed that opposition should be expressed on A.B. 2212, which would be heard by the Assembly Committee on Elections and Reapportionment, Tuesday, April 19, which would make all elective municipal offices partisan offices.

Council opposition should also be expressed on a series of bills on collective bargaining contracts and public employees which would be heard by the Assembly Industrial Relations Committee on Thursday, April 21.

APPOINT CITY'S REPRESENTATIVE ON CITY-COUNTY PLANNING COMMITTEE

With the approval of the Council, Mayor Marks appointed Councilman-elect Robinson as the city's representative on City-County Planning Subcommittee.

REPORT ON STRIPING OF PARKING LOT AT DEL WEBB FIELD

The City Manager reported the completion of striping of 849 parking stalls in the parking area at Del Webb Field.

ADJOURNMENT

Councilman Arata moved, seconded by Councilman Annan, and it was unanimously carried, that the meeting now in session adjourn. The meeting was adjourned at 10:30 P.M.

ATTEST:



REX E. GAILFUS, CITY CLERK

4:00 P.M. April 19, 1955

The Council of the City of Modesto met in special session this date at 4:00 P.M., as provided by Section 9918 of the Election Code of the State of California to canvass the ballots of the General Municipal Election to elect municipal officers and members of the Board of Education in the City of Modesto and the Modesto School District, which was consolidated with a Special Municipal Charter Amendment Election for the purpose of submitting to the qualified electors of said city a charter amendment relating to off-street parking facilities, which had been held on April 12, 1955.

Present: Councilmen: Adams, Annan, Arata, Heckendorf, Mellis, Merrill
and Mayor Marks
Absent: Councilmen: None

After canvassing the returns of said election, made out and signed by the election officers, Councilman Mellis introduced

RESOLUTION NO. 55-167

which was seconded by Councilman Heckendorf, a copy of which resolution is hereby marked "Exhibit A" and made a part of these minutes.

ADJOURNMENT

It was moved by Councilman Heckendorf, seconded by Councilman Annan, and unanimously carried, that the meeting now in session be adjourned. The meeting was adjourned at 6:00 P.M.

ATTEST: REX E. GAILFUS, CITY CLERK

BY: Anne M. Collins
Acting City Clerk

RESOLUTION NO. 55-167

RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO DECLARING
CANVASS OF RETURNS AND RESULT OF GENERAL MUNICIPAL ELECTION
AND OF SPECIAL MUNICIPAL CHARTER AMENDMENT ELECTION CONSOLI-
DATED THEREWITH, HELD ON APRIL 12, 1955.

WHEREAS, the Council of the City of Modesto duly called and ordered held in said City and in Modesto City School District, on Tuesday, the 12th day of April, 1955, a general municipal election to elect municipal officers and members of the Board of Education and duly consolidated with said general municipal election a special municipal Charter amendment election for the purpose of submitting to the qualified electors of said City the Charter amendment proposal hereinafter specified; and

WHEREAS, said consolidated general municipal election and special municipal Charter amendment election was held on Tuesday, April 12, 1955, in accordance with law and the proceedings of said Council, and the votes thereat received and canvassed, and the returns thereof ascertained, determined and declared in all respects as required by law;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto, as follows:

1. That the City Clerk of the City of Modesto be, and is hereby, instructed to enter this resolution on the minutes of this Council as a statement of the result of said election.
2. That the whole number of votes cast at said consolidated election was 8271 votes.
 - (a) That the total number of votes cast for municipal offices at said election in said City was 6108.
 - (b) That the total number of votes cast outside of the city limits of said City in said School District was 2163.
 - (c) That the total number of votes cast on said Charter amendment proposal at said election in said City was 5714.

3. That the names of the persons voted for and the respective offices to be filled, for which the ballots were cast, and the number of votes given in each precinct and by absentee voters to each of said persons were as follows:

<u>CANDIDATES</u>	<u>INSIDE ABSENTEE BALLOTS</u>	<u>OUTSIDE ABSENTEE BALLOTS</u>	<u>TOTAL VOTE</u>
Harry Marks	42		4378
Scattering			99
Lyndall O. Merrill	33		3362
Henry E. Anderson	17		1765
Clarence L. Baker	4		571
Herbert G. Florcken	16		1415
Paul Gann	8		1287
Philip E. (Phil) Humphreys	11		1526
Sidney E. Losher	19		1707
John Morgan	1		372
Lawrence R. Robinson, Jr.	29		2822
Raymond S. Shearn	1		1045
Leo Shoob	13		1425
Scattering	1		1
Don D. Hammond	30		3313
George F. Langley	4		560
Joseph A. Sequeira	5		404
Alvin A. Woods	12		1075
Catherine E. Everett	23	5	4270
Jack Wherry	14	5	2933
T. K. Beard	28	1	2945
Clarkson B. Bradford Jr.	20	1	2605
Joseph R. Byrne	7		509
A. C. (Al) Dandy	7	1	1429
William B. Hughes			428
Watson L. Johns	12	2	1715
Leslie M. Juette		1	630
C. D. (Don) Oliver	3		1032
Cecil G. Plummer	30	2	3646
Robert H. Smith	7	1	681
Oliver Burdean Thompson	1		277
Scattering			9

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4. That at said general municipal election the following named persons received the largest number of votes for the following offices, respectively, and were, therefore, duly elected to the respective office for which they were respectively candidates, and each of said persons having received the largest number of votes cast for any person for such office is hereby declared to be duly and regularly elected to such office, respectively, for the term commencing April 20, 1955, and the City Clerk is hereby directed to issue a Certificate of Election to each of said persons, certifying his election to the office appearing after his name, and to administer to each of said persons the oath of office prescribed by the Constitution and laws of the State of California and the Charter of said City, to wit:

HARRY MARKS	MAYOR for four year term
LYNDALL O. MERRILL	COUNCILMAN for four year term
HENRY E. ANDERSON	COUNCILMAN for four year term
LAWRENCE R. ROBINSON, JR.	COUNCILMAN for four year term
DON D. HAMMOND	COUNCILMAN for two year term
CATHERINE E. EVERETT	MEMBER OF BOARD OF EDUCATION for four year term
T. K. BEARD	MEMBER OF BOARD OF EDUCATION for four year term
CECIL G. PLUMMER	MEMBER OF BOARD OF EDUCATION for four year term

5. That at said election the following Charter amendment proposal was submitted to the electors of said City and that the number of votes given in said City for and against said proposal, exclusive of absentee votes, was as follows:

<u>Total Vote</u> "YES"	<u>Total Vote</u> "NO"
2747	2913

City of Modesto
 Charter Amendment
 Proposal: Shall the Charter of
 the City of Modesto
 be amended by adding
 thereto Article XVIII, comprising Sections
 1801-1816, both inclusive, to authorize
 said City to provide for off-street
 vehicular parking facilities and, for
 the payment of the cost thereof, to issue
 bonds payable from the revenues of such
 parking facilities and from other revenues,
 all as provided in said Article XVIII, the
 text of which is set forth in Section 3 of
 Resolution No. 55-60 adopted by the Council
 of said City on Wednesday, February 9, 1955,
 and on file in the office of the City Clerk?

6. That the number of votes cast in each precinct for and
 against said Charter amendment proposal was as follows:

<u>Precinct</u>	<u>Charter Amendment Proposal</u>	
	<u>YES</u>	<u>NO</u>
1	88	76
2	126	108
3	135	95
4	128	80
5	64	63
6	84	120
7	75	61
8	82	70
9	104	90
10	64	59
11	66	76
12	48	60
13	67	120
14	41	89
15	82	122
16	104	140
17	105	123

<u>Precinct</u>	<u>Charter Amendment Proposal</u>	
	<u>YES</u>	<u>NO</u>
18	56	104
19	180	128
20	137	114
21	130	57
22	67	94
23	85	125
24	116	88
25	68	61
26	82	129
27	79	93
28	100	97
29	73	75
30	56	96
31	<u>55</u>	<u>100</u>
TOTAL	2747	2913

7. That all absent voters' ballots have been duly received and canvassed in time, form and manner as required by law, and the result of the absentee vote for and against said Charter amendment proposal is as follows:

ABSENTEE VOTE

Absentee applications filed	66
Ballots returned (total vote cast)	65
Votes rejected (ineligible)	2
Spoiled ballots	
Ballots counted (regular)	63

<u>Absentee Votes "Yes"</u>	<u>Absentee Votes "No"</u>	<u>Total Absentee Votes</u>
37	17	54

8. That the total number of votes cast at said election for and against said Charter amendment proposal submitted thereat, including the foregoing absentee votes, was as follows:

<u>Total Vote For</u>	<u>Total Vote Against</u>
2784	2930

9. That less than a majority of all of the votes cast at said consolidated special municipal Charter amendment election on said Charter amendment proposal were in favor of said proposal, and that said proposal was rejected.

PASSED AND ADOPTED this 19th day of April, 1955, by the following vote:

Ayes: Councilmen: Adams, Annan, Arata, Heckendorf, Mellis, Merrill
and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

HARRY MARKS (Signed)
Mayor of the City of Modesto, California

ATTEST:

REX E. GAILFUS (Signed)
City Clerk of the City of Modesto, California

CLERK'S CERTIFICATE

I, REX E. GAILFUS, City Clerk of the CITY OF MODESTO, California, DO HEREBY CERTIFY that the foregoing resolution is a full, true and correct copy of a resolution duly adopted at a special meeting of the Council of said City duly and regularly held at the regular meeting place thereof on the 19th day of April, 1955, of which meeting all of the members thereof had due notice and at which a majority thereof was present; that at said meeting said resolution was introduced by Councilman Mellis and read in full, and was thereupon, upon motion of Councilman Mellis, seconded by Councilman Heckendorf, adopted by the following vote:

AYES: Councilmen: Adams, Annan, Arata, Heckendorf, Mellis, Merrill
and Mayor Marks
NOES: Councilmen: None
ABSENT: Councilmen: None

That I have carefully compared the same with the original minutes of said meeting on file and of record in my office and that said resolution is a full, true and correct copy of the original resolution adopted at said meeting and entered in Book _____ of Minutes, at pages _____ to _____, inclusive. That said resolution has not been amended, modified or rescinded since the date of its adoption and the same is now in full force and effect.

WITNESS my hand and the seal of the City of Modesto this 19th day of April, 1955.

REX E. GAILFUS (Signed)
City Clerk of the City of Modesto,
California.

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 Chamber at the McHenry Public Library, 14th and I Streets, Mayor Marks presiding.

The City Clerk called the roll and there were

Present: Councilmen: Adams, Annan, Arata, Heckendorf, Mellis, Merrill
and Mayor Marks
Absent: Councilmen: None

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

Rev. Byran Judge of the Calvary Baptist Church gave the invocation.

CITY CLERK ADMINISTER OATH OF OFFICE TO COUNCIL MEMBERS ELECTED AT THE
GENERAL MUNICIPAL ELECTION HELD ON APRIL 12, 1955

City Clerk Gailfus administered the oath of office to Harry Marks who had been reelected Mayor at the General Municipal Election held April 12, 1955, and Councilmen elect Lyndall O. Merrill, Henry E. Anderson, Lawrence R. Robinson, Jr., and Don D. Hammond.

Councilmen Clifford M. Annan, Marvin L. Heckendorf, and Dan Mellis gave their chairs over to the new Councilmen.

MAYOR MARKS' STATEMENT

Mayor Marks made the following statement:

"I should like to take a few moments of our time to review some of the factors involved in the job of a new Councilman - partly for the benefit of those newly coming into office, partly to reaffirm for those of us who have been in office for the past few years the principles in which we should believe and under which we serve.

We are a policy making body. The administrative staff does not determine policy. The City Manager administers the policies that we set out; the City Attorney serves us as legal counsel; the City Clerk and Auditor acts as our recorder and checker. During the past few years we on the Council have developed a technique of analyzing 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.

You will note that the City Manager so submits his reports to us on matters which come before us for consideration and action. It has proven a sound, dependable technique of operation.

As a Council we recognize that career specialists such as the City Manager, the Planning Director, the Director of Finance, the City Attorney, and others, are vital and essential to our form of government. They are responsible for presenting the technical facts. But we realize, too, that the expert, filled with special knowledge, may tend to confuse his knowledge with social wisdom. Only the Council's understanding of local circumstance, illuminated by insight gained through years of residence, can most beneficially adapt the specialized knowledge of experts to the specific needs of our community. Indeed, only the members of the Council, as elected representatives, are appropriate filters for community sentiment as to policy, since political neutrality is a basic requirement of career civil service. No career administrator can properly concern himself with partisan interests within the community he serves, and that administrative staff most useful to its Council and to its community is one which has taken a vow of political poverty and chastity. In a very real sense, those who assume administrative responsibilities must be willing to accept "limited citizenship". We, the Council, must be responsive and responsible go-betweens in interpreting the wishes of the electorate into policy assignments to the city staff.

In our representative form of government, we as elected officials must fulfill the wishes and desires of the people, tempered by the practical and financial facts of life. Technical facts alone are not enough. If they were, it would be unnecessary to have a Council. The wisdom of the people, expressed by their duly elected representatives, must prevail.

The Council-Manager form of government thus provides a basis for joining expert career administrators in a logical working association with competent, well-informed political superiors. To the extent that we are able to do this in Modesto, we will have both efficiency and responsibility to the people who elect us. To achieve this result will demand the very best that is in each of us.

Councilmen, however, have other duties as important as the proper conduct of day to day business. They must provide political leadership to the people of their community. There must be no lack of understanding of the responsibility this entails. We are not just running a business; we are personally responsible for the continuing dignity and integrity of the whole American concept of government. This is serious business. Any public official, elected or appointed, is in an extremely vulnerable position. And the person who holds any position of public trust seems, to

small-minded men, to be a justifiable target for their own frustrations and inadequacies. Yet despite the recurring provocation of uninformed abuse, or perhaps because of it, the Council's principal duty is to see that the government of our city is administered responsibly, honestly, and with good grace.

I would like to point out to you that it is definitely the responsibility of a Council to work together harmoniously, even though the views of its members do not always coincide, and to preserve a solid integrity. Once a Council becomes vulnerable, through weakness on the part of any member, or by a desire to be all things to all men, it becomes a special target. Usually those people who would capitalize on the Council's disunity will not shoot initially at you. You are the second line of attack. Snipers may pick first on the administrative officials of the city and then, if they get away with it, continue on up the line. You will find that, in cities where this has taken place, the whole business of government has lost stature and is a sorry mess indeed. Tragically as it may seem, when this happens the Council, through its lack of unity, has brought it upon itself. As members of the Council, we must serve as a bulwark against those who for their own purposes wish to divide and conquer and who thrive on confusion and chaos.

It is a very easy, very cheap pleasure for men of small minds to smear others who merely disagree with them. Unfortunately, to some it has become a national pastime. It contains the seeds of our own destruction. It seems to me that in our local communities, where democracy has its roots and where its strength and vitality are tested, we have a compelling, overriding duty to see that this situation does not arise. I am well aware that in the throes of the recent election this kind of smear campaign has already started. I want to warn you that the repercussions have already been very grave.

I pledge myself to every member of the Council, as well as to every administrative official and to every citizen of this city, to bring these issues out in the open when I hear of them. I will not repeat rumors. I will not repeat gossip. Anybody who smears any member of this Council or any member of our administration will be brought down to the Council Chambers to repeat his charges, and I will expect them to be answered. It is the duty of any citizen to state his charges publicly. It is our duty as public officials to clear them or to act on them. The statement, "Liberty and justice for all" is more than mere words to' mouth at the opening of a meeting. It is the very basis of our form of government.

I do not have much use for a Council that will always be in agreement. There are seven of us here. Each of us have different backgrounds, and that is good. Complete unanimity of opinion is not our goal. But we should be unanimous in our desire to seek out the facts. We should pledge ourselves to keep our minds open until we have all the facts and then to decide in the best interests of the people we serve. This basically is our job. Anything that deters us from this, anything that would keep any one of us from being intellectually honest or even intellectually at ease with the others is subversive in the true sense of the word. In this business of government, very few things are either white or black. Many things are gray. Here in Modesto we have always been proud of the fact that although on many issues we have differed we have walked out of the Council Chambers still friends. This will continue if all of us are wholly honest.

Actually our job is simple. We are not only conducting the day to day affairs of the city but we are holding this city in trust for our children and our children's children. It will take courage, patience, and wisdom to honestly represent them. Long years after we who are sitting here are gone, others will be living with the results of the decisions that we make. But each of us, too, must live with these decisions and with ourselves. May God grant us always the strength to be true to ourselves."

REMARKS BY NEW COUNCILMEN

Councilman Hammond expressed appreciation to the citizens at large for the opportunity to serve on the Council and promised to serve to the best of his ability.

Councilman Anderson stated that "I will do everything within my power to give the citizens an honest and efficient government."

Councilman Robinson stated, "I will do my best to do my part."

RECOMMENDATION OF R. M. HANSHAW REGARDING NAME OF MELROSE STREET

A card from R. M. Hanshaw, 314 Melrose Street pointing out that some confusion existed in the name of Melrose Avenue since the section south of Lucerne Avenue was called street and the section north of Roseburg was called avenue. This matter was referred to the City Manager to check out with the county.

APPOINTMENT OF VICE MAYOR OF THE CITY OF MODESTO

Mayor Marks stated that pursuant to Section 603 of the City Charter, the next order of business would be the naming of the Vice President of the Council. He stated that it had been the practice of the Council in the past to name the member who had received the largest number of votes at an election. He pointed out that there were any number of ways which could be used in making this appointment since the charter did not specify an exact procedure. He stated that whoever was named to the position need not be appointed for a definite term and that the appointment could be changed at any time by a resolution. He reported that Councilman Merrill Adams had received 4,241 votes at the election held in April, 1953.

Councilman Hammond introduced

RESOLUTION NO. 55-168

seconded by Councilman Robinson, naming Councilman Merrill L. Adams, Vice President, at will, of the Council, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson,
and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

ORDINANCE NO. 22-C.S. AUTHORIZE CONVEYANCE OF REAL PROPERTY TO C. E. PIERCEALL AND ROSE PIERCEALL

The City Attorney reported that in order to clear an error in the description of the property conveyed to the City by C. E. and Rose Pierceall, (right of way deed on Roseburg Ave.), it would be necessary that the city reconvey a certain portion of the property to the Piercealls. Councilman Arata moved the adoption and passage to print of

ORDINANCE NO. 22-C.S.

entitled: "AN ORDINANCE AUTHORIZING CONVEYANCE OF CERTAIN REAL PROPERTY BELONGING TO THE CITY OF MODESTO TO C. E. PIERCEALL AND ROSE PIERCEALL", which motion being duly seconded by Councilman M. Adams, was upon roll call carried and the ordinance adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson,
and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

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NO ACTION ON REQUEST OF WILLIAM L. WARNER FOR PROCLAMATION ON "INVEST IN AMERICA WEEK"

A letter to the Council from William L. Warner, resident partner of Davidson & Co., member of the San Francisco Stock Exchange asking that the Council adopt a resolution similar to the one enclosed in his letter, in observance of "Invest In America Week" was read. No action was taken by the Council.

AUTHORIZE PAYMENT TO ELECTION OFFICIALS AND RENTAL OF POLLING PLACES

Upon the recommendation of the City Clerk, Councilman Merrill introduced

RESOLUTION NO. 55-171

seconded by Councilman Arata, approving payment of \$8.00 to each election official who served at the General Municipal Election held in the City of Modesto and the Modesto City School District on April 12, 1955 and authorizing the payment of \$5.00 for the rental of each polling place at said election, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson,
and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

REPORT ON PROPOSED RESOLUTION RELATING TO LEGISLATION ON ACQUISITION OF REAL PROPERTY FOR SCHOOL PURPOSES

The City Attorney reported receipt of a letter from the League of California Cities, replying to the city's request for study and comment on a proposed resolution regarding requirements to be adopted by the state to insure cooperation of schools with city and county planning agencies in the selection of school sites. Mr. Richard Carpenter, Executive Director and General Counsel of the League had suggested that if the Council would be willing to substitute "advise" for "approval" that such a provision might be included in some other bill moving through the Legislature affecting the same subject matter.

After a general discussion, Councilman Arata moved, seconded by Councilman Merrill, and it was unanimously carried, that the proposed resolution be tabled and that the schools be so advised.

RESOLUTION RELATING TO THE ADMINISTRATION AND OPERATION OF THE POLICE DEPARTMENT

Pursuant to the request of the City Council the City Attorney presented for Council consideration a resolution relating to the administration and operation of the Police Department and establishing a policy for the purchase and issue by the city of certain equipment to police department personnel.

Councilman Merrill introduced

RESOLUTION NO. 55-169

seconded by Councilman Anderson establishing the policy that the city purchase and issue as city equipment the following standard items of equipment: (a) revolver (b) holster (c) gun belt (d) hand cuff cases, and (e) cartridge cases, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson,
and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

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ACCEPT DEEDS AND RIGHTS OF WAY AGREEMENTS RELATING TO THE CARVER ROAD SEWER LINE

The City Attorney presented for Council consideration, right of way agreements relating to the Carver Road sewer line. Councilman Adams introduced

RESOLUTION NO. 55-172

seconded by Councilman Arata, authorizing the execution of a right of way agreement with Lawrence W. Chaffee, Jr. and Florence Brunner Chaffee by the city's designated officials, and authorizing its recordation with the Recorder of Stanislaus County, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson
and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

Councilman Arata introduced

RESOLUTION NO. 55-173

seconded by Councilman Hammond, authorizing the execution of a right of way agreement with Aner E. Anderson and Hallie V. Anderson by the city's designated officials, and authorizing its recordation with the Recorder of Stanislaus County, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson
and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

Councilman Anderson introduced

RESOLUTION NO. 55-174

seconded by Councilman Hammond, authorizing the execution of a right of way agreement with Lola R. Miller by the city's designated officials, and authorizing its recordation with the Recorder of Stanislaus County, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson
and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

REPORT ON COMMITTEES TO BE FORWARDED TO COUNCIL MEMBERS

The City Clerk was instructed to mail each Council member a report on the Council committees. Mayor Marks asked the members to advise him on which committee they would like to serve.

REMIND COUNCIL MEMBERS OF CENTRAL VALLEY DIVISION, LEAGUE OF CALIFORNIA CITIES MEETING IN TURLOCK

The City Manager reminded the Council members of the quarterly meeting of the Central Valley Division of the League of California Cities which was to be held in Turlock, Thursday, April 21.

RESOLUTION RESCINDING RESOLUTION NO. 55-116 SETTING DATE OF HEARING ON PROPOSED ANNEXATION OF LA VILLA ROSE ADDITION

The City Manager reported that the description set forth in Resolution No. 55-116 of the La Villa Rose Addition had been in error and that it would be necessary to rescind the resolution which set the date for the public hearing on the proposed annexation. He outlined in detail the problem presented which was caused by an overlapping of 4.8 feet in the La Villa Serena which had been previously annexed. Councilman Merrill introduced

RESOLUTION NO. 55-175

seconded by Councilman Hammond, rescinding Resolution No. 55-116, entitled: "A RESOLUTION GIVING NOTICE OF THE PROPOSED ANNEXATION OF THE LA VILLA ROSE ADDITION TO THE CITY OF MODESTO AND FIXING THE TIME AND PLACE FOR HEARING OBJECTIONS TO THE PROPOSED ANNEXATION", which was adopted by the Council on March 23, 1955, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson, and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: None

RESOLUTION INITIATING PROCEEDINGS FOR ANNEXATION OF THE DRYDEN-DURAND ADDITION TO THE CITY OF MODESTO (18 hole golf course)

The City Attorney presented for Council consideration a resolution relating to the proposed annexation of the Dryden-Durand property (18 hole golf course) to the City of Modesto.

Councilman Arata introduced

RESOLUTION NO. 55-170

seconded by Councilman Hammond, initiating proceedings, as provided by the "Annexation of Uninhabited Territory Act of 1939" to annex the Dryden-Durand Addition to the City of Modesto and establishing the date of May 25 at 8:00 P.M. in the Council Chamber of the City of Modesto, as the time and place for the hearing of protests to the proposed annexation, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson, and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: None

DELAY CONSIDERATION OF REMOVAL OF "NO PARKING" ZONES ON NINTH STREET

The matter of removal of the "no parking" zones on Ninth Street was held over for a later meeting.

AUTHORIZE REMOVAL OF STOP SIGN FROM CALIFORNIA STREET AT MADISON AVENUE

Pursuant to the request of the Council, the City Attorney presented for Council consideration a resolution providing for the removal of stop signs on California Avenue with its intersection with Madison Avenue. Councilman Arata introduced

RESOLUTION NO. 55-176

seconded by Councilman Adams, authorizing the removal of stop signs located on California Avenue with its intersection with Madison Street in the City

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of Modesto and rescinding Resolution No. 9341-N.S. adopted by the Council of the City of Modesto on March 7, 1951, which established stop signs on California Avenue at this location, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson, and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: None

RESOLUTION DESIGNATING A PASSENGER LOADING ZONE ON COLLEGE AVENUE NEAR ORANGEBURG (CONGREGATIONAL CHURCH)

Upon the recommendation of Traffic Engineer Carmody, Councilman Anderson introduced

RESOLUTION NO. 55-177

seconded by Councilman Arata, establishing a passenger loading zone on College Avenue near Orangeburg to serve the Congregational Church located near this intersection, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson, and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: None

Councilman Anderson moved, seconded by Councilman Arata, and it was unanimously carried that the City Manager be directed to contact all the other churches and give them an opportunity to express an opinion whether they wish this type of loading zone so that a study could be made by the administration on the merits of each separate request.

The City Manager asked the Council to establish the degree of urgency and it was generally agreed that the matter should be considered in the normal course of events and as soon as it could reasonable be done.

APPROVE RENEWAL OF LEASE WITH W. G. DUNLAP FOR HANGAR SPACE AT MUNICIPAL AIRPORT

Upon the recommendation of the City Manager, Councilman Arata introduced

RESOLUTION NO. 55-178

seconded by Councilman Robinson, approving the renewal of the lease with W. G. Dunlap for the rental of hangar at the Modesto Municipal Airport for a period of one year beginning May 1, 1955, for a monthly rental of \$100, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson, and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: None

APPROVE AGREEMENT FOR FURNISHING SERVICES TO WEST GLEN ADDITION

Upon the recommendation of the City Manager, Councilman Arata introduced

RESOLUTION NO. 55-179

seconded by Councilman Merrill, approving agreement with A. P. Rasmussen,

contractor, William F. Beckett and William F. Beckett, Jr., John and Bernice Quaresma and Robert P. and Muriel F. Bomberger, subdividers, providing for the employment of contractor by subdividers to construct 1,002.8' of ten inch and eight inch sewer on Kearney Avenue between an existing sanitary trunk sewer located at the intersection of Orangeburg and Kearney up to a point on the centerline of Glenwood Drive; providing for the placing in escrow by subdividers of separate checks payable to contractor in amounts as set forth in the agreement and providing for the payment by the city of \$1200 to the contractor as its contribution to the cost of the project, and authorizing its execution by the city's designated officials, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: None

ACCEPT DEED FROM PAUL & BERNICE KOELZER (ALLEY BETWEEN BLAIR AND HELEN AVENUE)

Upon the recommendation of the City Attorney, Councilman Adams introduced

RESOLUTION NO. 55-180

seconded by Councilman Arata, accepting the grant deed from Paul and Bernice Koelzer on land to be used for alley purposes between Blair and Helen Avenues, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: None

The City Attorney reported that Mr. Koelzer had executed the deed on the provision that he should be compensated for relocating his fence which is now on the proposed alley right of way for a distance of approximately 100 feet. He is agreeable to accept \$50.00 for the costs involved in the relocation of the fence, the City Attorney stated. Councilman Arata introduced

RESOLUTION NO. 55-181

seconded by Councilman Hammond, authorizing the City Manager to reimburse Paul and Bernice Koelzer \$50.00 for the cost of moving their fence from the property deeded to the city for alley purposes, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson, and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: None

CONSIDERATION OF MATTERS NOT ON THE AGENDA

Mayor Marks asked the members of the audience and Council if they had any matters for Council consideration which had not been placed on the agenda.

Councilman Anderson moved that the City Attorney communicate with the State Attorney General to clarify whether his association with the Valley Builders Exchange, as executive secretary, would have any implications that the members of this organization would benefit in any way by his being a member of the City Council, seconded by Councilman Merrill, and it was unanimously carried.

STATEMENT MADE BY COUNCILMAN LAWRENCE R. ROBINSON, JR. AT COUNCIL MEETING OF APRIL 20, 1955

"It has been with a feeling of respect and humility that I have looked forward to and approached this first meeting of the new Council. It is an honor to be able to work with you gentlemen in the service of our community, and I feel that we have a fine opportunity ahead of us to ~~make~~ Modesto a better city in which to ~~live~~ and work.

My somewhat limited experience in public affairs, including participation in the work of our Chamber of Commerce and the Forward Modesto Committee, has strengthened my firm conviction that the people of our community, when given the opportunity, have the capacity to find proper solutions to all of our problems. I believe that we should take every opportunity to enlist the experience, the knowledge, and the judgment of our citizens in finding and proposing such solutions.

Among the serious problems which face us is included our need for additional parking facilities - and our need for additional industries and jobs.

In each of these fields, I would like to suggest that we avail ourselves of citizen assistance in exploring and evaluating our present position and our potentialities - AND in recommending action.

First of all, I would propose for the Council's consideration, a broad citizens' committee - on much the same basis as the Forward Modesto Committee - to study thoroughly the problem of the Economic Development of our community, to evaluate those things we may call "assets to industry" that we now have, to investigate and clearly spell out those things that we do not have, that would be "assets to industry", and then divide those shortcomings into two groups:

- (1) those which could be, on a practical basis, obtainable to our community through proper planning.
- (2) those which, because of the nature, location or resources of our area, are not practical or possible.

After this type of "inventory" has been developed, a study of general industry would be made to determine:

- (1) Those Industries or Enterprises which would be desirable and could logically benefit and prosper through location in or near the Modesto Community.
- (2) Those types of Industries or Enterprises which logically would not be desirable, or would not benefit from location in our area.

Finally, this citizens' group would draft a proposed blue-print for the development of our economic base covering a period of the next 5 to 10 years - in much the same manner as the blueprint of the Forward Modesto Committee.

If this plan seems to the Council, after study, to have merit, I would like it to be presented to the Boards of Directors of the Modesto Chamber of Commerce and the Stanislaus County Chamber of Commerce, to Labor Groups and to all other interested agencies and organizations for their evaluation and nominations of committee members, so that the broadest possible basis of understanding, participation and cooperation could be achieved.

Secondly, it is my belief that a fresh look at the whole problem of parking is indicated by the almost equally split vote on the proposed Charter Amendment.

The parking problem still exists - and should be met.

I would like to propose a citizens' committee, made up not only of shopping district businessmen and property owners, but of people representing all interests, including the housewives who must find parking places to do their shopping as well as residents served by shopping centers other than the immediate downtown area.

A thorough study of the work of previous committees on this subject should be made, and out of such study and research by a group of our citizens representing all portions of the city, should come a fresh and new and acceptable recommendation for a solution to this problem.

I believe that it is particularly important that our citizens be enlisted to propose solutions to these problems, since at least some of the solutions may require the official approval of all of our citizenry at the polls.

I have implicit confidence that, if given the opportunity, Modesto's people will find proper and fair solutions. It is on this basis that I respectfully submit these proposals for the study of the Council."

Councilman Robinson moved, seconded by Councilman Adams, and it was unanimously carried, that the City Clerk furnish a copy of this statement to each Council member for study and consideration at a later date.

DISCUSSION ON REALIGNMENT OF INTERSECTION AT K AND NEEDHAM STREETS

Director of Public Works Ray presented a map outlining a proposed realignment of the west side of the intersection at K and Needham Streets which project is an extension of Magnolia Avenue south of Needham Street.

He stated that this plan had been prepared as a result of a conference with Don Jaynes representing the Wolverine Real Estate & Building Service, the Planning Director and the Traffic Engineer. He stated that in order to accomplish the proposed change, which would benefit the city by providing a better traffic flow, it would be necessary to abandon a portion of what actually was a portion of the street in Block J, to the abutting property owner, Donald Jaynes, et al, and to receive in return a triangular portion of property from the same property owners.

He stated Mr. Jaynes has agreed that this proposed change which would involve the relocation of property lines, construction of a new curb and relocation of public utilities, would be done at no expense to the city, except for small portion of the street.

Mr. Jaynes, who was present, pointed out that the street work involved would be a larger project than a "patching one". He stated that it would be necessary to remove the one remaining large tree on the property since a driveway to a much needed parking area would have to be constructed at this location. He agreed to remove the tree and replace trees at locations approved by the Director of Parks and Recreation.

The City Manager stated that all the problems in this project would be thoroughly checked before it was presented again to the Council for action. Councilman Merrill moved, seconded by Councilman Arata and it was unanimously carried, that the proposed project be approved in principle and the administration be authorized to proceed on the basis discussed.

APPOINT COUNCIL COMMITTEE TO SUBMIT REQUEST TO COUNTY FOR COOPERATIVE FUNDS ON RECREATION PROGRAM

Councilman Arata moved, seconded by Councilman Anderson and it was unanimously carried that the Mayor be authorized to appoint a committee from the Council, to submit a request to Stanislaus County for cooperative funds on a recreation program for fiscal year 1955-56.

Mayor Marks appointed Councilmen Merrill (chairman), Hammond, and Robinson.

CLARIFY RECORD ON LOCATION OF BRIDGE ACROSS BEARD BROOK - TUOLUMNE RIVER

Since there had been some publicity in the newspaper on the matter of the city's position in the location of the bridge being built by the county across Beard Brook and Tuolumne River, after the Council Meeting of April 13, the City Manager requested that the record be made clear as to the position of the Council previously expressed, that as far as the Council was concerned that it was a closed matter. The Council confirmed that this was their position.

CITY MANAGER TO ARRANGE TOUR OF CITY FOR COUNCIL MEMBERS


The Council members agreed to a suggestion by the City Manager that he arrange a tour of the city to show the members some of the things

accomplished, those which are presently being accomplished, and to familiarize them with the projects and operations of the city.

ADJOURNMENT

Councilman Merrill moved, seconded by Councilman Arata, and it was unanimously carried, that the Council meeting now in session be adjourned. The meeting was adjourned at 6:00 P.M.

ATTEST:



REX E. GAILFUS, CITY CLERK

The Council of the City of Modesto met in special session this date at 5:00 P.M. as provided by Section 2-1.02 of the Modesto Municipal Code in the Council Chamber of the McHenry Public Library Building, 14th and I Streets, Mayor Marks presiding.

The Acting City Clerk called the roll and there were

Present: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson,
and Mayor Marks
Absent: Councilmen: None

REPORT BY COUNCIL COMMITTEE ON MEETING WITH COUNTY BOARD OF SUPERVISORS
RELATING TO IMPROVEMENT AT THE AIRPORT

Councilman Arata reported that at the joint meeting of the Council Committee and the Board of Supervisors Committee to discuss joint participation of the city and county in the financing of the improvements at the airport, a number of proposals were discussed. Two proposals agreed on for submission were:

Proposal No. 1: Under this proposal, the County would furnish 50% of the funds required to finance the proposed new runway, in consideration of their obligation to the people of the County to furnish runway facilities adequate for commercial passenger and freight operation. The County would become equal partners with the City in the ownership of the lands and improvements acquired by such funds. The City would retain ownership of the land and improvements now at the Airport. Under this proposal the City would continue to assume full responsibility for the maintenance and operation of the Airport.

Proposal No. 2: Under this proposal, the County, in consideration of their obligation to the people of the County to furnish runway facilities adequate for commercial passenger and freight operations, would, over a period of time, through additional development at the Airport, expend an amount equal to the total amount which the City has expended in capital improvements at the Airport. This proposal would provide that the County would finance 75% of such development and the City would finance 25%, until the outlays of the County match those of the City, after which the City and County would equally finance subsequent improvements.

Until the County expenditures equalled those of the City, the County would have a lesser equity, equal to the ratio between the expenditures made by the County to the overall expenditures of the City and County on the Airport. At any time within 20 years from the date of this agreement, the City would have the right to purchase the interest of the County for the actual amount which the County had expended in capital outlay at the date of such purchase

Under this plan, the City and County would share equally the responsibility for the management and operation of the Airport. A joint committee composed of two members of the Board of Supervisors, appointed by the Board of Supervisors, and the two members of the City Council, appointed by the City Council, would be established to make recommendations to both governing bodies regarding the management and operation of the Airport. The management and operation would be carried on under the City staff, under joint policy established by the Board of Supervisors and the City Council.

No. 1. The County committee, Councilman Arata reported, favored Proposal

City Manager Miller reported that since the meeting of the joint

committees, the Board had generally approved proposal No. 1. He stated that the Council could consider financing its share of the joint program with unexpended Capital Improvement Funds for the fiscal year 1954-55 which, included 1) City Hall \$60,000; Unallocated Fund \$11,250; Park Site Development \$25,000; and Park Development \$15,000. The Council also could consider the use of the fund allocated to the city by the state, \$8,100, on the sale of gasoline at the airport, since this was to be a joint undertaking and the county would be entitled to its share of the fund.

Councilmen Arata and Hammond recommended that the entire amount of the state allocation be used to pay off the city's indebtedness on the hangar and the shop building and not be considered in the financing program for the extension of the runway.

After a general discussion it was agreed that the following funds be used for the financing of the city's share of the proposed improvements at the airport:

1954-55 Capital Improvement	Park Site Fund	\$12,000
" " "	" Park Development Fund	15,000
" " "	" Unallocated Reserve	11,250
	Total	<u>\$38,250</u>

Councilman Adams moved, seconded by Councilman Arata, and it was unanimously carried, that the City Manager be directed to prepare an appropriation transfer of funds as outlined above, for the city's share in the airport expansion improvement program.

Director of Public Works Ray presented a map for the Council's inspection showing the location of the proposed runway. He stated that the city's original application to the Civil Aeronautics Administration for funds provided for a 5,000 foot runway, which had been approved by the C.A.A. He pointed out the desirability of locating the runway so that it could be increased in length at a later date. If the Council concurs in this suggestion, he stated, it will be necessary to prepare and file a revised master plan for the airport and in order to complete this by May 1, the deadline date set by the C.A.A., it will be necessary for the Council to establish this policy at this time so that the plans can be revised by the city's staff.

The City Manager pointed out that an important factor to take under consideration in locating the runway so that the approach zone could be increased, was to move the runway as far as possible from the populated area.

The Council members and Board of Supervisors members, Robert Adams, Wilson and Melugin, who were present, agreed in principle that Director of Public Works Ray's suggestion for the location of the runway be approved.

The City Manager reported that the city's right of way agent was presently working on the acquisition of the needed land at the airport. He suggested, to which the Board members concurred, that the county would lend technical assistance to the city in bringing the program to a successful completion. It was agreed that the City Attorney and Deputy County Counsel Mitchell, who was present at the meeting, would confer in the preparation of the necessary resolutions to be adopted by the Council and the Board.

Supervisor Adams reported that the majority of the Board members had informally approved Proposal No. 1 and that formal approval would be given at its meeting at 10:00 A.M., Thursday, April 28.

Supervisor Melugin stated that he spoke for three members of the Board whose interest was "to get that airport with federal aid or without it".

City Attorney Grimes pointed out that from the legal point of view, while it would be desirable to have a formal agreement for approval by the Council tomorrow night and the Board on Thursday, that it was not necessary. The essential thing to consider at this time, is to make the money available so that this availability of funds could be shown on the application to the Federal Government. The formal written agreement with technical details, he stated, can be worked out later.

Supervisor Adams agreed that it would be desirable to have more time to prepare the agreement.

Director of Public Works Ray outlined the schedule for the consideration of the application by the C.A.A. and pointed out that it would not be necessary to have the formal agreement immediately.


Deputy County Counsel Mitchell read the proposed resolution which would be considered by the Board at its meeting approving the joint financing program for the improvement of the airport.

In the general discussion on the resolution, the Director of Public Works pointed out that the County could consider including approach zone lighting and any instrument landing facilities considered in the future.

The City Manager recommended that the City Attorney and County Counsel work out a program which would be agreeable to the county for the Council's consideration at the meeting of April 27, so that the city would know "where we stand".

Councilman Arata moved, seconded by Councilman Merrill, and it was unanimously approved, that Proposal No. 1 be approved in principle and that the City Attorney be instructed to prepare the necessary resolution for the Council's consideration, at its meeting of April 27.

Councilman Arata moved, seconded by Councilman Hammond, and it was unanimously carried, that the Council meeting now in session be adjourned. The meeting was adjourned at 6:00 P.M.

ATTEST:  ¹
ANNE M. COLLINS, ACTING CITY CLERK

The Council of the City of Modesto met in regular session this date at 7:30 P.M. as provided by Section 2-1.01 of the Modesto Municipal Code, in the Council Chamber at the McHenry Public Library, 14th and I Streets, Mayor Marks presiding. .

The Acting City Clerk called the roll and there were

Present: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson
and Mayor Marks

Absent: Councilmen: None

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

Rev. Alan Goozee, pastor of the First Methodist Church gave the invocation.

APPROVAL OF COUNCIL MINUTES

Council members having received copies of the minutes of the meeting of April 6, 1955, and the same being available for public inspection, and there being no objections, the minutes were approved.

LETTER FROM MODESTO OPTIMIST CLUB

A letter was read from the Modesto Optimist Club expressing appreciation for the use of Del Webb Field for the presentation of the Rudy Brothers Circus, which had been sponsored by the Club.

CITY EMPLOYEES AND COUNCIL MEMBERS INVITED TO POLICEMEN'S DANCE

An invitation to the city employees and Council members to attend the Policemen's Dance being held April 30 was read and ordered filed.

LETTER FROM MODESTO CHAMBER OF COMMERCE RE: McHENRY AVENUE IMPROVEMENT COMMITTEE MEETING

An invitation from the Modesto Chamber of Commerce to Council members and administrative officials to attend a luncheon meeting on April 28 sponsored by the McHenry Avenue Improvement Committee, was read.

LETTER FROM BETTER BUSINESS BUREAU, INC. RE: REQUEST FOR FINANCIAL ASSISTANCE

A letter from the Better Business Bureau, Inc., requesting an appropriation of \$2500 for the fiscal year beginning July 1, 1955, was filed with the Council. It was agreed by the Council that the City Clerk should send a copy of the letter to each member for study and consideration at a later date.

PETITION FROM PROPERTY OWNERS ON TULLY AVENUE REGARDING DRAINAGE

A petition signed by George Hanson, Mrs. Lola E. Rowell, Joseph E. Miller, property owners in the 400 block on the west side of Tully Avenue, across the street from the Junior College, requesting that the City Manager place on the agenda of the April 27 Council meeting the subject of "damages done to our property by the overflowing of the city storm sewer."

Attorney Myron Moyle appeared before the Council on behalf of these property owners. He stated that at the time Mr. Hanson had constructed his building, he had obtained a grade from the City Engineer's office.

Since the construction of these buildings, he pointed out, a great deal of development has taken place in the surrounding areas and more and more territory has been annexed to the city. Although the city has attempted to take care of the drainage problem in this area by installing a storm drain inlet on Tully Avenue across from the Hanson building, it is still acute. In the storm which occurred in December, 1954, these buildings were flooded and considerable damage resulted. This was reported to the city's administrative staff and certain members of the Council, he continued, but no particular effort was made toward alleviating the situation. He pointed out that several times since the December storm, Mr. Hanson has been obliged to build dikes in front of his property to keep the water, accumulating in the street and the sump across the street, from entering his building. This situation is urgent, he stated, and something should be done at once. Apparently part of the cause of the trouble is the poor practice of dumping storm water into the domestic sewer line, he stated. Unless something is done the street overflow will continue since more and more territory is being annexed to the city. He contended that part of the water was from College Avenue and the 9th Street areas, as the storm drains filled, the water would flow back to the low Tully Avenue area where these buildings were located. He stated that these property owners considered that they had been damaged by this condition and something should be done immediately to correct the situation. He suggested that the situation might be helped if the Modesto Irrigation District would permit the use of its canals for the over-flow of storm water during stress periods. He pointed out that other cities used this method and he expressed the belief that some satisfactory arrangements could be made by the city and the district. Experiments are going on presently by the city in certain areas with rock drain sumps, he stated, and suggested that a number of these sumps, placed in strategic locations could afford some relief in this area. "All my people want is that something be done so that this does not continue, time after time, after time. We request the Council to take immediate action to alleviate the situation so that it will not happen again," he stated.

Mayor Marks thanked Mr. Moyle for his presentation of the situation and advised him that the Council was appointing a committee, not only to work on the matter of an agreement with the M.I.D., but also a city wide street and drainage improvement program. He pointed out that the city's last street improvement district had been in 1928. He also advised that these districts were the financial responsibility of the property owners. Street and drainage improvement districts are the number one consideration of the Council this year, Mayor Marks stated. This area is by no means the only area in the city with a drainage problem, he stated. The permanent solution would be an improvement district but the Council realizes that some immediate temporary relief program must be considered. Mr. Moyle pointed out that not only the severe storm but the normal rains caused a drainage problem.

Mr. Hanson reported that the water which came off of Tully Avenue and through the domestic drains was difficult for him to control with his rock filled dikes.

The City Manager pointed out that the improvement of Tully Avenue, now underway and for which funds have been budgeted, should be one factor toward relieving this problem. He stated that a report on the justification for traffic signals at Tully and North 99 Highway, which must tie in with the improvement of Tully at 99 Highway, had already been sent into the state.

Director of Public Works Ray outlined the location of the sanitary sewers in the surrounding area and the method used for the disposal of storm water. He pointed out that there were a few instances in the city where the storm drainage had been connected to domestic sewers but that there were none in this particular area which could possibly result

in water backing up at this point. He pointed out that an engineering study would have to be made to determine if the storm water was entering the domestic line. It could enter through the manhole covers on Tully Avenue, he stated. He pointed out that with the rapid development program in the north area, the paving of streets, paving of the football field and construction of buildings the seepage of the water through the ground was curtailed. He pointed out the inadequacy of any storm drains to handle the type of storm which had occurred on April 21.

At the request of the Mayor as to what could be done to alleviate the condition in the immediate future Mr. Ray stated that the following things could be considered:

1. That the buildings could be raised so that the street would not be higher than the buildings;
2. That the M.I.D.'s canals could be used (limited to whatever requirement its engineer would set at one particular time) with pumping equipment located at 9th Street and Canal #4 to take care of the overflow. This installation could be made at a nominal cost and the equipment could be removed and used elsewhere when there was no longer any need at this location.
3. The construction of a new line all the way to the river which would be very expensive and would require a financing program first. This would have to be considered on a large over-all city-wide basis instead of just this small area.

He pointed out that the improvement of Tully Avenue, which would provide curbs and gutters on the west side would help keep the normal water run-off from these buildings since at present the buildings on the west are lower than the street, which was developed under county requirements.

The use of pumping equipment at the canal #4 would also help the property owners on Ninth Street in the low area beginning near N Street.

When Mr. Moyle asked Mr. Ray what he would suggest to alleviate the problem of sewage backing up through the domestic line, he replied, "I have nothing to suggest as we have been unable to determine what causes the problem at the present time." "Until I am fully aware of what I am talking about, I have no suggestions." He listed the two locations where storm water was being handled through the domestic sanitary sewer line. He suggested that a backflow valve could be used to stop the water from coming through the plumbing facilities. He stated that the only way possible for the water to get into the domestic line in this area was through the manhole covers as there were no known connections to the domestic line. He pointed out that the staff had not had time to make a thorough study on whether there was a possibility that storm water drained into domestic lines backed up to the low area on 9th and Tully Road at times during a heavy storm when the lines were filled with run-off water in the down-town area.

A discussion was held on the lowering of the grade of Tully Road. Mr. Hansen stated that he could take care of water coming down his side of the street by dumping it across into the sump and shutting off the sanitary facilities in the building and curbs and gutters could take care of the water to a large extent, also, but his problem was the fact that the water from other areas in the city was draining into his area.

Mayor Marks suggested, to which the Council concurred, that the following actions be taken for immediate relief of the situation:

1. rights of way be obtained on Tully Avenue so that a new grade could be established and the street improved by paving and curbs and gutters.
2. A Council committee be appointed to meet with the Modesto Irrigation District to request use of its laterals for disposal of storm water.
3. The property owners install shut-off valves on sanitary facilities in their buildings to use during storms.

The City Attorney reported on the conditions under which the city could be held legally responsible for any damages which had occurred to these property owners. He pointed out that until a claim had actually been filed and all the facts presented to him that he could not rule on the matter.

Councilman Arata moved, seconded by Councilman Anderson, and it was unanimously carried, that a committee be appointed to confer with the Modesto Irrigation District relating to the use of its laterals for disposal of storm drainage water.

Mayor Marks appointed Councilman Adams (Chairman), Merrill and Hammond on the committee and asked that they also be retained as a committee to investigate the entire storm drainage program, to lay out a broad over-all program for the entire community on street and drainage facilities.

SALE OF PARK PROPERTY IN THE COLLEGE VILLAGE #2 ADDITION

This being the time set for receiving and considering of sealed and oral proposals to purchase the park property in the College Village #2 Addition, Mayor Marks declared the meeting open.

The Acting City Clerk reported receipt of two written bids, which were opened, examined, and noted by the Council as follows:

<u>Bidder</u>	<u>Amount of Bid</u>	<u>Amount of Deposit</u>
Joe Mineni, Jr.	\$3,000.00	\$300 (cash)
Arthur J. Wylie	\$5,544.00	\$800 (cashier's check)

The City Attorney read the restrictions relating to the balance of the addition, which has been developed as a residential area, and recommended that they be made applicable to the park area being sold. Considerable discussion ensued on the provision of the restrictions which provided that the type of buildings should be approved by a committee named by the original subdivider, Dalton P. Ellis.

Mr. Ellis, who was present, stated that the committee which had been established at the time of the development of the tract was no longer active and that he would see no reason why this portion of the restrictions could not be deleted, as long as the location of the houses and the design and type would conform to the other buildings in the tract.

Director of Public Works Ray reported on the sewer laterals which the purchaser would be required to install at his own cost, which he stated depended on the manner in which the area was developed. He also pointed out that the subdivider would be required to pay his share of the lateral on the north side of the tract.

Councilman Adams moved, seconded by Councilman Robinson, and it was unanimously carried, that the restrictions on file for the subdivision (College Village No. 2) be made applicable to the sale of the park area but that they be modified to delete the portion requiring approval of the type and location of the building on the lot by the committee originally established by the subdivider.

At this time, Mayor Marks asked for oral bids. Dalton Ellis, Joe Mineni, Jr., and Arthur J. Wylie bid on the property. The highest oral bid received was \$8,250 from Mr. Wylie. Mayor Marks declared the bidding closed. Councilman Anderson moved, seconded by Councilman Merrill, and it was unanimously carried, that the bid of \$8,250 from Arthur J. Wylie be accepted and directing the City Attorney to draft an ordinance providing for the sale of the property, and authorizing the City Clerk to return the bidding deposits of the unsuccessful bidder.

REPORT FROM DIRECTOR OF PUBLIC WORKS RELATING TO STORM DRAINAGE PROBLEMS IN THE CITY

The City Manager read a report from the Director of Public Works relating to the problem of storm drainage in the city, a copy of which is on file.

AUTHORIZE PURCHASE OF POLICE RADIO EQUIPMENT

A report was read from Police Chief Neel listing the radio equipment presently owned by the department and the equipment needed. He stated that the representative of the State Office of Civil Defense and Ray Gada, who services the city's radio equipment, had recommended the purchase of mobile equipment that would be more powerful than 10 watt which is presently used and they had suggested 25 watt mobile units.

He reported that Motorola Company was the low bidder on 25 watt mobile units when the county called for bids recently. This company has offered to supply this equipment, which would cost approximately \$8,244.53, to the city on the same basis, providing the offer is accepted by April 28, 1955. He reported that there was available in this year's budget, \$7,000, which would leave a balance of approximately \$1265 to be appropriated.

Councilman Arata introduced

RESOLUTION NO. 55-186

seconded by Councilman Merrill, authorizing the purchase of the radio equipment from the Motorola Company for the Police Department for the sum of \$8,244.53 on the terms and conditions outlined in the memorandum to City Manager Miller from Chief of Police Neel, dated April 26, 1955, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson, and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: None

Councilman Anderson introduced

RESOLUTION NO. 55-187

seconded by Councilman Adams, approving appropriation transfer of \$1,265. from the General Reserve to the Capital Improvement, Police Department, for the purchase of F. M. Radio equipment, which resolution was regularly adopted by the following vote:

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Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson
and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

REPORT ON STATUS OF CIVIC CENTER AND CITY HALL STUDY

The City Manager reported on a meeting held on March 31, with members of the Council Committee, Architects Pfleuger and Bomberger, Planning Commission members, school, city, and county officials on the proposed city hall and civic center. He reported that the city staff was preparing a report which would contain a summary of the information received from other cities and the present and future space needs of the various departments. He reported that Planning Commissioner May had asked a group of citizens to work with him on the committee to discuss the general philosophy of a civic center to bring before the Council what a civic center is and its relationship to the public buildings.

He reported that at a meeting held with the county and city planning commissions present, zoning ordinances and subdivision ordinances were discussed and the county representatives had expressed interest in the city's problems and had asked that additional meetings be called. They also expressed interest, as have others, in the public building problem. The various studies made on the city hall have been referred to Architect Pfleuger, he stated. Councilman Adams moved, seconded by Councilman Hammond, and it was unanimously carried, that a committee on the City Hall and Civic Center be appointed. Mayor Marks appointed Councilmen Anderson, Merrill and Robinson. It was called to the attention of the Council by the City Attorney, that a discussion had been held at the meeting of March 30 that former Councilmen Annan, Mellis and Heckendorf be named as advisory members of the committee. No action was taken on the matter.

CONSIDER ADDITIONAL ACTION REQUIRED ON AIRPORT IMPROVEMENTS

Councilman Arata reported on the joint meeting with the county airport committee. The County has indicated that it would go along on proposal #1, he stated, which provides that "the county would furnish 50% of the funds required to finance the proposed new runway, in consideration of their obligation to the people of the county to furnish runway facilities adequate for commercial passenger and freight operation. The County would become equal partners with the City in the ownership of the lands and improvements acquired by such funds. The city would retain ownership of the land and improvements now at the airport. Under this proposal the city would continue to assume full responsibility for the maintenance and operation of the airport." He reported that final action would be taken by the Board of Supervisors at a special meeting which will be held on April 28. City Attorney Grimes read the resolution prepared at the direction of the Council relating to the development and expansion of the airport and Councilman Arata introduced

RESOLUTION NO. 55-184

seconded by Councilman Merrill, resolving that the sum of \$37,776.50 shall be appropriated for the purposes of acquiring additional land adjacent to the Modesto Municipal Airport for new runway and approach protection, taxi strips, and runway and boundary lighting; that said funds are to be used on an equal matching basis with the County of Stanislaus and that the title to all land so acquired and the improvements thereon which are so jointly purchased or finances shall be owned jointly in equal shares by the city and the county and shall not be used for other than the purposes above named except by mutual agreement and that any revenue from the rental of such jointly owned land for any other purpose shall be shared equally; and resolving that the city declares its intention to

participate with the county in the future on an equal basis in budgeting, appropriating and expending funds for necessary land acquisition at said airport and for the construction of runway and taxi strips and runway and boundary lighting adequate for commercial passenger and freight operation; and that the city shall continue to have and exercise full responsibility and liability for the maintenance, operation, and control of the airport, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson
and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

The City Manager reported on a telephone conversation with the C.A.A. who had advised that the application should be filed with a joint statement that both the city and county were supporting it. He pointed out that it was entirely possible that additional funds might be required on the land purchases.

Councilman Arata suggested that if the application was approved by the C.A.A., the allocation received and the airport expanded with county-city funds that it would be in order to change the name of the airport. He moved, seconded by Councilman Adams, and it was unanimously carried, that the changing of the name of the airport to "Modesto City-County Airport" be considered by the Council under the conditions outlined.

Councilman Adams introduced

RESOLUTION NO. 55-183

seconded by Councilman Hammond, authorizing appropriation transfer of funds as follows:

FROM CAPITAL IMPROVEMENT FUND

Unallocated reserve	\$11,250.00
Park site acquisition	11,526.50
Park Development	15,000.00
	<u>\$37,776.50</u>

TO MUNICIPAL AIRPORT DEVELOPMENT, to make funds available for acquisition of additional lands for extension of airport runway and approach areas, in order to qualify for federal participation in airport funds (equal funds to be matched by Stanislaus County appropriations), which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson
and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

Councilman Merrill introduced

RESOLUTION NO. 55-185

seconded by Councilman Arata, authorizing the City Manager, on behalf of the City of Modesto, to sign and submit a project application to the Civil Aeronautics Administration, for federal aid in the acquisition of land for approach protection at the Modesto Municipal Airport, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson
and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

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Councilman Merrill left the Council meeting at this time (9:55 P.M.)

APPROVE FINAL MAP OF WESTLAND #1 SUBDIVISION AND AGREEMENT FOR ITS DEVELOPMENT WITH STANISLAUS COUNTY TITLE COMPANY

Upon recommendation of the City Manager, Councilman Arata introduced

RESOLUTION NO. 55-188

seconded by Councilman Anderson, approving final map of Westland Manor No. 1 Tract, authorizing the City Clerk to certify the map on behalf of the City after the fees in the amount of \$47.60 as required by the Modesto Municipal Code, for checking, copies of maps, recording and parks and playgrounds, have been paid and subdividers, Stanislaus County Title Company, have furnished a bond acceptable to the City Attorney, or in lieu thereof, have posted a cash deposit of \$24,000 with the City Clerk; and authorizing the City Manager and City Clerk to execute and attest an agreement with subdividers as required by Section 4-4.604 (c) of the Modesto Municipal Code, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Robinson, and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Merrill

The City Attorney reported that the Stanislaus County Title Company had deposited a cashier's check in amount \$24,000 instead of a bond and that it would be in order to return this check as soon as a bond had been filed. Councilman Anderson moved, seconded by Councilman Robinson, and it was unanimously carried, that the City Clerk be authorized to retain the check in his office until such time as a bond had been filed by the subdivider at which time it could be returned.

Councilman Arata left the meeting at this time (10:00 P.M.)

DELAY APPROVING PLANS AND SPECIFICATIONS AND CALLING FOR BIDS ON CARVER TRUNK SEWER

Director of Public Works Ray reported that all rights of way on the Carver Road Trunk Sewer had not cleared as yet and that the approving of plans and specifications and the calling for bids would be delayed for a short time.

ORDINANCE APPROPRIATING ADDITIONAL REVENUES FOR USE DURING THE 1954-55 FISCAL YEAR

Councilman Adams moved the adoption and passage to print of

ORDINANCE NO. 23-C.S.

entitled: "AN ORDINANCE APPROPRIATING ADDITIONAL REVENUES FOR USE DURING THE 1954-55 FISCAL YEAR", which motion being duly seconded by Councilman Hammond, was upon roll call carried and the ordinance adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Hammond, Robinson, and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Arata and Merrill

Councilman Anderson introduced

RESOLUTION NO. 55-189

seconded by Councilman Robinson, approving appropriation transfer of \$7870 from the General Reserve to Public Works, Sewer Division, Sanitary Sewer Lateral Extensions (Fremont-Granger Addition) which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Hammond, Robinson, Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Arata and Merrill

RESCIND RESOLUTION NO. 55-170 RELATING TO ANNEXATION PROCEEDINGS OF DRYDEN-DURAND ADDITION AND ADOPTION OF NEW RESOLUTION

The City Attorney reported that Resolution No. 55-170 adopted by the Council at its meeting of April 20, relating to proceedings for the annexation of the Dryden-Durand Addition to the city had not appeared in each and every edition of the Modesto Tribune, the official newspaper of the city, as provided by the state law and the agreement with Mr. Kimber, owner of the Tribune. He stated that it would be necessary to rescind this resolution and adopt a new one and start proceedings all over again.

A brief discussion was held on the awarding of the bid to a weekly paper and the difficulties encountered in having documents published. The City Clerk was instructed to prepare a report for the Council's information giving a record of the experience during the past year showing the additional cost to the city.

Councilman Robinson introduced

RESOLUTION NO. 55-182

seconded by Councilman Anderson, setting the hour of 8:00 P.M. on June 8, 1955, in the Council Chamber of the McHenry Public Library Building as the time and place when and where any person owning real property within the Dryden-Durand Addition, proposed to be annexed to the city, and having any objections to the proposed annexation may appear and show cause why such territory should not be so annexed, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Hammond, Robinson, and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Arata and Merrill

AUTHORIZE PLACING OF FUNDS IN BUDGET FOR PURCHASE OF WAYNE LEAF LOADER

A report submitted to the City Manager by the Director of Public Works relating to the purchase of the Wayne Leaf Loader which set forth the conditions under which he would recommend that the city exercise its option for purchase of the Wayne Leaf Loader and trailers currently under a lease arrangement was discussed by the Council. Councilman Anderson moved, seconded by Councilman Hammond, and it was unanimously carried that the City Manager be instructed to place funds in the proposed 1955-56 budget for the purchase of the Wayne Leaf Loader.

APPROVE AND AUTHORIZE RECORDATION OF RIGHT OF WAY AGREEMENT WITH ANTHONY G. F. LUNDQUIST FOR UTILITY PURPOSES

The City Attorney presented for Council consideration, a right of way agreement with Anthony G. F. Lundquist and Augusta Lundquist for utility purposes. Councilman Adams introduced

RESOLUTION NO. 55-190

seconded by Councilman ^{Hammond} ~~Arata~~, approving the right of way agreement between the city and Anthony G. F. Lundquist and Augusta Lundquist; authorizing its execution by the city's designated officials; and authorizing its recordation with the Recorder of Stanislaus County, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Hammond, Robinson, Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Arata and Merrill

ACCEPT AND AUTHORIZE RECORDATION OF GRANT DEED FROM LEE G. HAAS ON LOT 7 OF FRESNO TRACT

The City Attorney presented for Council consideration, grant deed from Lee George Haas on a portion of Lot 7 of the Fresno Tract to be used for street purposes. Councilman Robinson introduced

RESOLUTION NO. 55-191

seconded by Councilman ^{Adams} ~~Arata~~, accepting the grant deed from Lee G. Haas on the east 30 feet of Lot 7 of the Fresno Tract and authorizing its recordation with the Stanislaus County Recorder, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Hammond, Robinson, Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Arata and Merrill

APPROVE AND AUTHORIZE RECORDATION AND EXECUTION OF RIGHT OF WAY AGREEMENT WITH ANTHONY G. F. LUNDQUIST

The City Attorney presented for Council consideration right of way agreement between the city and Anthony G. F. Lundquist and Augusta Lundquist for utility purposes, the easterly 30 feet of the south 55.1' of Lot 7 of the Fresno Tract. Councilman Anderson introduced

RESOLUTION NO. 55-192

seconded by Councilman Robinson, approving the right of way agreement between the city and Anthony G. F. Lundquist and Augusta Lundquist for utility purposes, authorizing its execution by the city's designated officials, and authorizing its recordation with the Recorder of Stanislaus County, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Hammond, Robinson, and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Arata and Merrill

GRANT REQUEST OF TROY BUNCH FOR WAIVER OF PENALTY ON DEFICIENCY DETERMINATION ON MILL LICENSE TAX

Upon the recommendation of the Director of Finance, Councilman Adams introduced

RESOLUTION NO. 55-193

seconded by Councilman Anderson, granting the request of Troy Bunch, doing business as Bunch Brothers Upholstery Shop, 1221 H Street, for the waiving of penalty assessment on the mill license audit deficiency determination in the amount of \$8.63, which resolution was regularly adopted by the following vote:

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Ayes: Councilmen: Adams, Anderson, Hammond, Robinson and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Arata and Merrill

AUTHORIZE THE ISSUANCE OF CONDEMNATION PROCEEDINGS ON LALOMA TRUNK SEWER-
 ARATA & PODESTO PROPERTY

Upon the recommendation of the City Attorney, Councilman Hammond introduced

RESOLUTION NO. 55-194

seconded by Councilman Adams, authorizing the issuance of condemnation proceedings to acquire sewer easement over the Arata and Podesto property (LaLoma Trunk Sewer), which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Hammond, Robinson, Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Arata and Merrill

LETTER FROM MODESTO CITY PLANNING COMMISSION

A letter from the Modesto City Planning Commission requesting that the Council approve a delay in the capital improvement report date to June 1 was read. The City Manager stated that no action was necessary that the letter was only for the Council's information.

LETTER FROM PLANNING COMMISSION SUBMITTING NEW PROPOSED ZONING ORDINANCE FOR COUNCIL CONSIDERATION

A letter from the Modesto City Planning Commission which transmitted a copy of the final draft of the text and map of the proposed zoning ordinance, was read. The Commission recommended the early adoption of the ordinance with whatever changes the Council felt required in order that the city might have a workable law to govern the use and density pattern of buildings and land.

The Commission also suggested that if the cost was not unreasonable, that the proposed text and map be published prior to the Council's public hearing in order that all persons in the city would have a chance to see the complete ordinance.

Mayor Marks stressed the importance of the proposed ordinance to the present and future citizens of the city. He asked the City Clerk to obtain copies of the bulletin issued by the United States Chamber of Commerce on zoning for distribution to the new members of the Council.

The City Attorney suggested the publishing of the ordinance in advance of the public hearing, so that copies could be made available to the public, and would have the advantage that if objections were to be filed, that they should be filed at the hearing rather than at a later time.

The Director of Finance reported the approximate cost for the publishing of the ordinance prior to adoption would be \$600. The Council agreed that wide publicity be given to the proposed public hearing and that copies of the ordinance be made available for inspection at the Library and the City Clerk's office but that it should not be published prior to the public hearing.

Director of Planning Smeath reported that the map would be published by the Modesto Bee in connection with a story on the ordinance,

prior to the Council's public hearing. He reported that he had available 100 copies of a pamphlet on the ordinance. He pointed out that the publishing of a summary of the ordinance might result in confusion.

The City Clerk was directed to publish display ads in the papers published in the city advising of the public hearing on the ordinance.

Councilman Adams introduced

RESOLUTION NO. 55-195

seconded by Councilman Hammond, setting the date of Tuesday, May 17, 1955, at 7:30 P.M. in the Council Chamber in the McHenry Library Building, 14th and I Streets, as the time and place for a public hearing when all persons interested in said proposed zoning ordinance for the City of Modesto would be given an opportunity to be heard, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Hammond, Robinson and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Arata and Merrill

REPORT FROM PLANNING COMMISSION ON SIDEWALKS IN SUBDIVISIONS

The Director of Planning reported that the Planning Commission, at its special meeting of April 19, 1955, had adopted a resolution adopting certain standards concerning sidewalks in subdivisions. He reported that one change had been made in the resolution as originally proposed---the Commission will now require on all subdivisions on which tentative maps are filed with the Commission after June 1, 1955, that the subdividers provide sidewalks on all streets.

The City Attorney pointed out that there should be an amendment to the Modesto Municipal Code but suggested that this be held over until the proposed amendment to the subdivision ordinance was considered.

REPORT ON PENDING LEGISLATION

The City Manager reported receipt of numerous letters and communications regarding the proposed AB3762 in the State Legislature relating to the right to full ownership of state grant lands (Long Beach).

The City Attorney reported that Mayor Marks had contacted Assemblyman Brown protesting a proposed bill on annexation.

REPORT ON AGREEMENT WITH MODESTO STATE HOSPITAL FOR USE OF SOFTBALL FIELD

The City Manager reported that the city had an informal cooperative arrangement with the Modesto State Hospital under which the city used the softball field at the hospital and the city furnished certain equipment. He read a letter from Dr. David B. Williams, Superintendent and Medical Director enclosing a list of material belonging to the city. The City Manager recommended that formal arrangement be completed for the protection of the city. Councilman Anderson moved, seconded by Councilman Adams, and it was unanimously carried, that the City Manager be authorized to reply to the letter and accept the arrangement for the operation of the soft ball field at the Modesto State Hospital on the basis set forth in the letter from Dr. Williams, dated April 14, 1955.

DISCUSS ANNEXATION OF FAIRMONT ADDITION

Councilman Anderson pointed out that the time provided by law had elapsed so that it would be possible for re-consideration of annexation proceedings on the Fairmont Addition.

The City Attorney stated that it would be necessary for the property owners to submit a petition for annexation, to the Council, if they wanted to start new proceedings.

The City Manager pointed out "we are loaded with a lot of problems right now and should be cautious about taking on any more at this point. A thorough study of the economics of it would be in order before any action was taken to encourage anybody to start annexations. It might be wise to have a little more time before we take on any more territory."

Mayor Marks pointed out that the Council was on record that the people of this city and surrounding area are one large community with similar interest and should be combined in one large city. "Let them start procedure for annexation and we will help them in any way we can."

The City Manager pointed out that the city's first obligation was to the people already in the city. He pointed out that studies made before the annexation of the LaLoma-Yosemite Addition indicated that costs of annexing the area would be about \$50,000 per year, more than revenue received. "Before any more territory is taken into the city, we should know what it will cost and know where you are going to get the money." He pointed out that this year's budget was very "tight". "We have to face this. We should go over the whole problem, consider what we can do for them, and work it out."

LETTER FROM FRANK ANDREWS RELATING TO PAYMENT TO COUNCIL MEMBERS

A letter from Frank Andrews protesting to the payment of compensation to the Mayor and Councilmen on the premise that the new charter had revoked the provision under which payment was made to the members. This letter was referred to the City Attorney for answering.

REQUEST OF SOUTHERN PACIFIC TO CONSTRUCT INTERCHANGE TRACK AND RELOCATE A DRILL TRACK ACROSS BEARD STREET

An application received from the Southern Pacific Company to construct an interchange track and relocate a drill track across Beard Street was referred to the City Manager for study and recommendation.

RESOLUTION OF CONDOLENCE TO CITY CLERK REX E. GAILFUS ON THE DEATH OF HIS WIFE, ALVANEICE GAILFUS

Mayor Marks introduced

RESOLUTION NO. 55-196

seconded by Councilman Anderson, expressing condolence to City Clerk Rex E. Gailfus on the sudden and untimely death of his wife, Alvaneice Gailfus, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Hammond, Robinson, Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Arata and Merrill

REPORT ON PROPOSED STATE LEGISLATION RELATING TO FOUR YEAR COLLEGE IN MODESTO

The City Manager reported that Assemblyman Brown would represent Modesto at a committee hearing which was being held in Sacramento tonight on a proposed bill which would create a four year college in Modesto.

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ADJOURNMENT

Councilman Anderson moved, seconded by Councilman Hammond, and it was unanimously carried, that the meeting now in session adjourn. The meeting was adjourned at 11:00 P.M.

ATTEST: Anne M. Collins
ANNE M. COLLINS, ACTING 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 Chamber at the McHenry Public Library, 14th and I Streets, Mayor Marks presiding.

The City Clerk called the roll and there were

Present: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson
and Mayor Marks
Absent: Councilmen: None

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

Invocation was given by Rev. Harley Stump, pastor of the Church of the Brethern.

APPROVAL OF MINUTES

Council members having received copies of the minutes of the Council meeting of April 13 and 19 and the same being available for public inspection, and there being no objections, the minutes were approved.

CITY CLERK AUTHORIZED TO PLACE ON AGENDA FOR COUNCIL MEETING OF MAY 11 - PRESENTATION OF CERTIFICATES OF SERVICE TO FORMER COUNCILMEN

The City Clerk was directed to place on the agenda for the Council meeting of May 11, the matter of presentation of certificates of service to former council members, Robert W. Adams, Clifford Annan, Dan Mellis and Marvin Heckendorf.

LETTER FROM FRANK ANDREWS RE: SUIT FILED BY CITY FOR COLLECTION OF MILL LICENSE FROM ANDREWS ELECTRIC MOTOR WORKS

A letter from Frank Andrews was read asking that the Council delay the suit filed by the city against Andrews Electric Motor Works, operated by Donald R. Andrews, for the collection of additional mill license tax due until "it had appointed a committee to investigate the true facts in this case and in the future have the City Attorney get the O.K. of the Council, before starting such a suit".

Director of Finance Lawrence reviewed the facts relating to the case for the information of the Council, which had come about from an audit of the records of the company by the city which indicated unpaid mill license for the period of April 1, 1951, through March 31, 1954, totaling \$195.36, plus penalty of 25%, \$48.84, total \$244.20.

The City Attorney pointed out that section 6-1.03 of the Modesto Municipal Code provided that "A suit may be brought against any person for any license fee in this chapter specified due and unpaid, in the name of the city, in any court of competent jurisdiction. The City Attorney is authorized to bring such action, when in his judgment there is reason to believe the amount can be collected; and an attachment may also be issued." He reported that Frank Andrews had filed a demurrer, in the Municipal Court, which would be heard May 9. He pointed out that the Council could, if it desired, appoint a committee, as Mr. Andrews had suggested, to go into the facts in the case. The Council agreed that this would not be necessary.

The City Manager reported that Mr. Andrews was asking the court to be allowed to be an "intervening party" in the case since his son, Donald Andrews, was the operator of the business and it would be up to the court to decide whether or not it would be approved.

LETTER FROM DISABLED AMERICAN VETERANS RE: SOLICITING SALE OF TICKETS BY TELEPHONE

A letter from Robert H. Keck, Commander, Modesto Chapter No. 26 of the Disabled American Veterans, asking that "the Council do not consider the adoption of an ordinance to prevent soliciting of sale tickets by telephone," was read.

The City Manager pointed out that the Council had received a request from another organization for legislation which would prohibit this type of ticket sale but at present there was no ordinance in effect.

The City Attorney pointed out that the Council did not have the power to prohibit the sale of tickets by phone but it had the power to impose reasonable regulations covering this type of sale.

It was agreed that Mr. Keck should be notified that there was a possibility of legislation being adopted by the Council requiring a license, after a report had been completed by the administrative staff.

DELAY CONSIDERATION OF CALL FOR BIDS ON CARVER TRUNK SEWER LINE

Director of Public Works Ray reported that the matter of approving plans and specifications and call for bids on construction of Carver trunk sewer line was not cleared as yet.

ORDINANCE AUTHORIZING THE SALE OF PARK AREA TO ARTHUR J. WYLIE

Councilman Arata moved the introduction and passage to print of

ORDINANCE NO. 24-C.S.

entitled: "AN ORDINANCE AUTHORIZING THE SALE OF CERTAIN REAL PROPERTY BELONGING TO THE CITY OF MODESTO" (Sale of park area in College Village #2 to Arthur J. Wylie), which motion being duly seconded by Councilman Hammond, was upon roll call carried and ordered printed and published by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: None

APPROVE APPROPRIATION TRANSFER FOR GENERAL MUNICIPAL ELECTION EXPENSE

Upon the recommendation of the City Clerk, Councilman Merrill introduced

RESOLUTION NO. 55-197

seconded by Councilman Anderson, approving appropriation transfer of \$1,475 from the General Reserve Fund to the Miscellaneous Unclassified Election Services (extra expenses on election of April 12, 1955), which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: None

AUTHORIZE EXECUTION OF RIGHT OF WAY AGREEMENT AND RECORDATION OF AGREEMENT WITH STANISLAUS COUNTY RECORDER-RICHARD E. LYNQ FOR UTILITY PURPOSES

The City Attorney presented for Council consideration, a right-of-way agreement between the city and Richard E. Lyng for land to be used in the Carver Road trunk sewer project. Councilman Adams introduced

RESOLUTION NO. 55-198

seconded by Councilman Merrill, authorizing the execution of a right-of-way agreement between the city and Richard E. Lyng by the city's designated officials and recordation with the Stanislaus County Recorder, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson,
and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

SET DATE FOR HEARING ON ANNEXATION OF WEST GLEN ADDITION TO THE CITY

The City Attorney presented for Council consideration, a resolution relating to the annexation of the West Glen Addition to the city. Councilman Adams introduced

RESOLUTION NO. 55-199

seconded by Councilman Arata, setting the date of June 15, 1955, at the hour of 4:30 P.M. in the Council Chamber, as the time and place for the hearing of protests to the proposed annexation of the West Glen Addition to the City of Modesto, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson,
and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

APPROVE APPROPRIATION TRANSFER OF FUNDS FOR SPECIAL POLICE EQUIPMENT

Councilman Merrill introduced

RESOLUTION NO. 55-200

seconded by Councilman Anderson, approving appropriation transfer of \$1,934 from the General Reserve Fund to the Police Department, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson,
and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

DELAY APPROVAL OF THE CONTRACT WITH WILLIAM BELL, GOLF COURSE ARCHITECT

The City Attorney reported that due to press of business that he had not been able to prepare the contract with William Bell, Golf Course Architect for the development of the 18 hole golf course.

TRAFFIC MATTERS

Traffic Engineer Carmody outlined various traffic problems with the newly purchased "Master Vu-Graph Projector", which had been purchased by the city.

ESTABLISH "NO PARKING" ZONE ON 7TH STREET AT L STREET

Upon the recommendation of the Traffic Engineer, Councilman Merrill introduced

RESOLUTION NO. 55-201

seconded by Councilman Anderson, establishing a "No Parking" zone on the southwesterly curb line of 7th Street at its intersection with L Street in the City of Modesto, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson,
and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

ESTABLISH "NO PARKING" ZONE ON EAST SIDE OF 9TH STREET BETWEEN J AND K STREETS

Upon the recommendation of the Traffic Engineer, Councilman Anderson introduced

RESOLUTION NO. 55-202

seconded by Councilman Arata, establishing a "no parking" zone on the northeasterly curb line on Ninth Street, between J and K Streets in the City of Modesto, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson
and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

REMOVAL OF "NO PARKING" ZONES ON NINTH STREET BETWEEN D AND M STREETS

The Traffic Engineer reported that eight "No Parking" zones on 9th Street between D and M Streets, which had been installed under the old highway system to afford visibility at intersections, could be removed since installation of traffic signals at all these intersections made them obsolete.

Mayor Marks asked Mr. Carmody if the installation of parking meters on the west side of Ninth Street was under consideration. Mr. Carmody stated that a recommendation would be made at a later date as soon as he had been able to complete his report.

Councilman Anderson moved, seconded by Councilman Robinson, and it was unanimously carried, that the Traffic Engineer be authorized to remove the "No Parking" areas on Ninth Street between D and M Streets, as outlined on his map report of March 22, 1955.

ESTABLISH I STREET AS THROUGH STREET BETWEEN FIFTH AND NINTH STREETS

Upon the recommendation of the Traffic Engineer, Councilman Arata introduced

RESOLUTION NO. 55-203

seconded by Councilman Hammond, establishing stop signs on the northwest and southeast corners of Eighth Street and Sixth Street, stopping traffic entering I Street, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson
and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

The Traffic Engineer reported that a new traffic ordinance would be presented for Council consideration shortly which would cover all through streets.

DELAY CONSIDERATION OF AGREEMENT FOR SEWER AND WATER SERVICES FOR LANCE & CAROL ELLIS "GREGORY GARDEN ADDITION"

The consideration of an agreement for sewer and water service for the Gregory Garden Addition being developed by Lance and Carol Ellis was held over for consideration at a later date.

IMPROVEMENT DISTRICT NO. 3 (SEWER LATERALS AND STREET LIGHTING IN FREMONT-GRANGER ADDITION)

Improvement District procedure was explained to the new members of the Council by the City Manager and City Attorney. The proposed boundaries in the Improvement District No. 3 which provides for sewer laterals and the furnishing of street lighting materials in the Fremont-Granger Addition, were discussed.

Councilman Arata introduced

RESOLUTION NO. 845-S.P.

seconded by Councilman Robinson, making a preliminary determination that public convenience and necessity require the construction of sanitary sewer laterals and furnishing of street lighting materials, supplies, appliances and appurtenances in Improvement District No. 3 and determining that necessary proceedings be taken without compliance with the provisions of the Special Assessment Investigation, Limitation and Majority Protest Act of 1931, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson
and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

Councilman Robinson introduced

RESOLUTION NO. 846-S.P.

seconded by Councilman Adams, directing R. E. Fredricksen, City Engineer, to prepare plans and specifications for the construction of sanitary sewer laterals and for furnishing street lighting materials, supplies, appliances and appurtenances in Improvement District No. 3, together with careful estimates of the cost thereof and designating and describing the work and improvement as Improvement District No. 3, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson
and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

Councilman Adams introduced

RESOLUTION NO. 847-S.P.

seconded by Councilman Arata, approving and adopting the plans and speci-

fications for the work and improvement to be done in said Improvement District No. 3, submitted this date by R. E. Fredricksen, City Engineer, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson
and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

Councilman Arata introduced

RESOLUTION NO. 848-S.P.
RESOLUTION OF INTENTION NO. 247

seconded by Councilman Hammond, stating the intention of the Council to order the construction of sanitary sewer laterals and furnishing of street lighting materials, supplies, appliances and appurtenances in Improvement District No. 3, setting the date of May 25, 1955, at the hour of 7:30 P.M. in the Council Chamber of the City of Modesto located at 14th and I Streets in the McHenry Public Library as the time and place for the hearing as to the public convenience and necessity of the construction of the aforesaid sewers and street lighting standards in accordance with the provision of the Improvement Act of 1911 and without the compliance with the Special Assessment Investigation, Limitation and Majority Protest Act of 1931, and setting the date of May 25, 1955, at 7:35 P.M. for the hearing of protests of any and all persons having any objection to the proposed work or improvements or any objections to the grades to which said work is proposed to be done or to the boundaries of the district proposed to be assessed to pay the cost and expenses of said work, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson
and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

The method used in financing perimeter lights with reimbursement to the city at a later date, and the policy adopted by the Council on these lights was explained by Director of Public Works Ray. He reported that the city's contribution for fringe lights in this district would be approximately \$2,900.00, which would later on be reimbursed to the city.

DELAY APPROVING AGREEMENT WITH MODESTO COMMUNITY ATHLETIC ASSOCIATION FOR POLICE OFFICER SERVICES AT BASEBALL GAMES AT DEL WEBB FIELD

The approval of an agreement between the City and the Modesto Community Athletic Association for police officer services at baseball games at the Del Webb Field was held over at Councilman Anderson's suggestion to investigate the possibility of using Reserve Police Officers instead of regular Police Officers.

AUTHORIZE THE CITY ATTORNEY TO PREPARE DOCUMENTS FOR LEASING BUILDING AT MUNICIPAL AIRPORT TO PACIFIC AIRCRAFT COMPANY

Airport Manager Harry Sham and Nathan Province, lessee of airport hangar, appeared before the Council regarding the renewing of the lease, which expires on June 30, 1955, for a three year term instead of the usual one year term.

Mr. Sham stated that Mr. Province, who operates the Pacific Aircraft Company, was buying more equipment and putting in a larger inventory of parts and considered that he should have a longer term lease.

Director of Public Works Ray recommended that a three year lease be provided at the existing rental of \$100 per month but that six months rental be paid in advance---\$100 for the first month and \$500 for the last five months term of the lease.

Mr. Province indicated approval of these arrangements providing the lease be renewed on the 3 year basis. Councilman Arata moved, seconded by Councilman Robinson, and it was unanimously carried, that the City Attorney be authorized to draft the necessary documents for the renewal of the lease of the airport hangar to Nathan Province, dba Pacific Aircraft Company for a term of 3 years, under the terms outlined by the Director of Public Works

APPOINTMENT OF MEMBERS ON PLANNING COMMISSION

Mayor Marks reported that Henry G. Anderson and James E. O'Keefe had expressed willingness to serve as members of the Modesto City Planning Commission. Councilman Merrill introduced

RESOLUTION NO. 55-204

seconded by Councilman Arata, appointing Henry G. Anderson a member of the Modesto City Planning Commission, for a term expiring January 1, 1959, to fill the vacancy on the Commission created by the expiration of the term of Herbert Ramont, January 1, 1955, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson
and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

Councilman Adams introduced

RESOLUTION NO. 55-205

seconded by Councilman Arata, appointing James E. O'Keefe a member of the Modesto City Planning Commission for a term expiring January 1, 1957, to fill the unexpired term of John W. Bomberger, resigned, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson
and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

APPOINTMENT OF MEMBER ON PERSONNEL BOARD

Mayor Marks reported that when Mr. Anderson's resignation from the Personnel Board was accepted, a new appointment could be considered.

APPOINTMENT ON BOARD OF LIBRARY TRUSTEES

Mayor Marks reported that Herbert G. Florcken had indicated that he would serve on the Board of Library Trustees. Councilman Arata introduced

RESOLUTION NO. 55-206

seconded by Councilman Merrill, appointing Herbert G. Florcken a member of the Board of Library Trustees for a term expiring January 1, 1959, to fill the expired term of William H. Murray, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson
and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

MAYOR MARKS AUTHORIZED TO WRITE LETTERS OF COMMENDATION TO PERSONS WHOSE TERMS EXPIRED ON VARIOUS BOARDS AND COMMISSIONS

Councilman Arata moved, seconded by Councilman Robinson, and it was unanimously carried, that Mayor Marks be authorized to write letters of commendation to Herbert Ramont, William H. Murray and Henry G. Anderson for serving on the various Boards and Commissions and that certificates of service, be issued to them.

CERTIFICATES OF SERVICE TO BE PRESENTED TO FORMER COUNCILMEN

Mayor Marks recommended, to which the other members agreed, that certificates of service be presented in person to former Councilmen Mellis, Annan and Heckendorf, whose terms had recently expired, and to former Councilman Adams who resigned to serve as Supervisor of District #4 of Stanislaus County. He also recommended, to which all other members concurred, that certificates of service be mailed to the other former Councilmen and Mayors. The City Clerk was directed to contact the Councilmen and ask them to be present at the next meeting and to place the matter on the agenda.

AUTHORIZE PREPARATION OF RESOLUTION GRANTING PERMIT TO SOUTHERN PACIFIC COMPANY TO INSTALL ADDITIONAL TRACKAGE ON BEARD STREET

Director of Public Works Ray reported on the request of the Southern Pacific Company to relocate an interchange track and construct new drill track on Beard Street, adjacent to the Flotill Cannery as per map enclosed with application. He recommended that the request be granted under the provisions of the Municipal Code, Section 11-3.01 relating to spur track permits. Councilman Anderson moved, seconded by Councilman Adams, and it was unanimously carried, that the City Attorney be authorized to prepare a resolution for Council consideration, granting permit to the Southern Pacific Company for a spur track as requested on its application.

CITY ATTORNEY REPORTED ON GARBAGE REGULATIONS

The City Attorney stated that the directive of the Council to prepare an ordinance providing for regulations and operation of garbage companies and collection of garbage in the city had not been concluded by his office due to press of other work. He stated that he was uncertain when he would find the opportunity to prepare the ordinance since other more pressing matters would have to be completed first.

REPORT ON LETTER FROM FRANK ANDREWS REGARDING COMPENSATION PAID MEMBERS OF THE CITY COUNCIL

The City Attorney reported that, as directed by the Council, he had answered Mr. Frank Andrews' letter of April 27, which protested that the compensation paid Council members should be refunded as he claimed it had been paid illegally since the 1951 Charter had rescinded the legislation authorizing payment. The City Attorney stated that he had advised Mr. Andrews that such compensation had been legally paid under the authority of an initiative ordinance establishing such compensation which had been voted by the people in 1919. The City Attorney stated that this ordinance was not rescinded by the adoption of the charter but that at the time the charter was drafted it had been the intent and desire of the Citizen's Charter Committee to continue this provision and the charter was so drafted, presented to, and approved by the Council with the knowledge that it was in the charter, and thereafter approved by the people.

A letter from Mr. Andrews, dated May 4, acknowledging receipt of the City Attorney reply and taking exception to his opinion on the question of compensation paid the Council members was read. He also "demanded that the Council instruct the Attorney to start action on Section 1406 at once. Ask the M.I.D. for an audit of its books and pay into the City Modesto's Treasurer the amount due the city".

The City Manager pointed out that the regulation of franchises was under the control of the Council, who would have to authorize the City Attorney to start any proceedings. Councilman Hammond moved, seconded by Councilman Anderson, and it was unanimously carried, that the matter of audit of the books of the M.I.D. and requirement of franchise payment be tabled until the Council had more facts. The City Clerk was directed to send the new Council members a copy of the City Attorney's opinion and report on Franchises.

REPORT ON PENDING LEGISLATION

The City Attorney reported that HR Bill #4560 which would reverse the decision on the Phillips case which placed the power of control of prices of natural gas at the well head under the Federal Power Commission, was up for consideration at the present time. The National Institute of Municipal Law Officers, at its recent conference, had gone on record as opposing any legislation which would reverse this decision, he stated. It is a question of whether this Council, he stated, would want to enter into the matter, or leave it up to national representatives. He reported receipt of a communication from NIMLO asking that the Council consider the adoption of a resolution expressing its view from the aspect of protecting the local consumer. In the general Council discussion, the following points were brought out: 1) that there were many arguments on both sides of the question which would have to be explored before a wise decision could be made by the Council; 2) that the control of prices at the well head might tend to stifle development; 3) Mayor Marks expressed opposition to any raise in any utility but believed that the matter was in good hands and should be decided on a national level by the citizens' capable representatives in Washington.

It was generally agreed that no action should be taken since all the facts were not available.

The City Manager reported that the City of Modesto had voiced its strong opposition to a proposed bill in the State Legislature which would make it impossible for a city to require subdividers to contribute funds for park purposes.

COUNCILMAN ADAMS REPORTS ON MEETING ON AIR POLLUTION IN BAKERSFIELD

Councilman Adams, City of Modesto's representative on the Central Valley Division Committee on Air Pollution, reported on an organizational meeting of the committee recently held in Bakersfield.

CITY MANAGER REPORT ON MEETING WITH PROPERTY OWNERS TO DISCUSS PROPOSED WIDENING OF MCHENRY AVENUE

The City Manager reported that administrative representatives had attended a number of meetings with property owners of McHenry Avenue to discuss the proposed widening of this avenue jointly by the state, city and property owners, who would deed the rights-of-way. Any technical assistance which the city could furnish, he stated, had been offered to the group. Councilman Arata moved, seconded by Councilman Merrill, and it was unanimously carried, that the city staff be authorized to give full cooperation to the group of property owners in their program for the widening of McHenry Avenue.

CITY MANAGER REPORTS ON NATIONAL RADIO PROGRAM ON "MODESTO"

The City Manager reported that KMOD radio station had made arrangements to broadcast the Mutual Network Radio program on Modesto on June 7th through its facilities. The program would be broadcast twice, he stated, and the exact hours of broadcast would be announced.

AUTHORIZE APPROPRIATION TRANSFER FOR LEGAL ASSISTANCE FOR THE CITY ATTORNEYS OFFICE

The City Attorney reported briefly on the work accomplished in his office during the month of April and the great number of uncompleted pending projects. He asked for authority to hire special counsel when and if needed on special projects on an hourly contractual basis, since his office quarters were too small to accommodate a full time Assistant City Attorney. He asked for an appropriation of \$750 to be used during the balance of the fiscal year and that consideration be given for similar arrangements in the 1955-56 budget.

The City Manager reported that his office, and those of other departments, were overloaded, but could be handled within the current budget. Provision for extra help would have to be made in the next budget if pending projects were to be handled properly. He recommended that the City Attorney be given help immediately.

Councilman Arata introduced

RESOLUTION NO. 55-206A

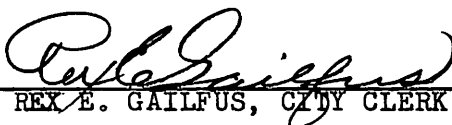
seconded by Councilman Merrill, approving transfer from the general reserve of \$750 to the City Attorney's budget to be used for legal assistance as and when needed on an hourly contractual basis, and authorizing the City Attorney to hire such assistance, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson (and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: None

ADJOURNMENT

Councilman Anderson moved, seconded by Councilman Merrill, and it was unanimously carried, that the meeting now in session adjourn. The meeting was adjourned at 6:00 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 2.101 of the Modesto Municipal Code, in the Council Chamber at the McHenry Public Library, 14th and I Streets, Mayor Marks presiding.

The City Clerk called the roll and there were

Present: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson
and Mayor Marks

Absent: Councilmen: None

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

Invocation was given by Rev. Dodds Bunch, pastor of the Centenary Methodist Church.

APPROVAL OF MINUTES

Council members having received copies of the minutes of the Council meeting of March 30, 1955, and the same being available for public inspection, and there being no objections, the minutes were approved.

PRESENTATION OF CERTIFICATES OF SERVICE TO FORMER COUNCILMEN

Mayor Marks presented certificates of service to former Councilmen Robert W. Adams, Dan Mellis and Marvin Heckendorf. He congratulated them, on behalf of the citizens of the community, for their outstanding service while serving on the Council.

MAYOR MARKS EXTEND WELCOME TO VISITORS

Mayor Marks extended a welcome to the visitors who had responded to the Council's invitation to attend its meeting. He reported that invitations were being mailed to 50 citizens in the community each week.

LETTER FROM MODESTO RETAIL MERCHANTS-DOWNTOWN DIVISION

A letter received from the Modesto Retail Merchants-Downtown Division expressing appreciation to the city for its assistance to the Association during the past year and reviewing the past years' activities, was read.

LETTER FROM STANISLAUS COUNTY PLANNING COMMISSION RE: MASTER PLANNING

A letter from the Stanislaus County Planning Commission was read, advising that Mayor Christoffersen, Chairman of the City-County Committee, had named Supervisor Robert Adams to represent the county and head a sub-committee to study county-wide master planning and that a meeting had been called for 7:30 P.M., May 25. The Commission requested the Council to name one Councilman and one member of the Modesto City Planning Commission to attend this meeting. Mayor Marks reported the appointment of Councilman Robinson and Commissioner O'Keefe to serve on this committee.

Supervisor Adams, who was present, stated that the same thing was true for all county cities, as well as the county itself; that the planning staffs were so bogged down with requests for variances and rezoning that little time was being devoted to planning. Now is the time, he stated, to formulate a master plan around the cities. He reported that he had suggested, for the Board's consideration, placing in this year's budget, funds to be used county-wide for master planning, primarily around the incorporated cities. He estimated that the master plan could be completed in approximately two to three years.

CONSIDER PROPOSED INCLUSION OF "COMMUNITY PLANNING" SECTION IN 1955-56 BUDGET.

Mayor Marks indicated approval of the proposed plan for county-city participation in a master plan program. He pointed out that the city planning department had been forced to operate on a "crisis basis" for a number of years. He expressed the hope that when the new zoning ordinance was adopted that the Board of Zoning Adjustment provided for in the ordinance, would relieve the commission from considering variances and routine matters. He pointed out that master planning on a joint county-wide basis would be more effective and was properly a function for everybody to work out together.

The City Manager read a report from Planning Director Smeath, dated May 11, 1955, on a proposed advance planning division budget.

Mr. Smeath recommended that in the preparation of the proposed 1955-56 budget, that community planning be given special emphasis and that certain appropriations for salaries and operating expenses for this purpose be segregated from the current planning and administrative functions of the Planning Department. This procedure, he pointed out, would be best if the master plan for this community was to be pushed to its completion within the next two or three years. On the basis of city-county participation in the program, Mr. Smeath proposed including in the 1955-56 budget \$13,780 for the preparation of a community plan. This would provide for one additional employee and the transfer of one existing employee from the current Planning Department to the Community Planning activity and provide an additional \$2,450 for specialized summer-time extra help this current summer. Mr. Smeath stated that it would also be real economy in proceeding with the preparation of the plan as quickly as possible since developments and changes which are continually taking place tend to cause work to be done over on parts of the plan effected by these changes.

The City Manager stated that the reason this proposal was being presented for Council consideration at this time was that the limited qualified planning personnel were available now, but that the demand for this type of personnel was heavy and that it would be necessary to make arrangements for hiring them as soon as possible, before the schools were closed.

Mayor Marks polled the Council:

Councilman Hammond: "I am in agreement with this program. Any operation has to have a future planning program in effect at all times."

Councilman Arata: "We should go along with this program."

Councilman Adams: "The proposed program is agreeable to me."

Councilman Anderson: Asked for further clarification on the proposed budgeted amounts.

Councilman Merrill: Approved of the plan.

Councilman Robinson: "I am in favor of the plan." He pointed out the savings to the community and the relief afforded to the planning staff.

Supervisor Adams outlined the proposed plan for city-county participation in the master plan program, in various communities.

A further discussion was held on the city's proposed budget for Councilman Anderson's information. Councilman Hammond moved, seconded by Councilman Robinson, and it was unanimously carried, that the memorandum of May 1, 1955, to the City Manager from Planning Director Smeath on the

subject "Proposed Advance Planning Division Budget" be approved in principle and that amounts be included in the proposed 1955-56 budget to provide for the preparation of a Community Plan.

LETTER FROM GEORGE D. FREIGE: AMUSEMENT PARK IN CITY

A letter from George D. Freige of Venice, California, asking to meet with any interested party to discuss the installation of an amusement park in Modesto was read. Councilman Hammond moved, seconded by Councilman Arata, and it was unanimously carried, that the matter be tabled. The City Clerk was asked to acknowledge receipt of the letter and advise him that the matter was tabled by the Council.

LETTER FROM FRANK ANDREWS RE: BUSINESS LICENSE & SALES TAX ORDINANCES

A letter from Frank Andrews regarding the "unworkable and unfair ordinances (767-N.S. Business License Ordinance) and 1136-N.S. (Sales Tax)" was read and ordered filed.

LETTER FROM FRANK ANDREWS REGARDING CITY'S WATER SUPPLY

A letter from Frank Andrews regarding the city water supply, was read.

A general discussion was held on the possibility of hiring a water rights attorney to determine if the city had any prior water rights, for domestic use, on the water being piped by the City of San Francisco from the Hetch Hetchy project, in pipe lines located three miles north of Modesto, but no conclusion was reached by the Council.

The City Attorney pointed out that many legal questions are involved in determining the city's water rights which can best be answered by an attorney, who is a specialist in this particular field and who has the necessary background on this type of problem.

The City Manager reported that the two year study, which was being undertaken shortly by the Stanford University, would relate to the source of underground water, its volume and permanence and not to the question of water rights of the community. He suggested that if the Council desired to ascertain its rights, that this was the time to do so, as the policy was being determined at state level which would set the pattern for 20 years or so.

The City Attorney reported that Mr. Andrews had been informed that the City Attorney's Office was open to him at all times to come in and discuss his license tax problem. Mr. Grimes pointed out that the problem was one for the courts to decide. Councilman Anderson moved, seconded by Councilman Merrill, and it was unanimously carried, that the letters received from Mr. Andrews be filed.

OFFER OF MASONIC CEMETERY ASSOCIATION TO PURCHASE JOHN MUIR SCHOOL PROPERTY

Two proposals to purchase the city's property, formerly old John Muir School property on Morris Avenue, offered by the Masonic Cemetery Association were discussed.

Councilman Arata recommended that this offer should not be considered until final plans had been concluded on the proposed use of the building by the United Crusade and various other organizations in the city. He reported on a recent meeting held with representatives of these organizations and stated that other meetings were planned.

City Attorney Grimes pointed out that it would be illegal to make the sale conditional upon a change of zoning as outlined in the offer.

Mayor Marks pointed out that the Council had a moral obligation to keep faith with the people in the neighborhood of the property to work something out with them for park facilities.

Councilman Merrill recommended that the proposals be tabled until further meetings had been held with the United Crusade group.

Councilman Adams moved, seconded by Councilman Hammond, and it was unanimously carried, that receipt of the proposals from the Masonic Cemetery Association be acknowledged and the Association be advised that until the various organizations interested in using the building had concluded their investigations and studies that final decision on its offer could not be considered.

LETTER FROM PARKING AUTHORITY ADMINISTRATOR DOUGLAS J. CARMODY REGARDING JOINT MEETING OF COUNTY AND AUTHORITY

A letter from Douglas J. Carmody, Administrator of the Parking Authority, asking Council consideration for a joint meeting at 2:00 P.M. Wednesday, May 18, was read.

At the request of the Council, Mr. Carmody outlined the proposed plan of the Authority for the leasing and developing of the Lewis property for a parking lot which is located adjacent to the present Authority parking lot on 9th Street between I and J Street.

Councilman Anderson moved, seconded by Councilman Hammond, and it was unanimously carried, that the Council meet with the Authority, at the time requested, as a Council Committee of the whole.

AUTHORIZE EXECUTION OF RIGHT OF WAY AGREEMENTS

The City Attorney presented for Council consideration right of way agreements relating to the construction of the Carver Road sewer line. Councilman Anderson introduced

RESOLUTION NO. 55-207

approving and
seconded by Councilman Adams, /authorizing the execution of right of way agreement with Lewis E. McClelland and recordation with the Stanislaus County Recorder, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson,
and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

Councilman Anderson introduced

RESOLUTION NO. 55-208

approving and
seconded by Councilman Arata, /authorizing the execution of right of way agreement with Arshavir H. Frankian and recordation with the Stanislaus County Recorder, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson,
and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS ON CARVER ROAD SEWER LINE

Upon the recommendation of the City Manager, Councilman Adams introduced

RESOLUTION NO. 55-209

seconded by Councilman Arata, approving the plans and specifications for the construction of Carver Road Sanitary Trunk Sewer and authorizing the calling for bids; said bids to be opened in the office of the City Clerk at 2:00 P.M., Tuesday, May 31, 1955, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson,
and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

REQUEST OF STANISLAUS FOOD PRODUCTS COMPANY FOR PERMIT TO CONSTRUCT A RAISED SIDEWALK WITH CONCRETE RAMP ON 12th STREET

A request was filed by the Stanislaus Food Products Company for permission to construct a raised sidewalk with concrete ramp running up to its warehouse floor level at its warehouse building at the South corner of Block 78, 12th and C Streets.

Director of Public Works Ray outlined the proposal of the company for the Council. He pointed out that request was for a temporary installation until such time, 2-3-5 years, as the company was able to proceed with a new building. He stated that the construction, as proposed, would project into C Street for a distance of 13' from the north property line, but since C Street is not open to traffic this would not affect its use. He pointed out that the city's records indicate that C Street exists west of 12th Street but there is some conflict with a description of property purchased by the company and furnished the city by the company. In the event the city's records are correct and C Street has not been vacated, the ramp would project into C Street as stated above. Since the proposed construction would not interfere with vehicular or pedestrian traffic, and since it will facilitate use of industrial facilities in this area, he recommended that a use permit be granted by the Council for temporary use of the portion of 12th Street involved for the purposes of a platform and ramp. He recommended also that provisions in such permit provide for revocation of said permit by the Council upon due notice. The company also requested permission to construct two concrete lanes, each 10' in width across D Street. These strips are proposed for use of warehouse trucks in moving materials between buildings. He recommended that the construction conform to lines, grades and cross-sections of 12th Street.

Councilman Anderson suggested that if the use of the ramp was seasonal, that it be constructed of lumber and removed when not in use. It was pointed out that weight of the load would prohibit this type of construction.

Councilman Arata reported that he had inspected the property and recommended approval of request since it was in an industrial area where there were no sidewalks and no parking was permitted on the street so there would be no vehicular or pedestrian traffic problem.

City Attorney Grimes recommended that the Council consider requiring the applicant to provide evidence of public liability and property damage insurance to insure the city against any damage resulting from the construction and use of this ramp. Councilman Arata introduced

RESOLUTION NO. 55-210

seconded by Councilman Merrill, granting a temporary permit to the Stanislaus Food Products Company for a loading platform and ramp on Twelfth Street at the south corner of Block 78, and permission to construct two 10' concrete lanes across D Street, all in accordance with the drawing prepared by the Department of Public Works under date of May 11, 1955, on the following conditions:

1. That the company agree to indemnify and hold the city harmless against any damage to property and persons resulting from the construction and use of this ramp;
2. That the permit could be revoked by the Council on a 60 days notice;
3. That the ramp be removed by the company when no longer needed;
4. That the 10' strips across 12th Street conform to lines, grades, and cross sections of this street.

which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson,
and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

DISCUSSION ON PROPOSED PURCHASE OF NEW CRAWLER TRACTOR

The Director of Public Works reported that specifications had been prepared for Council consideration for the proposed purchase of a new crawler type tractor to be used on street work and which had been budgeted in this years' budget. Councilman Arata introduced a resolution, which was later seconded by Councilman Anderson, that the specifications be approved and call for bids be authorized for the purchase of the tractor.

which The Director of Public Works outlined the different types of work on the tractor could be used. He pointed out that it would be difficult to draw up specifications which would meet every possibility, and call for bids for the reeling of streets. He estimated the cost of the tractor to be \$11,000.

Councilman Hammond recommended that consideration be given to the purchase of used equipment with a guaranteed warranty. He questioned the justification of investing \$11,000 in equipment which was limited in its use since the city already had a tractor which could be used for street work. Councilman Arata objected to the purchase of used equipment.

Councilman Robinson moved, seconded by Councilman Adams, that the approving of specifications and calling for bids on the tractor be tabled for one week until Councilman Hammond could make a study of the matter. Mayor Marks declared the motion carried. The Clerk was requested to place the matter on the agenda for the meeting of May 18.

DELAY CONSIDERATION OF LEASE WITH PACIFIC AIRCRAFT COMPANY ON HANGAR AT AIRPORT

The City Attorney reported that the consideration of an ordinance providing for a 3 year lease of the airport hangar to the Pacific Aircraft Company should be delayed until the lease had been executed by Mr. Nathan Province, owner of the company.

PLACE MATTER OF RESIGNATION OF HENRY G. ANDERSON FROM PERSONNEL COMMISSION ON AGENDA FOR MAY 18 COUNCIL MEETING

The City Clerk was directed to check with Mr. Henry G. Anderson, who was recently appointed to the Planning Commission, to obtain his letter of resignation from the Personnel Commission to confirm his oral resignation and to place the matter on the agenda for the Council meeting of May 18.

APPROVE AGREEMENT WITH MODESTO COMMUNITY ATHLETIC ASSOCIATION FOR THE FURNISHING OF SPECIAL POLICE PROTECTION AT BASEBALL GAMES

The City Manager reported that Floyd Benson, President of the Modesto Community Athletic Association had been contacted, as recommended by Councilman Anderson, and that he had indicated that he would like to proceed with the agreement as prepared by the City Attorney, providing for the furnishing of City Police Officers for special services at baseball games.

Councilman Adams introduced

RESOLUTION NO. 55-211

seconded by Councilman Robinson, approving and authorizing execution of agreement with the Modesto Community Athletic Association for the furnishing of City Police Officers for special services at the Del Webb Field during baseball games, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson, and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: None

AUTHORIZE EXTENSION OF PROVISIONAL APPOINTMENT-DONALD FETZER

Upon the recommendation of the City Manager, Councilman Robinson moved, seconded by Councilman Hammond, and it was unanimously carried, that the extension of the provisional appointment of Junior Engineering Aide, Donald Fetzer, of the Planning Department, from April 26 through June 26, be approved.

The City Clerk was asked to mail Councilman Hammond a copy of the qualifications and duties of this position. The City Manager recommended, to which the Council concurred, that a luncheon be arranged for the new Council members to discuss personnel matters in general.

APPROVE AGREEMENT WITH WILLIAM F. BELL, GOLF COURSE ARCHITECT FOR 18 HOLE GOLF COURSE

The City Attorney briefed the conditions and stipulations in the proposed agreement with William F. Bell, Golf Course Architect for his services in developing the 18 hole golf course. Councilman Anderson introduced

RESOLUTION NO. 55-212

seconded by Councilman Robinson, approving and authorizing execution of agreement with William F. Bell, Golf Course Architect for the development of the city's 18 hole golf course, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson, and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: None

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DISCUSSION ON PROPOSED MAJOR CITY STREET PROJECTS FOR 1955-56

For the information of the new Council members, City Manager Miller reviewed briefly the procedure followed by the State, County and City relating to the use of gas tax funds for street and highway improvements and maintenance.

Director of Public Works Ray submitted the following summary of proposed improvements for Council consideration for Major City Street projects, 1955-56:

1. Paving of Roseburg Avenue (Tully to McHenry Avenues)	\$34,650
2. Paving of Orangeburg Avenue from College to Tidewater tracks	9,805
3. Crossing of M.I.D. Lateral #4	35,700
4. Additional funds for improvement of Tully Avenue from Highway 99 to Coldwell	33,429
5. General Street Maintenance	33,700
	<u>\$147,284</u>

He stated that a report should be filed with the State by May 15th. He pointed out that although it had been the Council's recommendation that the bridge crossing at M.I.D. Lateral #4 be considered in this year's projects, that the traffic volume on both Morris and Virginia Avenues (1480 vehicles per day on Virginia and 800 on Morris), was low. He recommended that the funds be used elsewhere and suggested the intersection of 7th and B Streets for correction of the existing jog of B and Tuolumne Boulevard. He stated that B Street had over 11,000 cars per day and 7th Street, 10,600. It was generally agreed by the Council that the improvement of the intersection at 7th and B Streets should be substituted for item 3--crossing of M.I.D. Lateral #4, in the proposed major city street projects for 1955-56.

Councilman Adams moved, seconded by Councilman Anderson approving the proposed improvements for major city streets projects 1955-56, as submitted by the Director of Public Works with the provision that the improvement of the intersection of 7th and B Streets be substituted for Item 3--crossing of M.I.D. Lateral #4, and authorizing its submission to the State Highway Department for approval, which was unanimously carried.

DELAY CONSIDERATION OF AGREEMENT WITH LANCE ELLIS FOR WATER-SEWER SERVICE IN GREGORY GARDEN ADDITION

The City Attorney reported that consideration of agreement with Lance Ellis, subdivider, for water and sewer service for the Gregory Garden subdivision should be delayed due to the fact Mr. Ellis has not as yet signed the agreement.

AUTHORIZE RECORDATION OF AGREEMENT WITH BEARD LAND AND INVESTMENT COMPANY

The City Attorney recommended that the agreement between the City and the Beard Land and Investment Company for the transfer of street lights on Yosemite Boulevard be recorded with the Stanislaus County Recorder. Councilman Anderson introduced

RESOLUTION NO. 55-213

seconded by Councilman Arata, authorizing the recordation of the agreement, dated April 13, 1955, between the City of Modesto and the Beard Land and Investment Company for the transfer to the City of Modesto, certain street lights on Yosemite Boulevard between Phoenix and Parry Avenues, with the Stanislaus County Recorder, which resolution was regularly adopted by the following vote:

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Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson,
and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

APPROVE PROHIBITING TURNS AT MORTON BOULEVARD AND U.S. 99 HIGHWAY

Traffic Engineer Carmody reported on his investigation of the traffic problem created by right and left hand turns at Morton Boulevard and U.S. Highway 99. He stated that the Division of Highways had requested that simultaneous with the opening of the widened 9th Street bridge, that southbound traffic on the highway be prohibited from making a left turn onto Morton Boulevard and that west bound traffic on Morton Boulevard be prohibited from making a left turn onto 9th Street and that northbound traffic on the 9th Street bridge be prohibited from making turns onto Morton Boulevard. He reported that the owners of property in the vicinity of the intersection and the District Traffic Engineer for the Division of Highways recommended that regulations be adopted to accomplish the above. He listed in his memo to the City Manager of May 4, 1955, the turns at the intersection which he recommended be prohibited.

Councilman Arata moved, seconded by Councilman Merrill, and it was unanimously carried, that the City Attorney be instructed to prepare the necessary legislation.

AUTHORIZE RENEWAL OF AGREEMENT WITH HARRY JENKS FOR GENERAL CONSULTING SERVICES

Upon the recommendation of the City Manager, Councilman Merrill introduced

RESOLUTION NO. 55-214

seconded by Councilman Adams, authorizing the City Manager to enter into an agreement with Harry Jenks for one year's extension of the present agreement for general consulting services on the same term and conditions as now exists, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson,
and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

APPROVE EXTENSION OF AGREEMENT WITH STATE OFFICE OF CIVIL DEFENSE RELATING TO STORAGE AND USE OF CIVIL DEFENSE EQUIPMENT

Upon the recommendation of the City Manager, Councilman Arata introduced

RESOLUTION NO. 55-215

seconded by Councilman Adams, approving the renewal of agreement with the State Office of Civil Defense for the storage and use of a fire truck and equipment at the Modesto No. 1 fire station, for a term of six months ending November 9, 1955, and authorizing its execution by the city's designated officials, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson,
and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

REPORT BY CITY MANAGER ON HANDLING WATER AND SEWER SERVICE TO HOUSES AC-
QUIRED BY THE STATE OF CALIFORNIA FOR FREEWAY PURPOSES

The City Manager reported that certain administrative difficulties had arisen in connection with the collection of sewer and water charges from tenants in property purchased by the State for highway uses. He stated that a report would be made on the matter and presented to the Council for its consideration.

REPORT ON POST CARD POLL ON PROPOSED IMPROVEMENT DISTRICT IN THE JOHN MUIR
PARK AREA

The City Manager reported on the results of the post card poll conducted in the proposed John Muir Park Area Improvement District, to determine if the property owners wanted street paving, sidewalks, and curbs and gutters, (where not already installed). Of the total 143 cards and letters mailed to residents of the tract; 107 cards were returned; 76 of these did not wish any type of improvement and 8 wanted some type of improvement. Those favoring paving, but not sidewalks were 23.

Mayor Marks stated, "This indicates that something is wrong with our sidewalk program." He suggested that another area be tried and if the results were similar that the policy should be reconsidered.

Councilman Hammond suggested that the residents should be personally contacted in a door to door canvas and the program explained to them.

Councilman Merrill reported that a group of the residents planned to present a program to the Council and suggested that no action be taken until this proposal was filed, to which the Council concurred.

The City Clerk was directed to send copies to each Councilman, of the letter and post card sent to the residents and a copy of the report on the poll.

REPORT ON REQUEST OF W. R. THOMSON TO INSTALL BENCHES AT BUS STOPS

Traffic Engineer Carmody reviewed the request filed by W. R. Thomson to install benches at bus stops in the city. He stated that he had gone over the bus routes with Mr. Tomson and discussed the proposed sites for benches. Mr. Tomson had installed a sample bench on the corner of 10th and H Street, which showed the type of advertising to be used. Councilman Arata suggested that permission to install the benches be conditional on the printing of the bus schedules some place on the bench. Mr. Carmody reported that a report would be sent to the Council members on the matter. A suggestion was made that if the decision of the Council was to permit the installation of the benches that bids be called for, so that revenue would be received for this privilege.

ESTABLISH DATE FOR SUBMITTING PRELIMINARY 1955-56 BUDGET

Upon the recommendation of the City Manager, Councilman Hammond moved, seconded by Councilman Arata, establishing the date of June 15 for the submission of the proposed preliminary budget for 1955-56 to the Council by the City Manager, which was unanimously carried.

APPROVING AND AUTHORIZING EXECUTION OF AGREEMENT WITH THE SOUTHERN PACIFIC
COMPANY FOR SPUR TRACK ON BEARD STREET

Pursuant to the request of the Council, the City Attorney presented for consideration, a resolution granting request of the Southern Pacific Company for a spur tract on Beard Street. Councilman Arata introduced

RESOLUTION NO. 55-216

seconded by Councilman Adams, granting a revokable permit to the Southern Pacific Company for the construction of an interchange track and relocation of a drill track across Beard Street under certain conditions as outlined in the resolution, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson, and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: None

REPORT ON RECEIPT OF COPIES OF MODESTO MUNICIPAL CODE

The City Attorney presented for Council inspection a copy of the Modesto Municipal Code in final book form. He stated that experience might indicate that the price of \$2.50, established by the Council, for the annual service should be increased.

The City Attorney expressed appreciation to the Council for its support in the preparation of the code and to the various departments of the city who had participated.

LETTER FROM EVANS FUNERAL CHAPEL EXPRESSING APPRECIATION FOR ASSISTANCE FROM THE CITY POLICE DEPARTMENT

Mayor Marks read a letter which had been received from the Evans Funeral Chapel expressing appreciation to the Chief of Police for the assistance of this department in recently routing a funeral procession through the city.

COUNCIL GRANT REQUEST OF PLANNING DEPARTMENT FOR DELAY IN SUBMITTING REPORT ON CIVIC CENTER PLAN

Councilman Anderson asked, on behalf of Planning Director Smeath, for a delay of 30 days for the submission of a report to the Council on the civic center plan. This request was approved by the Council.

DISCUSSION ON CITIZENS COMMITTEE APPOINTED BY PLANNING COMMISSIONER MAY TO CONSIDER CIVIC CENTER

Councilman Anderson asked for clarification on the appointment of the Citizens Civic Center Committee by Planning Commissioner May, who was appointed by the Commission as its representative on the civic center program. He questioned the advisability of having so many individual small groups working on the project, instead of one large group. He also pointed out that it was planned to transport, in city cars, this committee, as a whole, to the City of Richmond for an inspection of its civic center.

Mr. Anderson contended that the groups should agree to come in and bring its findings to the combined committee and the Council committees.

It was agreed by the Council that citizen participation would be very desirable, and the use of city cars would be permissible.

DISCUSS PROCEDURE FOR PUBLIC HEARING ON PROPOSED ZONING ORDINANCE

A general discussion was held on the procedure to be followed at the hearing on the proposed zoning ordinance which was to be held on Tuesday, May 17th. It was agreed that the matter of the text would only be discussed at the opening session of the hearing, and that if it was not completely covered that an additional meeting be scheduled for Thursday, May 19 and that the map should be discussed at a hearing on Tuesday, May 24.

ADJOURNMENT

Councilman Adams moved, seconded by Councilman Arata, and it was unanimously carried, that the meeting now in session adjourn. The meeting was adjourned at 11:15 P.M.

ATTEST: 
REX E. GAILFUS, CITY CLERK

The Council of the City of Modesto met in special session this date at 7:30 p.m.

Present: Councilmen: Adams, Anderson, Arata, Hammond, Robinson, and Mayor Marks

Absent: Councilman: Merrill

Also present: City Attorney Grimes, City Clerk Gailfus, Planning Director Smeath, Associate Planner Cook, Planning Technician Stout, Traffic Engineer Carmody, Planning Commissioner O'Keefe, and Jack Crose of the Modesto Bee.

Approximately 35 interested citizens

Mr. Miller was given Council permission to leave the meeting to keep another appointment.

PUBLIC HEARING ON PROPOSED ZONING ORDINANCE TEXT

This being the time and place set for the public hearing on the text of the proposed zoning ordinance for the City of Modesto, the hearing was opened by Mayor Harry Marks.

Mayor Marks made it clear that only the text was to be considered at this hearing. He stated the proposed ordinance is not a perfect document but that by terms in the ordinance itself, provisions can be changed as necessary.

A letter to the City Council from the Planning Commission requesting consideration of the inclusion of four additional uses was read.

Members of the audience were given an opportunity to speak. Following are the names of those speaking and the comments made:

Frank B. Collier, Anglo Bank Building, interested only in map - not in text.

May Reeves, 712 Scenic Drive, asked regarding the possibility of the extension of a road across Scenic Drive which would go through her property. She also asked whether the Cemetery had purchased property in the immediate area and whether her property would be condemned. She was told these were matters apart from zoning.

G. W. Beane, 1116 Alice Street, interested in zoning of his property. He was informed this would be taken up at the public hearing next week.

Mr. and Mrs. Clarence Greenwell, 1337 Coldwell Avenue, no comments.

Lenora Swope, 804 Burke Avenue, wondered why Coldwell Avenue had been zoned light commercial. She was told this would be considered next week.

Jessie Trueblood, 1401 Tenth Street, asked regarding future status of her property on which an ambulance service is now operating under a use

permit. Mr. Smeath explained that if it is in a zone in which such use will not be permitted under the terms of the new ordinance it would become a non-conforming use and subject to the limitations as such, if it is legally operating at the time of the adoption of the ordinance. Mrs. Trueblood also stated she is interested in off-street parking requirements in the central business district.

Joe Mitchel, 517 South Washington)
Mrs. H. W. Rebman, 912 - 6th Street) All stated they had nothing to say
Mr. W. M. Way, 101 Hackberry Avenue) until the map is presented next week.

Robert K. Ford, 1107 Encina Avenue, interested in civic center zone and off-street parking. He was informed the civic center would not be discussed as part of the zoning ordinance. He said he desired to speak on parking later in the meeting.

Mr. Elliot Navon, 814 Magnolia Avenue, was also interested in the civic center.

Donald South, 112 Magnolia Avenue, interested only in the map.

Robert Bomberger, 936 - 11th Street, referred to the exclusion of a furniture store from a C-1 district but in which appliance stores, curtains, draperies and other miscellaneous home furnishing stores are permitted. Mr. Smeath explained that Industrial guide books had been consulted in classifying the various uses and that since Modesto's proposed ordinance contains only 2 commercial zones, slightly heavier uses are permitted in the C-1 than would normally be the case if there were provisions for 3 commercial zones. Mr. Smeath gave a brief explanation of the differences between a C-1, C-2 and C-3 zone, as a C-1 being a neighborhood day to day service area, the C-2 a larger, somewhat specialized area and the C-3 a heavy, specialized commercial area in the downtown center or a large outlying center.

Mayor Marks asked that a note be made of this question for Council discussion later.

Mr. Bomberger also questioned the feasibility of increasing side yards in residential districts from 5' to 6', stating this presents a hardship to subdividers who have already platted their land on the assumption that 5' side yards would be required. Mayor Marks asked the Planning Director to explain the advantages of such an increase, and whether the advantages will outweigh the disadvantages to the property owner. Mr. Smeath explained it is a question of light, air, fire protection, privacy and population density. He stated that during discussion of the side yard requirements by the Planning Commission at its meeting in the afternoon, it was felt that the proposed Board of Zoning Adjustment should be requested to grant a variance to permit a reduction of side yard requirements if they felt a hardship was involved. He referred specifically to subdividers who had received F.H.A. or Veterans Administration commitments on house plans. He stated the commission had also discussed the possibility of placing a time limit on the effective date of the requirements, perhaps a year, in order that presently subdivided land could be improved with 5 foot side yards.

Mr. Bomberger stated he would like to see the Council apply the 6 foot requirement to all lots subdivided after adoption of the ordinance but to allow those already of record or tentatively approved to observe only 5 foot side yards.

C. B. Bradford asked for reasons why a building material storage yard is allowed in a C-M zone and a lumber yard in an M-1, believing the two to be the same use. Mr. Smeath explained that a lumber yard is permitted in the M-1 zone, but it is thought that a building material storage yard is a small operation of localized building uses. He read from the Industrial Classification Guide which defined a lumber yard as a retail establishment engaged in selling certain lumber materials and a building material storage yard as a dealer's retail establishment selling brick, tile, cement, sand, gravel, etc.

Mr. Huls, 136 College Avenue, interested mostly in the map. He stated, however, that a number of older homes in the city are built on $37\frac{1}{2}$ foot lots and asked about side yard requirements in the event some of these were to be rebuilt. He was informed the side yard requirement on substandard width lots, is flexible to a certain extent, a minimum being 3 feet.

Mrs. Trueblood cited the example of her property having been recorded as 100 foot lots. In that event, she asked, what would be the side yard requirement. She was informed it would require 6 feet; however, if she were to obtain a variance application to have 2 50-foot lots made from a 100-foot lot, 5 foot side yards would probably be granted with the variance.

Mr. Bomberger, after being informed that eaves could extend beyond the 6 foot side set back, asked how this could effect added fire protection.

Francis Halley, 1209 H Street, present on behalf of downtown property owners "to discuss and to oppose and to request a change in the present requirements of this ordinance for off-street parking." He gave an example of what would be required in the way of space or in lieu payments for required space for a new retail store locating in Modesto. He stated he believed the requirements as written would cause considerable hardship and have results the Council does not anticipate nor desire, and that if the cost is prohibitive, prospective builders will go outside city limits or perhaps to another city, thus seriously affecting the tax base. He asked that it be emphasized, however, that he was speaking only for the central business area and not for the fringe. He stated that the recent purchase on 11th Street and the more recent lease on 9th Street by the Parking Authority should relieve the situation, and that it is his proposal, on behalf of his clients, that the complete downtown area be excluded from the parking requirements. He stated this proposal would be to exclude at least the area between 9th and 13th and G and L Streets. He referred to the zoning ordinance of Long Beach adopted in April, 1952, which states in part that the parking requirements shall not apply to any new buildings or reconstruction of existing buildings in the central business district devoted to commercial or industrial use.

Mr. Bacon stated he felt it unfair to require the central district to furnish equal parking spaces as outlying areas, as long as a parking authority is maintained and parking meter revenue collected.

Mr. Huls maintained there had been three commercial constructions planned for Modesto which had located in other cities or outside areas because of the uncertain future requirements of parking.

Mr. Beane asked regarding future status of his gun shop on Alice Street. Since this is operating under a variance granted by the City, he was advised to check with the Planning staff regarding details and it would be further considered at the hearing on May 24.

Tod Campbell, 514 Scenic, asked regarding the former proposal to require 25% participation on parking in the downtown area, stating he favored this arrangement.

Mr. Halley stated his clients had indicated they had additional facts to present regarding the parking situation and asked the Council to defer action on the parking requirements. Mr. Grimes pointed out the text of the ordinance could not be adopted by itself but must be accompanied by the map.

Mr. Bacon asked whether the intent is to collect in lieu payments of \$750 per parking space including necessary ingress and egress. He was informed the in lieu payments would be computed on this basis - to include the actual number of spaces required plus the amount of land for ingress and egress.

Mayor Marks asked whether the Council approved going over the specific questions which had been asked and attempting to resolve tentatively the ones that could be resolved at this hearing, the questions referred to being:

1. Why is a furniture store excluded from a C-1 District and an appliance store permitted?
2. What advantages are there in requiring 6 foot side yards rather than 5 feet as at present?
3. What is the difference between a lumber yard and a building material storage yard?
4. Parking.

Question No. 1, Furniture store

Mayor Marks pointed out a furniture store now existing in a C-1 zone can remain as nonconforming.

Mr. Bomberger felt a furniture store should be permitted in the same zone with a hardware store, variety store, appliance store, etc.

Mayor Marks thought the truck traffic relative to such a use would be objectionable to a C-1 district.

Mr. Smeath stated if all of the questions arising are to be cleared before adoption of the ordinance it would be a considerable time before the numerous problems facing the City can be resolved.

Mrs. Arata expressed the opinion a furniture store could not be divorced from an appliance store so far as zone is concerned.

Mr. Hammond asked whether 3 commercial zones would be the answer to the problem. Mr. Smeath said that was his feeling but when a zone is created it must be interpreted onto the map and without a land use study this is not practical. Furthermore, he stated this would cause another lengthy delay in the adoption of the ordinance. He stated if the Council felt it practical, furniture stores might be included in the same zone as appliance stores - either in C-1 or C-2.

After a poll of the Council it was noted 5 of the members felt the classification of a furniture store should be left in the C-2 as written, some of the reasons being that if this were argued and revised many other such items would be presented for argument; that the Council does not have enough information at present to recommend a change; and since amendment and variance procedures are set up in the ordinance, such items could be dealt with after the ordinance has been adopted. Mr. Arata felt furniture and appliance stores should be placed in the same zone. The Mayor declared that, by a majority, the section will stand as written.

Question #2: Increase in side yards

In answer to a question by Mr. Robinson, Mr. Grimes stated he felt for purposes of uniformity this requirement should apply to all lots on which building permits had not been requested prior to the adoption of the ordinance.

Mr. Robinson and Mayor Marks expressed the opinion special consideration should be given to lots in approved subdivisions. Mr. Bomberger stated he had recorded a subdivision map about a month ago which he planned to develop with a certain type house. If the 6 foot side yard requirements are applied to this subdivision he will have to have house plans altered.

Mr. Smeath suggested the 5-foot side yard requirement might remain in effect and be amended later after further study, but recommended that the 15-foot side yard requirement on the street side of a corner lot be observed and enforced.

Mr. Bomberger stated he does not feel an extra foot on each side of the dwelling is of any special benefit. He agreed, however, to go along with the 15 foot set back on the street side of a corner lot.

Mayor Marks enumerated the alternatives possible:

1. Accept Planning Commission recommendation of 6-foot side yards for all interior lots.
2. Accept recommendation of Planning Commission that a hardship be recognized on subdivisions already accepted and the requirement of 6-foot side yards not be imposed on such lots until 1957.
3. Leave the required side yards at 5 feet.

Mr. Bomberger stated that during the Council public hearing held in 1954, it was decided side yards should be 5 feet.

After discussion it was agreed by 5 members of the Council that on any lot of record, or in any subdivision the tentative map of which has been approved by the City, 5 foot side yards should be required. For all lots in subdivisions, the tentative maps of which are approved after the effective date of the ordinance, and all other new lots hereafter created, 6-foot side yards must be observed. Mr. Anderson favored a time limit on the effective date.

Mr. Smeath stated the Board of Zoning Adjustment would have power to grant variances on any lots which had received building commitments from F.H.A., Veterans Administration, etc. Mr. Bomberger stated, however, he would not be willing to assume that the Board would grant requested variances.

On motion of Mr. Robinson, seconded by Mr. Arata, Mr. Smeath was instructed to rewrite this section to require 6-foot side yards for all lots in subdivisions, the tentative maps of which are approved after the effective date of this ordinance and all other new lots hereafter created, and 5-foot side yards on all other lots, and bring it back to the Council.

Question #3: Lumber Yards and Building Material Storage Yards

Mr. Smeath suggested placing a building material storage yard in an M-1 zone. If found later to be less objectionable than a lumber yard the ordinance could be amended.

Mr. Robinson asked whether establishments such as Valley Asbestos compared in use to a lumber yard. Mr. Bradford stated this to be about the only example in Modesto of a building material storage yard without lumber. It was suggested the words "exclusive of lumber" be added to building material storage yard. Mr. Hammond suggested deleting the word "storage."

The Council agreed to have the Planning Director and the City Attorney and others interested - specifically Mr. Bradford - to work out the wording and bring it back to the Council.

Question #4: Parking

Clarification was given as to the requirements for additional parking after structural alteration and also the parking status in the change of use of a building.

Mr. Halley contended merchants and/or owners would be forced to pay the in lieu payment of \$750 per space because of the high value of the land in the downtown area.

Mr. Smeath pointed out it is necessary to limit the size of buildings in relation to the amount of off-street parking that can be obtained; that the more parking acquired without zoning control, the more likely buildings will be erected far in excess of the needed parking.

Mayor Marks stated the Council's alternatives in the matter are:

1. Reduce the in lieu payment or delete it entirely.
2. Adopt the provisions as written.
3. Delete Article 18 in its entirety.

Mr. Anderson asked what, in the event parking provisions were not required of the central business district, would the downtown merchants have to offer in its place. Mr. Halley stated they planned to get together and see if they could present a solution, and stated they would need a week at least.

Mr. Bacon requested another evening be devoted to the parking problem, exclusive of other matters.

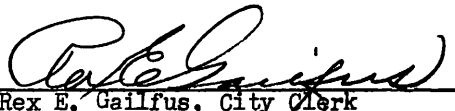
The Council set Tuesday, May 31 at 7:30 p.m. in the City Council Chambers as the time and place to which the public hearing would be continued on the parking problem.

CONTINUATION OF PUBLIC HEARING

Mayor Marks declared the public hearing continued to Tuesday, May 24, at 7:30 p.m. in the City Council Chambers, at which time and place the zoning map will be the subject of the hearing.

The meeting concluded at 11:45 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 Chamber at the McHenry Public Library, 14th and I Streets, Mayor Marks presiding.

The City Clerk called the roll and there were

Present: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson
and Mayor Marks
Absent: Councilmen: None

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

Invocation was given by Rev. Ray Riley, pastor of the Baptist Temple.

APPROVAL OF MINUTES

Council members having received copies of the minutes of the Council meeting of April 20, and the same being available for public inspection, and there being no objections, the minutes were approved.

ACCEPT RESIGNATION OF HENRY G. ANDERSON FROM PERSONNEL COMMISSION

A letter from Henry G. Anderson, submitting his resignation from the Personnel Commission, was read. Councilman Robinson moved, seconded by Councilman Anderson, and it was unanimously carried, accepting the resignation.

APPOINTMENT OF DONALD H. WEST TO PERSONNEL COMMISSION

Councilman Arata introduced

RESOLUTION NO. 55-217

seconded by Councilman Merrill, appointing Donald H. West a member of the Personnel Commission to serve the unexpired term of Henry G. Anderson until January 1, 1956, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson
and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

PETITION FROM PROPERTY OWNERS TO BE DELETED FROM IMPROVEMENT DISTRICT NO. 3 FOR SEWERS ONLY

A petition signed by Carl Heerman, Elinore Berry, Les Maxfield, and Mrs. C. N. Taylor, asking that they be deleted from the proposed Improvement District No. 3 insofar as it concerns sewers, was considered. The petitioners claimed that since they had been unable to obtain 100% participation of the property owners in the block to construct the sewers on a cash fee basis they wished to be deleted from the district so that they could have the sewers installed by a private contractor as provided in section 5-6.108, subsection (b) of the Modesto Municipal Code.

The City Manager pointed out that the public hearing was set for 7:30 P.M., May 25, and this petition could be considered at that time.

The City Attorney pointed out that the request could be considered by the Council at this time if it wished, since it would require the pre-

paration of an amendment to the Resolution of Intention and specifications. If the request was approved, at this time, the necessary documents could be prepared before the public hearing.

Director of Public Works Ray stated that these property owners had failed to make arrangements for their sewers within the specified time set by the Council and the property was now included in the district. He asked if this area was allowed to be deleted, should this privilege only be given to this particular area or would other areas be permitted to do likewise. He reported that he had advised Mr. Heerman sometime ago that if he could make arrangements for a private contractor before the Resolution of Intention was adopted that the area could be deleted but that now the resolution has been prepared, adopted by the Council, and advertised in the official newspaper, and the hearing date set.

Mr. Heerman requested that permission for the deletion be granted prior to the public hearing. He contended that if his request was considered with other requests at the public hearing that the Council might deny all requests for changes. Mr. Heerman contended that there were many ramifications involved in the case and that no other property owners would have a comparable situation. He considered that the city had "thrown a curve at the property owners" when the estimated costs were given to them for the installation of the sewers since the cost of the lateral from Granger to the alley was included.

Ray
Director of Public Works/outlined the procedure on estimating the cost and stated that "the figure we gave them was on the basis of the code provision and there was no discrimination and no curves thrown either."

Mr. Heerman stated that he was unable to obtain 100% participation in the block and had been unable to have the work done on the cash basis. He pointed out that since the property owners on the west side of Enslin Avenue had arranged for sewers and the sewer line would be built from Granger to the alley it would be possible for his block to have the work done on a fair and equitable basis by a private company. He stated that it was most urgent that the property owners have sewer service since the Berry home was temporarily connected for a 30 day period with the septic tank on the Heerman property.

The City Manager urged that no action be taken until a further check could be made. He pointed out that the present procedure was unfair to the city when the "easy ones were constructed by the property owners and the difficult ones were left up to the city." He recommended that the provisions be changed as soon as areas recently annexed were given an opportunity for sewers.

Mayor Marks suggested that a motion could be adopted by the Council authorizing the City Attorney to prepare an amendment to the Resolution of Intention to delete the property, and the Council could make its final decision next week at the hearing.

Mr. Heerman stated, "Once the district is formed, I am in. It will be too late if you wait until the hearing." He stated that "everytime I have attempted to work out something with the city I have run into some trouble along the line--some technicality." He related various problems involving the development of the Barham-Roosevelt Addition and claimed that he had been forced to construct alley approaches and oil the alleys.

The Director of Public Works pointed out that all subdividers were required to meet these requirements. He stated that both the College Village Addition and the Barham-Roosevelt Addition had been started under the county requirements and in order to secure water and sewer service these subdividers had agreed to annex to the city and that the city and county subdivision requirements were not the same. These additions had been annexed

during the time the subdivision ordinance was being changed, he stated which also caused some changes.

Councilman Anderson moved, seconded by Councilman Adams and it was unanimously carried, that the City Attorney prepare an amendment to the Resolution of Intention to delete the area from Improvement District No. 3 and have it available at the time of the hearing, and in the meantime, the matter should be thoroughly checked before the work is ordered done.

Mr. Heerman asked that the city staff check with the private contractor doing the work in the area to determine if it was true that city personnel had stated, "he would be in the improvement district whether he wanted to be or not."

The City Manager pointed out that "no city personnel had any authority to say that."

It was agreed by the Council that the statement should be checked out.

OFFER OF "HOT-DOGGER" TO THE MADDUX YOUTH CENTER BY JUNIOR WOMENS' CLUB

A letter from the Junior Womens' Club of Modesto offering to donate a Hot-Dogger to the Maddux Youth Center, was read. Councilman Anderson moved, seconded by Councilman Merrill, and it was unanimously carried, accepting the offer of the organization and authorizing the Mayor to write a letter of appreciation for the gift.

COMMENDATION OF POLICE DEPARTMENT

J. A. Hamilton appeared before the Council to commend the Police Department for its prompt action on a recent incident which occurred at his home, 409 I Street.

DISCUSS APPROPRIATION TO BETTER BUSINESS BUREAU

Hal Wilson, representing the Better Business Bureau, appeared before the Council to urge prompt action on its petition for financial assistance, which had been tabled by the Council until the 1955-56 budget was considered. He stated that unless some financial assistance was assured at this time that the Bureau could not continue its operations. Given an opportunity, he stated, the Bureau will soon be self supporting, but at the present time, funds are urgently needed. He distributed copies of a report on the activities and accomplishments of the Bureau since its formation.

In the discussion on the matter, the following points were brought out:

- (1) That the activity was for the benefit of private enterprise and should not be supported by a governmental body, but by the merchants.
- (2) That the organization benefited the merchants and citizens and indirectly was a protection for the tax payers of the city
- (3) That there were many other worthwhile projects which came before the Council for support which would save the citizens money and that financing this organization would set a precedent.
- (4) That the object of the Bureau was to protect the people from unscrupulous persons before the people needed the service of the Police Department and that the City Attorney and Police Department could not do anything about warning the citizens what and who to be aware of.

The City Attorney stated that there was no section in the charter relating to the type of expenditure proposed and that a further study would have to be made before he could rule on the legality of such a proposal.

Mayor Marks suggested that the Council could instruct the City Attorney to investigate the matter to determine if there was any legal manner in which the Council could dispense these funds in support of this organization.

Ted Brandt, representing the Modesto Chamber of Commerce, pointed out that the Chamber would inherit these problems if the Bureau was forced to discontinue its operation and that it did not have the staff or the mechanics to handle the complaints. "It would be tragic if we lost the Bureau in the community," he stated.

Council members urged the Bureau to consider a drive for membership or increase its dues.

Councilman Hammond considered it unwise to consider a monetary contribution but suggested Council consideration for the adoption of any legislation recommended by the Bureau to curtail the activities of unscrupulous operators in the community.

George Olsen and Giles Williams stressed the importance of the Bureau to the merchants and urged that financial support be forthcoming from the city.

Councilman Hammond moved, seconded by Councilman Merrill and it was unanimously carried, that the request for financial assistance from the Better Business Bureau be considered at the time the 1955-56 budget appropriation to the Chamber of Commerce was under consideration.

REPORT ON SALES TAX ORDINANCE ADMINISTRATION

The City Manager reported that a series of meetings had been held during 1952 with different groups of merchants to discuss the administration of the sales tax ordinance. The provisions of the ordinance and basis under which the city would administer it were explained to these groups and letters were written to business concerns who were not represented at the meetings. Substantial improvement resulted from these meetings, however, several problems still remain to be solved--one of which has arisen in connection with automobile dealers. A few months ago, the City Manager continued, audits conducted by the city staff revealed the fact that through misunderstanding, exemption certificates were not being properly handled. Before going on with the audits, he stated, further meetings were held with representatives from the automobile association to clear out the basis upon which exemptions could be allowed and the problem of the accumulation of cases where exemptions had been allowed which were questionable. The audits revealed cases where certificates had been partially filled out and not signed and cases where exemption had been allowed and no certificate signed by the purchaser.

The matter of how precise the city should be in administering the ordinance for transactions of the past was discussed at these meetings, the City Manager stated, and it was generally agreed that the city should not be too dogmatic. It was agreed that (1) the city cannot allow credit for exemptions where records indicate no exemption certificate was secured from the purchaser; (2) the city does not want anything it is not entitled to; (3) if the sale was made on a car and the car should be exempted under the ordinance the city expects, that a certificate be obtained from the purchaser, and if there isn't one on file, the dealer must go back and get one; (4) the questionable area is whether the car is used solely for business. There are many cases where it appears on the face, that the exemption is doubtful. The City Manager pointed out that it was

the responsibility of the dealer to determine the eligibility of the purchasers since he is responsible for collection and payment of the tax.

The City Manager stated that the association and staff generally agreed that, subject to Council approval, that the city cannot afford, for many reasons, to go back and try to untangle lots of these questionable certificates. He suggested that as far as the past was concerned that the dealers should be given the benefit of the doubt on certain certificates which are not clear.

The City Attorney pointed out that during the discussion, it was generally agreed that certain employment classifications, such as "soldier", "unemployed", "air force", should automatically be disallowed. The City Manager pointed out that his suggestion was on the past transactions and as to future transactions, something else would have to apply. He stated that any such ordinance presented administrative difficulties. He stated that the reason the problem was being brought to the Council for consideration was that "we are dealing with the city's money. The dealers and administration are in general agreement on the future administration of the ordinance and until it is changed, we will have to live under it."

Attorney Ted Martz, representing the Automobile Dealer's Association, stated that in going over the past records of the dealers, a reasonable test which each dealer could apply as a guide to exemptions on future sales had been agreed on; to-wit whether or not it was reasonable to assume in view of the nature and character of the business that the automobile could be used solely in the business outside the city.

To a question from Councilman Arata as to how far back it was planned to conduct the audits, the City Manager stated that although the matter had been discussed at the meeting, that it still was not cleared out.

The City Manager answered Councilman Hammond's question of whether this same attitude was to apply to other types of business; that it was true of all types of business, not only the automobile dealers.

Councilman Merrill moved, seconded by Councilman Robinson, and it was unanimously carried, that the recommendations of the administrative staff on the handling of past exemption certificates on sales tax, as outlined by the City Manager, be approved.

CITY MANAGER AUTHORIZED TO CALL FOR INFORMAL BIDS ON USED CRAWLER TRACTOR

Councilman Hammond reported on the Council Committee's investigation of the proposed purchase of a new crawler tractor. He stated that the committee considered that the number of hours which this tractor would be used during the year would not justify the large investment for a new tractor and it would recommend that informal bids be called for on a used tractor of this type with a new warranty guarantee. Councilman Hammond moved, seconded by Councilman Adams, which was unanimously carried, that the City Manager be authorized to obtain informal bids on a used crawler tractor with a new tractor warranty.

FINAL ADOPTION OF ORDINANCE NO. 24-C.S. SALE OF PARK PROPERTY TO ARTHUR WYLIE

Ordinance No. 24-C.S. entitled: "AN ORDINANCE AUTHORIZING THE SALE OF CERTAIN REAL PROPERTY BELONGING TO THE CITY OF MODESTO" having been heretofore introduced and ordered printed and published at the regular meeting of May 4, 1955, Councilman Adams moved, seconded by Councilman Arata, that the ordinance be finally adopted, which motion was upon roll call carried by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson
and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

ORDINANCE AMENDING TRAFFIC ORDINANCE 345-N.S. REGULATING TURNING MOVEMENTS

As requested by the Council, the City Attorney presented for its consideration, an ordinance which would regulate or prohibit turning movements on city streets. Councilman Arata moved the introduction and passage to print of

ORDINANCE NO. 25-C.S.

entitled: "AN ORDINANCE AMENDING SECTION 16 OF ORDINANCE NO. 345-N.S. OF THE CITY OF MODESTO ENTITLED 'AN ORDINANCE REGULATING TRAFFIC UPON THE PUBLIC STREETS OF THE CITY OF MODESTO', AS AMENDED," which motion being duly seconded by Councilman Adams, was upon roll call carried and ordered printed and published by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson
and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

The City Attorney pointed out that as soon as the ordinance was effective, consideration could be given to the recommendation of the Traffic Engineer that certain turning movements be prohibited by resolution at the intersection of Morton Boulevard and 99 Highway.

ORDINANCE PROVIDING FOR THE LEASE OF AIRPORT HANGAR TO NATHAN J. PROVINCE, (PACIFIC AIRCRAFT SERVICE) FOR A TERM OF THREE YEARS

As requested by the Council, the City Attorney presented an ordinance providing for the leasing of an airport hangar at the Municipal Airport to Nathan J. Province, dba Pacific Aircraft Service, for a term of three years. Councilman Adams moved the introduction and passage to print of

ORDINANCE NO. 26-C.S.

entitled: "AN ORDINANCE PROVIDING FOR THE LEASE OF CERTAIN CITY OWNED PROPERTY TO NATHAN J. PROVINCE AND AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT IN CONNECTION THEREWITH", which motion being duly seconded by Councilman Arata, was upon roll call carried and ordered printed and published by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson
and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

DISCUSS ATTENDANCE OF MEMBERS TO MEETINGS OF VARIOUS BOARDS AND COMMISSIONS

Mayor Marks suggested that the matter of failure of certain members of boards and commissions to attend meetings be placed on the agenda of the Council meeting of May 25th for Council discussion.

REPORT ON AERIAL PHOTOGRAPH OF MODESTO COMMUNITY BY PLANNING DEPARTMENT

Director of Planning Smeath exhibited the various types and sizes of aerial maps made by Fairchild Aerial Surveys which would be available for sale to the public.

RESOLUTION REGULATING WATER AND SEWER SERVICES ON PROPERTY ACQUIRED BY THE STATE OF CALIFORNIA FOR FREEWAY PURPOSES

The City Attorney, as directed by the Council, presented for its consideration a resolution providing for the furnishing of water and sewer services on properties acquired by the State for freeway purposes. Councilman Merrill introduced

RESOLUTION NO. 55-218

seconded by Councilman Hammond, authorizing the Director of Finance to charge the occupants of properties acquired by the State for highway purposes for water and sewer services on the flat rate basis and that the deposit required by the Municipal Code shall apply to such users, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson
and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

CONSIDER PAYMENT APPROVAL FOR PERIMETER SEWERS

The City Manager reported that the city's share of the cost of perimeter sewers in the Westland Manor Tract being developed by Robert Bomberger amounted to \$2,880. He stated that in line with the Council's policy the adoption of a resolution authorizing payment to Mr. Bomberger would be in order for Council consideration at this time.

The City Attorney suggested that the Council consider the execution of an agreement with subdividers in cases like this instead of paying money directly to the subdivider. It was agreed that a further check should be made and a report submitted at a later meeting.

GRANT REQUEST OF PARKING AUTHORITY FOR PURCHASE OF PARKING METERS FROM THE CITY OF ~~MODESTO~~ FRESNO

A request was filed by the Parking Authority to obtain 40 used parking meters from the city for use on its new 11th Street parking lot, which the city had recently purchased from the City of Fresno at a cost of \$7.50 each.

Councilman Arata introduced

RESOLUTION NO. 55-219

seconded by Councilman Hammond, approving the sale of 40 used parking meters and appurtenances to the Parking Authority at a cost of \$7.50 per meter, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson
and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

MAYOR MARKS REPORTS ON MEETING OF COUNCIL WITH PARKING AUTHORITY

Mayor Marks reported that at the joint meeting of the Parking Authority and Council which had been held at 2:00 P.M. this date prior to the regular Council meeting, everyone had agreed that the new Councilmen should have an opportunity to study the situation whether it would be desirable to have a parking authority to handle the parking affairs or whether the Council should handle it.

The Authority members, he stated, had stated that they would decline to work under circumstances where they felt they would have the responsibility without the authority. They also considered it would be more or less an affront to them to be asked to serve under these arrangements. They also considered it unnecessary to appoint a citizens committee to study the matter and if one was appointed they would resign.

The Mayor stated that the Council members who were present did not want to take action until all the members could consider the matter and they could have a full opportunity to go into all the facts. He recommended that copies of the Public Service Administration report on the city be made available to the new members. "After all these things are considered," Mayor Marks reported, "we will decide what we are going to do. It is not fair to them, the Council members, and the people of Modesto to have things up in the air."

GRANT REFUND OF MILL LICENSE TAX OVERPAID TO LATTIMER'S LIQUOR STORE FOR QUARTER ENDING 12-31-54

Upon the recommendation of the Director of Finance, Councilman Adams introduced

RESOLUTION NO. 55-220

seconded by Councilman Arata, authorizing refund of \$33.53 to Lattimer Liquor Store for over-payment of mill license for quarter ending December 31, 1954, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson
and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

AUTHORIZE REDUCTION IN IMPROVEMENT BOND FOR ASHFORD TRACT NO. 1

Director of Public Works Ray reported that C. Boyce Ashford, subdivider of Ashford Tract No. 1 had requested that his surety bond in the amount of \$11,500 be replaced with a cash bond in the amount of \$2,200 to guarantee the completion of the remaining improvements in his subdivision. Since the only work yet to be completed is the street and alley improvement, Mr. Ray reported, he would recommend the request be granted. Councilman Merrill introduced

RESOLUTION NO. 55-221

seconded by Councilman Hammond, approving the replacement of the surety bond with a cash bond by C. Boyce Ashford, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson
and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

REFER PETITION FOR ANNEXATION OF GREGORY GARDENS TO THE CITY TO THE PLANNING COMMISSION

A petition from Lance E. Ellis and Carol L. Ellis, subdividers of Gregory Gardens Addition, requesting annexation to the city, a copy of a notice from the County Boundary Commission approving the boundaries of the addition and a letter of transmittal from the Modesto City Planning Department were considered by the Council. Councilman Arata introduced

RESOLUTION NO. 55-222

seconded by Councilman Anderson, referring the petition for annexation to the Planning Commission for its report and recommendation, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson
and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

GRANT REQUEST OF COUNCILMAN MERRILL TO LEAVE THE STATE

Upon the request of Councilman Merrill, Councilman Adams moved, seconded by Councilman Arata, and it was unanimously carried, that Councilman Merrill be permitted to leave the State of California for a period beginning May 25 and ending June 6, 1955 (Section 502 of the City Charter)

REPORT BY CITY ATTORNEY ON PETALUMA TELEPHONE FRANCHISE LITIGATION

The City Attorney reported that the State Supreme Court had ruled on the case of the City of Petaluma vs. the Pacific Telephone & Telegraph Company. The decision was that the Telephone Company was entitled to a free franchise from the city. The expenses involved in this test case amounted to \$15,500--one-half of the cost was paid by 45 cities in the state and the balance by the City of Petaluma. Modesto contributed \$100, he reported.

REPORT FILED BY CITY CLERK ON EXPENSES OF GENERAL MUNICIPAL ELECTION HELD ON APRIL 12, 1955

Copies of a report prepared by the City Clerk listing the expenses of the General Municipal Election in the City of Modesto and the Modesto School District were distributed to Council members. The report indicated the total cost to be \$6,369.73, the city's share, \$2,763.94, and the schools, \$3,605.79.

DELAY IN SUBMITTING SUMMARY REPORT ON PERSONNEL

The City Manager reported that the summary report on personnel, which had been listed on the agenda, was not yet complete but would be filed shortly.

FINANCIAL STATEMENT FOR APRIL SUBMITTED

The City Manager submitted the financial statement for the month of April, 1955.

REPORT ON COST OF OILING ALLEYS

The City Manager reported that the total cost of oiling 8,764 lineal feet of alleys (including equipment, materials and labor) for the season of 1954 was \$2,835. The cost to the property owner is 8¢ per lineal feet (4¢ on each side), he stated, and \$701.12 of this amount was paid by them and the remainder \$2,134, was assumed by the City. In view of the fact that the alley oiling program may be greatly increased during the coming season because of recent annexation and in reviewing some of the things where the city is carrying the load in considering the 1955-56 budget, the City Manager stated, that he would suggest that the Council consider revising its fees. He pointed out that the Council could 1) leave the cost to the property owners "as is"; 2) increase the cost to cover material costs, about 10¢ per front foot (on each side); 3) increase the cost to cover all costs - about 17¢ per front foot (on each side). In the discussion, the point was brought out that the price should be kept as low as possible to be incentive to the property owners to oil the alleys from a "housekeeping"

angle. Councilman Adams moved, seconded by Councilman Arata, and it was unanimously carried, that the City Attorney present to the Council for its consideration, the necessary legislation to establish the fee at 10¢ per front foot.

REPORT BY CITY ATTORNEY ON TRANSFER OF SOUTHERN PACIFIC AREA PARKING LOT FROM CITY TO PARKING AUTHORITY

It was agreed by the Council that consideration to the transfer of the parking lot leased from the Southern Pacific Co. from the city to the Parking Authority be delayed until the status of the Authority was determined.

Mayor Marks recommended that the Authority investigate the possibility of leasing additional parking area from the Southern Pacific Company.

DISCUSSION OF RECREATION PROGRAM

Councilman Anderson recommended that consideration be given to the forming of a recreation committee or commission to have charge of the activities of the Youth Center, summer and after-school recreations programs. He suggested that the committee be composed of both adults and youth of Modesto with representatives from both high schools, Y.M.C.A., Scouts, Christian Endeavor, Y.L.I., and other similar organizations interested in the youth of the community. He suggested the following individuals be named on the committee: Don Oliver, to act as Chairman, Mary Grogan, Bill Stivers, Norman Sturm, Dan Mellis, Rev. Don Weston, and a representative from the City Council. He stated, "those activities are very important and they are not being handled properly at the present time. The Youth Center could have a program which would be more advantageous than the one now being conducted. If that activity was built for the youth of Modesto, the youth of Modesto should use it." He suggested that the use of the Youth Center be limited to the youth of Modesto since the tax payers built it. He suggested that cards could be issued to the youth, which cards could be picked up if any act was committed by a certain youth, which, in the eyes of the committee, would be out of line. He reported that certain groups and activities had been refused the use of the center which would have been beneficial to the youth. He stated that there was a lack of summer recreation facilities and there was a definite need for a good after-school program. He stated that his own children wished to use the facilities of the John Muir School property for baseball after school but that there was no supervision there. He pointed out that the committee or commission could be responsible to the Council and could publicize information to the citizens. If a person wished to report an unsatisfactory condition or incident, relating to the recreation program, he stated, it could be referred to this committee, which would investigate and "tell the people what is what". He suggested that a quarterback group program similar to other cities be started in the Junior High School level. He recommended that the committee be advisory in scope only, since the youth on the committee would be changing constantly as they left high school. He stated that these suggestions were offered by him for study and consideration by the Council.

Mayor Marks asked if this committee would more or less supercede the recreation department or if they would act as an advisory committee or both.

The City Manager pointed out that the Council had the authority to establish a committee or commission if it wished. He recommended that some of the things which Councilman Anderson had heard about the lack of a recreation program be checked. The present program, he stated, was developed by a citizens committee which brought its suggestion to the Council, which approved the program and it is presently being carefully followed. "I have never seen any activity where there was more misinformation being

broadcast than the youth center program," he continued. He reported that a bulletin issued by one of the local churches had a statement in it that the center was used more for programs about youth than by youth, which was a misstatement of facts. These rumors should be checked out.

Councilman Anderson stated that he had proof that many of the rumors were true. He suggested that representatives from the various schools should be consulted on the program so that first hand information and knowledge could be given to the committee to guide and establish a program, which in their opinion and in the opinion of the adults on the committee, would help formulate a program which all groups could use. "The program does not seem adequate," he stated.

The City Manager asked that the administration be given an opportunity to get the facts. He stated, "Most of the rumors you hear about the center are not true." "The Youth Center is not being used to the extent it could be," he stated, "but the Council considered this policy many times." A committee of Council members appointed by the Council worked with the citizens advisory group to formulate the program, he stated, and to establish a policy for the use of the center. "It is progressing according to plan," he stated, "but we would recommend that a good look be taken at what is being done before we get into any discussion. We should know about the facts." "We would recommend the fullest kind of investigation."

The City Manager reported on the recent joint meeting held by the City Recreation Department staff and the school staff to discuss the recreation budget for after-school program for the next year. "Many of the things Councilman Anderson talked about are in the proposed budget," he continued, "whether these are approved by the city depends partly on the kind of allocation made by the county." "There is a specific after-school program at each school--four days each week." "We will be glad to discuss this with you," he stated.

Mayor Marks suggested that such a committee as proposed by Councilman Anderson could act as a liaison committee between the citizens and Council to keep the recreation program up to date at all times.

The City Attorney pointed out that the committee could only be advisory to the Council since the charter provided that citizen committees must be advisory to the Council to assist in policy matters. Administrative responsibility could not be delegated to this type of committee, he stated.

Mayor Marks pointed out that many clubs and organizations had various committees to assist in youth welfare, etc., that could be asked to appoint representatives to such a committee as was proposed.

Councilman Robinson recommended as a matter of principle that the term of service be set for the committee at the beginning.

The City Attorney recommended that if Mr. Anderson's proposal was for a permanent set up that a commission be considered rather than a committee.

The City Manager suggested that a check should be made of other cities' experience with a recreation commission taking over the responsibility of a recreation program before any definite decision was made. "One way to do it would be to appoint a committee, give them a term of six months or a year to round it up and file a report," he stated. He pointed out that the city might find itself in the same position with a recreation commission as it now finds itself with the Parking Authority whether or not to keep it. He suggested that the Council consider the matter and it could be brought up at the next council meeting or a later meeting. He asked the Clerk to send a copy of the Council committee's report on the Youth Center to the Council Members.

REPORT ON CITY-COUNTY COMMITTEE MEETING REGARDING CARE OF PRISONERS

The City Manager reported that the City-County Committee had met to consider the proposed Legislature Assembly Bill No. 2192 which would take the ceiling off the county farm cost for prisoners. It is the city's position, he stated, that this ceiling should not be taken off. This was discussed with Assemblyman Brown and County Counsel Reyland, he stated, and the city is suggesting that if it is going to be amended at all that jail costs should be spelled out. He recommended that the following wording be proposed in an amendment to the bill:

In Assembly Bill 2192, add the following amendments:
 ("In line 2 of page 2, after "Industrial farm" and at the end of line 21, page 2, at the end of "county")

"Such costs shall include the cost of food of such prisoners and other maintenance and operating expenses of the jail but shall not include the salaries and wages of personnel employed by the county."

The Council indicated its approval of this recommendation and authorized the staff to proceed on that basis.

CITY GO ON RECORD AS SUPPORTING AB58-CREATING STATE PLANNING OFFICE

The Council went on record as supporting AB58-"Creating State Planning Office".

ADJOURNMENT

Councilman Anderson moved, seconded by Councilman Adams, adjourning this Council meeting now in session, which was unanimously carried. The meeting was adjourned at 7:00 P.M.

ATTEST:


 REX E. GAILFUS, CITY CLERK

The Council of the City of Modesto met in adjourned session this date at 7:30 p.m. in the City Council Chambers.

Present: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson, and Mayor Marks

Absent: None

Also present: Approximately 50 interested citizens

CONTINUATION OF PUBLIC HEARING ON PROPOSED ZONING ORDINANCE

This being the time and place set for the continuation of the public hearing on the proposed zoning ordinance for the City of Modesto, the hearing was reopened by Mayor Marks.

The Mayor informed the audience this hearing would be devoted only to the zoning map. He read a report from the Planning Commission, a copy of which is on file in the office of the City Clerk, titled "Procedure Used by Modesto City Planning Commission Concerning Zoning Map." He emphasized the statement in the report that the Planning Commission had "recommended those changes which it appeared could be made without the danger of creating serious land use complications in the future and to deny all other changes requested."

Mr. Wm. Bacon suggested all comments on the same piece of property be made before discussion of another property, but Mayor Marks indicated each person present would have the opportunity to speak in his turn.

Following are the properties discussed, names and addresses of those taking part in the discussion, and the comments made. These are not necessarily in order but have been grouped according to the properties discussed.

1. William Bacon, 207 Park Avenue, representing Frances Peterson, Mrs. Alameda, Mrs. Carlson, and Beverly Craft, residents of the streets north of Needham Avenue between Hackberry and Park Avenues, requesting that this area be zoned C-1. He described the surrounding area as to use and zoning, and the heavy traffic on Needham Avenue, stating the present R-3 zoning is unfair, since it is inconceivable that anyone would build a duplex or apartment house in this location. He stated that if the City wishes to establish a buffer zone so that business will not encroach upon the R-1 to the north, the area fronting on Needham could be zoned C-1 and a buffer zone still be maintained if no variances north of this point were granted.

Mr. Frank B. Collier, Anglo Bank Building, speaking for Mr. Walter Field, owner of property at the northeast corner of Needham and Sycamore, requested that this area be zoned C-1 or C-2. He cited Needham Avenue as a business street and stated it should be zoned commercial. He said that between McHenry Avenue and Highway 99 there are 20 different businesses on the south side of the street and 12 on the north. He stated it is lighted with neon lights, there is lots of noise, lots of business, it is a main arterial and no longer fit for residences. The accusation of those who do not wish commercial zoning for this area, he said, is that the proponents of rezoning are trying to destroy a beautiful residential section. He stated they are not -- that it has been already destroyed. He feels the City Council should be realistic and zone Needham Avenue property according to its present use, and also expressed the opinion that the center of a street is not, in his opinion, the proper line of demarkation for zoning. He pointed out strip zoning exists in other sections of the city -- on McHenry Avenue, for example - and if it is good for McHenry Avenue it should not be detrimental to Needham Avenue. A letter from Mr. Field was filed with the City Clerk.

Paul Worthen, 110 Poplar Avenue, stated of the 44 property owners represented on the street there are 11 separate properties still under R-3 zoning and all, with the possible exception of Mr. Way, are in favor of C-1 zoning. He requested C-1 for the entire north side of Needham from Virginia to McHenry.

Mrs. Kerr, 119 Needham, speaking on behalf of property owners in the half block on the north side of Needham between the alley west of McHenry and Elmwood Avenue, stated there are 3 houses there on property zoned R-3, all single family dwellings. She stated she would like to have this half block zoned C-1 or C-2 to

conform to the surrounding area.

Mrs. A. Davis, 115 Needham, of same opinion as Mrs. Kerr.

Mrs. Wyatt, 123 Needham, has owned and lived on this property for 25 years. The area, she stated, is no longer safe for either small children or elderly people. Needham is a truck route and the noise, day and night is unbearable. Feels it is unfair for the City to require them to maintain residential property in this location because it prevents them from leading a normal life.

Ed Wyatt, 123 Needham, requested C-1 or C-2, pointing out the noise from trucks stopping and starting at the signals at the intersection of McHenry, Needham and Downey make the property in the immediate area unfit for other than commercial use.

Donald South, 112 Magnolia Avenue, objecting to commercial zoning farther north of Needham than presently zoned. He stated if the commercial zoning is extended north it will include his property or extend to it, and he feels there is plenty of business zoning south of Needham so that more such zoning is not needed in his area. He requested the zoning remain as it is at present.

Mr. W.M. Way, 101 Hackberry Avenue, stated he did not know there had been a petition circulated requesting C-1 zoning for the north side of Needham between McHenry and Virginia. He stated, however, he is not in favor of such rezoning and requested that the area remain in R-3.

2. McHenry Avenue between Needham and Lateral No. 3.

Thomas Quinn, 226 McHenry Avenue, spoke in favor of C-2 zoning for this area rather than C-1. He stated a survey of the area showed 122 different business enterprises between Needham and Lateral No. 3 and of these, more than 55 are between Needham and Lateral No. 4. He said he feels the area is being zoned down by C-1 zoning in view of the fact that other areas comparable are zoned C-2. He cited the traffic count on McHenry and the proposed widening of this street as factors contributing to the feasibility for zoning the area C-2.

Mrs. Earl E. Damin, 125 McHenry Avenue, also requested C-2 zoning for the area fronting on McHenry Avenue.

C.O. Ryan, 230 Magnolia Avenue, owner of property at the southwest corner of McHenry and Morris, agreed with statements as made by Mr. Quinn and asked for C-2 in this area.

J.H. Andrew, 1343 McHenry Avenue, owner of property on the southwest corner of Orangeburg and McHenry, requested his vote be registered in favor of C-2 rather than C-1 zoning for property on McHenry Avenue.

Everett Woodworth, 215 McHenry, stated he understands his type of business will not be permitted in a C-1 zone and requested C-2 zoning on McHenry Avenue from Needham to Lateral No. 3. Mr. Woodworth was informed that his business would not be subject to abatement but only to provisions governing nonconforming uses.

Howard Wilbourn, 227 McHenry Avenue, read from a listing of different property uses he had prepared, stating there are 70 C-1 uses, 35 C-2, 4 M-1, 6 C-M, and 4 cleaning establishments which he could not readily determine as to C-1 or C-2 classification existing on McHenry Avenue. He pointed to the fact that half of the businesses are C-2 use and feels the area should be zoned C-2. He stated he had requested the Planning Commission to recommend zoning for C-2 to a depth of 250 feet on the west side of McHenry between Mensinger and Roseburg. This was requested on behalf of Mr. Messamer and Mr. Morris, and such depth would conform to the zoning on McHenry between Mensinger and Fairmont. This was requested on behalf of Mr. Messamer and Mr. Morris, and such depth would conform to the zoning on McHenry between Mensinger and Fairmont. He stated the properties between Mensinger and Roseburg extend west a greater distance than the 250 feet but had requested this for business zoning, to allow for off-street parking adjacent to McHenry.

W. H. Westmoreland, owner of property adjacent to McHenry Avenue, stated his property would be adversely affected if C-2 zoning is not given for a depth of

Carl Heerman, 608 McHenry Avenue, operates a real estate office on the corner of Frances and McHenry. He feels that in view of the character of business on McHenry it calls for at least a C-2 zoning. He felt considerable study should go into the zoning of McHenry Avenue and thought it should be deleted from the map until it has had more study, stating possibilities of McHenry Avenue for commercial development will be eliminated if C-1 zoning is effected. If this cannot be delayed until further study has been given the matter, he requested C-2 zoning.

Paul Hudelson, Coffee Road, owner of property on the corner of McHenry and Granger, asked for himself and on behalf of other owners in the area, when action would be taken on the zoning of McHenry Avenue. Mayor Marks stated it will be taken as soon as possible after the hearing being conducted tonight. Mr. Hudelson stated a number of property owners had requested an opportunity to confer with city officials because of the varying depths of commercial zoning in the area. Mayor Marks read from the Planning Commission's report mentioned earlier with regard to a proposed substantial amendment to the zoning ordinance within one or two years after land use studies have been completed. Mr. Hudelson then requested consideration by the Council to include some C-M and possibly some M-1 zoning on McHenry Avenue.

Phil Humphreys, 425 McHenry Avenue, stated that whether or not zoning regulations agree with use, the trend of growth of the commercial area is to the north and east. He asked that the Council look at the uses existing on McHenry and recommended that the final zoning coincide with the existing use as nearly as possible. He felt the widening of McHenry, if accomplished, should influence a decision toward a C-2 zone for a depth of 250 feet to better provide for off-street parking. His specific request was for C-2, C-M, and/or M-1 zoning to conform with the existing uses.

3. Property bounded by Bowen Avenue, College Avenue and Phelps Avenue in College Village Tract, Block 6717. 8 lots.

Robert Elledge, 1115 13th Street, representing Claude and Dalton Ellis, stated the area on the southeast corner of College and Bowen Avenues, proposed for residential zoning had been planned as a shopping center by the subdividers, and that certain commitments to that effect had been given by former city officials. He termed it an injustice to a taxpayer to tell Mr. Ellis he cannot use this as a shopping center after the City Manager and the commission had entered into negotiations. Mayor Marks reminded Mr. Ellis the City Manager does not enter into such negotiations. Mr. Elledge maintained, however, that negotiations on the subdivision had been with the Planning Commission, on the annexation with the City Manager, and his signature is on the document. He stated these negotiations were entered into with Mr. Ellis and incorporated, by reference, the subdivision map, and that it seems without good basis to deny commercial zoning to the section in question. He stated further it is his understanding that zoning of this particular area had not been discussed by the Planning Commission prior to this date, May 24, 1955.

Levoy Wright, 1604 Vernon Avenue, co-owner of the College Village Tract in which this property is located, stated he had purchased the property with the thought that it had been zoned commercial on the corner of Bowen and College and that people purchasing homes in the tract had done so, also, with the idea there would be a shopping center built. He stated it conforms with a proposed master plan for Modesto in that it is one mile north of College and Orangeburg, at which location is the nearest business to this area.

4. North side of H Street between Jefferson and Madison, Block 340, lots 13 and 14.

Edward T. Taylor, Jr., speaking for his father, stated these particular two lots are of a peculiar shape. He referred to surrounding zoning, that east along H Street is zoned C-1 or C-2 to within a short distance of his property, the same zoning beginning again at the intersection of H, Tuolumne and Sutter and leaving a strip of R-2 between, of which his property is a part. He referred also to the grocery store owned by Mr. Heckendorf in the same general location zoned R-2, which would be subject to abatement procedures if the zoning is not changed. He stated the area does not lend itself to R-2 zoning and a variance

had been granted on his property for commercial purposes in 1948 or 1949, the variance never having been used. In answer to a question by Mayor Marks, Mr. Taylor stated he would like to see the entire frontage on the north side of H Street between Washington Street and the C-1 zoning adjacent to Paradise Avenue zoned for C-1, but particularly his property - lots 13 and 14 in Block 340. He stated Mr. Bernadotti, owner of two lots in this same block had also requested C-1 zoning.

Mrs. Taylor stated 60% of the area in that block had been requested for C-1 zoning by its owners.

M. Heckendorf, 215 E. Patricia Lane, requested commercial zoning for his property adjacent to that of Mr. Taylor's, currently zoned R-2. He stated the existing building is brick and has been used for business for more than 20 years.

5. Northwest corner Virginia and Roseburg, occupied by Valley Builders Supply and warehouses owned by Smith and Falger.

Bill Hughes, 1129 Mills Avenue, expressed curiosity as to why this area had been proposed for C-1 zoning. He stated a number of people in the neighborhood had wondered why any commercial use was needed in this area, considered one of the nicest residential districts in the City, and citing the existing commercial areas at Orangeburg and College, some on Tully and some on McHenry as being ample to serve the needs of this district. He said he would prefer that the lumber yard remain, as he felt commercial establishments on the property would increase traffic.

Carl Crane, 1117 Mills Avenue, agreed with Mr. Hughes' remarks.

Mrs. Thornsby, 1133 Mills Avenue, said they do not want a shopping center in the area. She said, "Let the lumber yard stay. We will be worse off in ten years than we are now." Her specific objection was to C-1 zoning of this property.

Edward M. Lacy, 1125 Mills Avenue, thinks it would be unfair to force the lumber yard to move out, but when it does the people of the area do not think it should become commercial property because of the densely populated neighborhood. He stated business is not needed here since there is a nice shopping district on Orangeburg, business establishments on Tully and Roseburg, as well as McHenry Village. A shopping center, he stated, will increase the flow of traffic and create a hazard to school children particularly at Mills and College Avenues. He thinks the area should be zoned residential, but that the lumber yard should be permitted to remain for as long as 20 years.

Walter Thompson, 907 Helms Lane, opposed a change from R-2 to C-1. He stated, to his knowledge, Valley Builders is the sole user of the spur track.

Frank Griffith, 903 Helms Lane, agreed with Mr. Thompson's remarks.

Joe Berdott, 911 Helms Lane, reiterated the statement that Valley Builders are the only ones using the spur track and that any disposition of this spur would not affect the location of the tracks. He stated a shopping center is not needed in this location and that sometime ago it had been stated the area would not be considered for commercial zoning. He referred to the report read earlier in the meeting, stating that the rules as set forth therein on which the commission had based its recommendations do not conform in this case.

Robert Nickerson, 812 - 13th Street, representing Valley Builders and Smith and Falger, stated the proposal for C-1 zoning to be a compromise, with the property owners agreeing to remove the lumber yard and warehouses in ten years. He stated the first four people who had objected were immediately adjacent to the property in question and believed property owners somewhat farther away would welcome a shopping center here. He cited Roseburg Avenue as a major east-west street carrying considerable traffic and stated the property is not good for residences next to the spur track. He said C-1 zoning will not deteriorate the value of other property in the area. Mayor Marks asked whether it would make a difference to Valley Builders and Smith and Falger if they could have 20 to 25 years to amortize their investments before abatement of the buildings and/or uses,

and then effect residential zoning. Mr. Nickerson stated if they could have not less than 25 years some agreement might be reached on that basis.

6. South side of Downey Avenue between James and Newgate - Block 201.

Mr. L. B. Schlingheyde, 2115 Eye Street, appeared on behalf of himself and Mrs. Jessie Trueblood, requesting C-1 zoning for this half block. He stated it was once a street of homes but has become a business street and asks that zoning conform to an already accomplished fact. He stated nobody will build a home in a business area such as this and zoning will not permit a commercial use; therefore the property is rendered useless for anything other than duplexes, the erection of which would create a slum and blight the area. Present zoning, he stated, prevents the owners from making advantageous use of their land. He briefed the Council on the surrounding commercial establishments - a doctor's office, an ice cream retail store, service station, parking lot, etc., and stated homes will not be erected in the area as the noisy, smoky atmosphere would be objectionable.

7. North side of Downey Avenue between Johnson and Semple Streets.

Edward Lacy, 1024 J Street, appearing for Mrs. Wootten, Mrs. Trueblood, and Mr. Snapp, all owners of property on the north side of Downey between Johnson and Semple Streets, stated there are 4 homes in this block; his clients own three of them; the other is owned by Dr. Gilson, who is out of town, but that all of the owners desire C-1 zoning for the block, which is proposed and currently is R-3. He stated this area is business today and the only reasonable use for it is business. Immediately east, he pointed out, it is zoned for business and almost solidly so built up, but that this C-1 zoning ends at Semple Street. He cited the ambulance service and a dance studio which are operated in the block in which he is interested. The C-1 zoning is also in effect at the corner of Downey and McHenry, as well as across Downey Avenue, which, he maintains, "creates an island of residential property in a sea of business property." He felt the zoning to be too restrictive and too rigid. He stated the two main reasons why the Planning Commission is opposed to zoning this block C-1 are, as he understands:

- (a) They do not want business to encroach north of Downey.
- (b) Already too much property zoned for business.

To the first reason he stated the commission has power to prevent further encroachment north of Downey beyond the first tier of lots; that C-1 zoning is being requested only to the alley.

To the second reason he stated he does not think this sufficient for denying C-1 zoning to this part of the City, that perhaps some other property is improperly zoned, that this is no longer desirable for residential use, the natural use being for business. He believes zoning should recognize individual rights of property owner to the use of his property but not so that it would detract from the character of the neighborhood.

Vernon Snapp, 435 N. Santa Ana Ave. at one of the owners referred to by Mr. Lacy, requested C-1 zoning and that the line of demarcation be drawn at the alley rather than at the street which would minimize any possible damage to property to the rear.

Mrs. Trueblood, speaking in favor of C-1 zoning for both the two above areas, stated she had not, up to this time, said what she had really wished to say. It had been rumored, she stated, that she has enough money to live on and it doesn't make any difference how her property is zoned, but she averred this is incorrect. She stated she owns a number of small properties in Modesto but that everything she has wanted to use there for has been stopped either by zoning, a proposed highway or some other factor. During the time she has held these properties she said she had paid out some \$25,000 in taxes and lost \$12,000 in vacancies, land reductions, depreciation and usual upkeep. She stated that because her "stuff is small and scattered" she is being denied the rights which might be extended if she were a man. Referring to remarks which had been made that a great deal of commercial zoning has not been so developed, she stated much of this property is held by people who cannot afford to build and take the chance on renting it or they are holding it, hoping to be able to sell it to

someone who will develop it commercially. She stated she is requesting commercial zoning only on her property which seems logical for such.

Mayor Marks told Mrs. Trueblood that the Council looks on her as a citizen, a taxpayer and a member of a pioneer family; that he has heard nothing but respect for her and the Council has a desire to help her solve her problems. He stated they will give her request every consideration.

8. East side of Tully north of Granger Avenue.

Ira Woodman, 1607 Albany Avenue, interested in property on Tully north of Granger, stated their request had not been granted in full but modified to C-1. He would like to have C-2 zoning in the area but is anxious to have adoption of the map expedited and would be willing to accept C-1.

9. Area from Camellia to La Loma between Yosemite Boulevard and Miller Avenue.

Chet Spearing, 149 Covena Avenue, said he was interested particularly in the southwest corner of Miller and Covena. He stated his request for C-1 zoning had been recommended by the Planning Commission and that he had told the commission he was willing to give 14 feet of the property frontage for the widening of Miller Avenue, but could not give 30 feet as had been suggested. Mr. Smeath explained that Miller Avenue is primarily a 60 foot street but that along the Spearing property it is only 30 feet and immediately west is 14 feet. He stated the Public Works Department recommends the acquisition of 30 feet from Mr. Spearing and an additional 16 feet immediately to the west. However, in a planning commission discussion earlier in the day, the commission, realizing the problem which Mr. Spearing would have in dedicating 30 feet, felt at least 14 feet should be acquired by the City without charge; that unless Miller is to be widened it would be impractical to zone for business due to the increased traffic which would result. Mr. Spearing stated he would dedicate the 14 feet if the City would sign an agreement that they would not ask for more at a later time. Mr. Grimes stated such an agreement would be illegal but that no part of his property can be taken later without condemnation proceedings, in which case he would receive compensation. Mr. Spearing said the Public Works Department had told him he could not install curbs and gutters if he dedicates only 14 feet. Mayor Marks stated the Council will look into the problem "with the proper degree of intelligence."

Mr. Dean John, 131 Covena Avenue, in favor of C-1 zoning for the area but doesn't want to see Mr. Spearing penalized by being forced to dedicate 30 feet of his property for road purposes.

10. Corner Rosedale and Tuolumne.

B. A. Hilliker, 418 Colorado Avenue, owner of the lot at the southeast corner of Rosedale and Tuolumne, thanked the commission for recommending the area from Rosedale to Sutter on both sides of Tuolumne for R-2 zoning and stated he hopes the Council will see fit to follow this recommendation.

11. 108 Vine Street, Joe Mitchel, 517 S. Washington Street, owner of the property at 108 Vine, requested C-1 zoning for this lot. He stated it contains a concrete store building which cannot be moved; that the building has been vacant for several years and would like to use it for some type of light commercial.

12. College and Nellie Avenues from Needham to Lateral No. 4.

G. W. Beane, 1116 Alice Street, corner Alice and Nellie, stated his property faces the canal, is next to an industrial zone and adjacent to the Tidewater Southern railroad. Would like at least C-1 zoning. Has been R-2 and commission has recommended R-3. He is operating a gun shop under a variance granted some 7 years ago. He said the location is not fit for residences and no house has been built in the area for the last 5 years.

H. W. Huls, 136 College Avenue, representing the district as stated above, referred to the traffic, odors, railroad and canal as being contributing factors for logical C-1 zoning for the area, and requested either C-1 or C-2.

He stated business should be permitted to follow the residential expansion to the north and west or the commercial uses will develop beyond the corporate limits.

oOo

Chester Barham, operator of a garden supply store on McHenry Avenue between Tokay and Floyd requested C-2 zoning. Mayor Marks informed him this area is outside the city limits and the Council has no control over the zoning there.

Estelle Gonzales, 624 - 15th Street, requested that the text be changed to permit four roomers and/or boarders rather than three as now written. (Section 10-2.206.) Mayor Marks stated this request would be considered along with parking requirements and lumber yards vs. building material storage yards.

Councilman Anderson questioned the small R-2 zoning on Morris Avenue opposite Grantland Court. He was told this was a portion of a subdivision, all zoned R-2, but all of which, with the exception of the small portion referred to, lies outside the city limits.

CONTINUATION OF HEARING

It was moved by Councilman Arata, seconded by Councilman Anderson and unanimously carried, that the hearing be continued to Tuesday, May 31, 1955 at 7:30 p.m. in the Council Chambers. Primary discussion will be along the lines of the text, particularly parking, but that if time permits the proposed map may be discussed also.

The meeting concluded at 10:30 p.m.

Attest:


Rex E. Gailfus, City Clerk

The Council of the City of Modesto met in regular session this date at 7:30 P.M., as provided by Section 2-1.01 of the Modesto Municipal Code, in the Council Chamber at the McHenry Public Library, 14th and I Streets, Mayor Marks presiding.

The City Clerk called the roll and there were

Present: Councilmen: Adams, Anderson, Arata, Hammond, Robinson, and
Mayor Marks
Absent: Councilmen: Merrill

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

Rev. Dale Sherwood, Associate Pastor of the First Christian Church, gave the invocation.

APPROVAL OF COUNCIL MINUTES

Council members having received copies of the minutes of the meetings of April 27 and May 4, and the same being available for public inspection, and there being no objections, the minutes were approved.

PUBLIC HEARING ON IMPROVEMENT DISTRICT NO. 3 - SEWER LATERALS AND STREET LIGHTING MATERIAL IN FREMONT-GRANGER ADDITIONS

This being the time set by the Council for the public hearing on the proposed Improvement District No. 3, calling for the construction of sewer laterals and the furnishing of street lighting materials in the Fremont-Granger Additions, Mayor Marks declared the hearing open for the consideration of written objections filed by interested persons as to why the City Council should not find and determine that the public convenience and necessity require the said proposed public improvements in Improvement District No. 3, City of Modesto, without compliance with the Special Assessment Investigation Limitation and Majority Protest Act of 1931.

The City Clerk reported that no written protests to this portion of the hearing had been filed.

Mayor Marks asked for oral protests from the audience. J. B. Porter, 1448 Florida and Nelson K. Hovey filed protests against the lights. When it was pointed out by City Attorney Grimes that these protests were not protesting the "public convenience and necessity to the proposed public improvements in Improvement District No. 3 as a whole" but were related to their own property, they withdrew their protests so that they could be considered at the later hearing.

Mayor Marks declared the hearing closed.

Councilman Adams introduced

RESOLUTION NO. 849-S.P.

seconded by Councilman Robinson, finding and determining that the public convenience and necessity require the construction of sanitary sewer laterals and furnishing of street lighting materials, supplies, appliances and appurtenances in Improvement District No. 3, City of Modesto, Stanislaus County, California, that the Special Assessment Investigation, Limitation and Majority Protest Act of 1931 shall not apply; and determining that such project shall proceed under the terms and provisions of the Improvement Act of 1911, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Robinson and Mayor
Marks
Noes: Councilmen: None
Absent: Councilmen: Merrill

Mayor Marks declared the hearing open for the consideration of protests of any and all persons having any objections to the proposed work or improvements or any objections to the grades to which said work is proposed to be done or to the boundaries of the Improvement District No. 3, proposed to be assessed to pay the cost and expenses of said work.

The City Clerk read the written protests which had been filed by the following property owners in the proposed district:

1. Mrs. R. G. O'Neel, 1540 Florida Avenue, protested to street lights.
2. Mrs. Earl Layman, 1528 Florida Avenue, protested to street lights.
3. Nelson K. Hovey, 1509 Albany Street, protested to street lights.
4. Rex Knoles, 618 W. Granger Avenue, requested that his unsubdivided farm property in Block 6128A be left out of the improvement district as far as sewers were concerned. He stated that he had no objections to the street lights.
5. The petition which had been filed by property owners in Block 6128A asking that their property be deleted from the district as far as sewers were concerned, and which had been held over until this time, was officially considered at this time. These owners were Carl Heerman, Elinore Berry, Lester B. Maxfield, Mrs. C. N. Taylor.
6. The oral protest of J. B. Porter, 1448 Florida, to the street lights was also considered at this time.

Director of Public Works Ray listed the reason why Block 6128A had been included in the district--that there were dwellings in the block which would need this service, same as all of the other blocks in the area. The City Attorney pointed out that no arrangements had been made by the owners for sewer service by either of the alternate methods possible--cash fee payment as provided by the Code or private contractor, prior to the adoption of the Resolution of Intention, so it was necessary to include the block in the improvement district.

Mr. Heerman, who was present, pointed out that he was not objecting to either lights or sewers, but he was objecting to waiting for sewers until the district proceedings had been completed. For this reason, he stated, the property owners were asking to be excluded from the district so that they could proceed with the installation of sewers on a private contract basis at once.

The City Attorney read a letter which had been received from bond counsel, Eugene K. Sturgis. Mr. Sturgis pointed out that it was "basically unlawful for a City Council, after the passage of a Resolution of Intention, to grant special permits to individual lot owners to do their portion of the work proposed to be done under the Resolution of Intention. The reason for this is that if individual lot owners could withdraw after the passage of the Resolution of Intention, it would mean all of the overhead burden and expense of the assessment district is put upon the others in the district. The theory of the law apparently is that if an individual property owner was going to do his work by private contract, he had ample opportunity to do it prior to the passage of the Resolution of Intention."

The City Manager reviewed the facts relating to the provisions of the city ordinance permitting the installation of sewers on a cash fee basis or by private contractor, which had been adopted prior to the recent series of annexation and under which the people had been advised, prior to annexation, they could install their sewers. He outlined the procedure for setting up an improvement district--first a poll of the property owners is taken and if a majority are in favor of the improvement, the proposed boundary is set up. He reported that due to the fact that under the present procedure the "easy ones were installed by the property owners" and the "hard ones were left to the city", he would recommend that the ordinance be changed after the recently annexed areas were given an opportunity to sewer their property under these provisions. It was decided by the Council, he stated, from experience gained in other improvement district hearings, that it would be necessary to set a precise cut-off date for installing sewers under the provisions of the ordinance, which was done in this district.

Ray

Director of Public Works reviewed the happenings in the formation of Improvement District No. 3 which began on December 15, when he was instructed by the Council to mail out letters to the property owners in the proposed district informing them of the provisions of the ordinance for the installation of the sewers; 1) cash fee basis; 2) private contractor basis; and 3) improvement district proceedings. The cut-off date was established by the Council, as January 31 which allowed time for the transmittal of letters to the property owners, which were mailed on December 29. A report was made to the Council, he continued, showing the amount collected on the cash fee basis and that property owners in five full blocks were proceeding under the private contract basis. On April 13 the city entered into a contract agreement with Alec Rasmussen for the construction of laterals for the property owners who had paid the cash fee. April 18, the information was forwarded to Mr. Sturgis, bond counsel for the preparation of the necessary resolution of intention for instituting improvement district proceedings. Shortly before this time, Mr. Ray continued, he had discussed this matter with Mr. Heerman and advised him that there would be no reason, under the circumstances, why the property owners in Block 6128A could not make arrangements with a private contractor to install the sewers before the resolution was adopted. However, prior to April 18, no information was given to the Public Works Department that the property owners had entered into a contract with a private contractor for the work. May 4th, the Council adopted the resolution of intention unanimously and Block 6128A was included in the boundaries of the district.

Mr. Ray asked that at some appropriate time during this hearing that mention be made of his investigation, which had been made at the Council's request, on the statements purported to have been made to the private contractor by a city employee that "Block 6128A would be included in the improvement district, whether the property owners wanted to be or not."

Mr. Heerman stated that these property owners were not permitted to join with another complete block after they found it would be impossible to secure 100% participation on the cash fee basis, as other property owners in other locations in the district.

The City Attorney read the section of the Municipal Code outlining the provisions for 100% participation.

The City Manager pointed out that the ordinance required, on cash payment basis, that there should be one full block or more. "We have always proceeded on the basis that if you had the one block, you could add onto it." He stated that there were specific cases like this one which qualified on that basis. However, in this case, he stated, this question never came up.

Mayor Marks pointed out that it would be the responsibility of the property owners to make this type of arrangement and not the city's.

Mr. Heerman contended that they were advised by the Public Works Department that the only way for them was to secure the full block which they were unable to do since Mr. Knoles did not wish to join with them. "After we were informed we did not qualify for cash payment basis, we attempted to use the private contract basis and were told by the city that we would have to pay the full cost for the sewer collection line from Granger Avenue to the alley in our block, although, it would also be used by the property owners across the street." He stated, "We were not trying to save money but just trying to get sewers as soon as possible."

Mr. Rex Knoles, who was present, stated that he opposed the inclusion of his land into the district, as far as sewers were concerned, because it was undeveloped land. If the balance of the neighbors want to come in under the private contract basis, he stated, I will agree to join with them.

It was pointed out to him that this plan was not now available since the adoption of the resolution of intention. The City Attorney reminded the Council that each Council member would be legally responsible for any unlawful act.

Mayor Marks asked, "Does the Council wish to redraft the whole thing and have another hearing?"

The City Attorney outlined the procedure which would be required if this was done.

It was brought out in the discussion that it would be approximately 3-4 months before sewer service could be given under the improvement district proceedings, with a possibility if more protests were filed at further hearings, that it would be a longer time. Director of Public Works Ray outlined the procedure before the sewers would be turned over by the contractor for use by the property owners, calling for the acceptance of assessment roll, etc. He pointed out that the contractor could if he considered it advisable, permit the sewers to be used prior to the completion of the proceedings; but legally he would have the right to deny the use. He pointed out the way the sewers were designed, that Block 6128A was the "tag end of the line" and if it was excluded from the district that it would not deprive any other property owners from receiving the service, nor interfere with the rest of the improvement district in any way.

The City Attorney asked that the Council proceed with the hearing of protests on street lights so that the protest against the sewers could be considered later.

Mayor Marks asked for oral protests against the street lights. (7) George Passas, 212 W. Coolidge, filed a protest that he was being overcharged for lights. His costs were compared to others and it was brought out in the discussion that since his lot area was larger and the cost was based on an area basis, his costs would be larger than other owners.

It was generally agreed by the Council that the protests on the street lights would be overruled.

The City Attorney stated that it would be legally possible for the Council to exclude Block 6128A if the majority of the property owners in a single block protest against the doing of any one of the classes of work proposed to be done. The Council may sustain their protest and order all of the work to be done except that portion in the block where there has been a majority protest. He outlined the legal procedure if the protests of the property owners in Block 6128A was sustained by the Council.

Mayor Marks declared the hearing closed.

Councilman Anderson introduced

RESOLUTION NO. 850-S.P.

seconded by Councilman Arata, overruling and denying all of the said protests and objections of every kind or nature except for the protests of the majority of the owners in Block 6128A, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Robinson and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Merrill

Councilman Arata introduced

RESOLUTION NO. 851-S.P.

seconded by Councilman Anderson, determining and establishing the general prevailing rate of per diem wages for each type of craft or workmen needed to execute or perform the necessary work or improvement in accordance with the schedule appended to the resolution and described "Schedule or Per Diem Wage Rates" and ordering this schedule to be embodied in the Notice Inviting sealed bids and all contract documents in connection with said work and improvement in Improvement District No. 3, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Robinson, and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Merrill

Councilman Adams introduced

RESOLUTION NO. 852-S.P.

seconded by Councilman Robinson, resolving that the public interest and convenience require the improvement and ordering that the work and improvement as set forth and described in Resolution of Intention No. 247 passed by the Council on the 4th day of May, 1955, and in the plans and specifications therein referred to except improvements in an alley in Block 6128A between Enslin Avenue and East property line of land owned by Rex H. Knoles, et ux; be done and made; establishing the date of June 14, at 2:00 P.M. in the City Clerk's office as the time and place for the filing of bids, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Robinson, and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Merrill

At this time, Mayor Marks read the following letter he had received from Director of Public Works Ray relating to the statement made by Mr. Heerman at the meeting of May 18:

May 19, 1955

"Mayor Harry Marks
P. O. Box 1131
Modesto, California

Dear Mayor Marks:

Last night at the City Council meeting Mr. Carl Heerman requested that a check be made on "statement made to Andrew Rasmussen that Heerman would be included in Improvement District for sewer construction whether he wanted to be or not." (Mr. Rasmussen is a contractor who had been tentatively engaged by Carl Heerman to construct, under private contract, a sanitary sewer line in Block 6128-A.)

At 8:45 a.m. on this date, I talked to Mr. Rasmussen and Mr. R. E. Fredricksen of this Department regarding this matter. I was informed by Mr. Fredricksen that he had told Rasmussen this area had been included in the Improvement District Proceedings and that it would be up to the Council to exclude the area from the District at the time set for a hearing if they so desired.

Mr. Rasmussen states that he did not tell Carl Heerman that he would be included whether he wanted to be or not. He stated that he informed Mr. Heerman that he could not proceed with the construction of the sewer line under private contract without authorization from the City. He informed him that the matter was between the City and Mr. Heerman.

Sincerely,

MARVIN RAY (Signed)

MARVIN RAY
Director of Public Works

MR:mlm

cc: City Manager
Carl Heerman
Andrew Rasmussen"

REPORT BY COMMITTEE ON MCHENRY AVENUE WIDENING

Paul Hudelson, representing the Committee on McHenry Avenue widening, reported that over 80% of the property owners between Needham Avenue and M.I.D. Lateral #3 had signed a petition indicating their willingness to dedicate the required portion of land for this project. The committee will continue its efforts to secure the signatures of the balance of the owners, he stated. The committee considers that the project is now at a point where it should be submitted to the Council so that the necessary legal steps could be taken to get the "ball rolling".

Mr. Wilbourn stated that a number of property owners had indicated they would dedicate the land after certain questions were cleared, which the committee was unable to answer with any authority but which the city could clear.

The City Manager commended the committee on its activities and recommended that the Council accept the petition in the spirit it was offered and the administrative staff would assist the committee in its continued efforts to obtain the balance of the rights of way. He pointed out that the precise width and drainage facilities would have to be checked out with the city, county and state engineers.

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Mr. Hudelson reported that the State Division of Highways had advised that the state allocation board would meet sometime in June and that if this project could be cleared by then with the city and county that it was possible that an allocation could be made at this time.

Mayor Marks indicated the Council's willingness to assist the committee in any possible way to bring the project to a successful completion.

The City Manager stated that the city would contact the state immediately and check with them as to the proper procedure. Mayor Marks asked the committee members to check with the staff as to the status of the project.

City Attorney asked whether the handling of the rights of way would be taken over by the State Department of Public Works. It was agreed that this matter would be worked out with the state.

FURTHER CONSIDERATION OF QUESTION REGARDING PROGRAM FOR YOUTH CENTER AND RECREATION

A letter was read which had been received from Bob and Joy Crawford, who had been working with teenagers at the Maddux Youth Center for the past two years starting Square Dancing, praising the work done by the City's Recreation Department Staff with the activities at the Center.

The City Manager submitted a report for the Council's study relating to the activities conducted at the Youth Center, which consisted of 1) Record of items discussed by the Council regarding the Maddux Youth Center appearing in the Council Minutes; 2) A comparative record of attendance at the Summer Parks programs conducted by the Recreation Division; 3) Copies of the report of Director of Parks and Recreation Lloyd T. Lowrey on the program for the L. J. Maddux Youth Center, dated March 30, 1955; 4) Scheduled use of the Maddux Youth Center from September 15, 1954 to May 23, 1955. He pointed out that since some questions had been raised at the Council Meeting of May 18 regarding the recreation program and since the 1955-56 budget would be considered shortly, he had asked Director Lowrey and Recreation Supervisors Grogan and Walts to be present to answer any questions which should be cleared.

Councilman Anderson pointed out that the Council records had indicated that it was planned to appoint a committee to administer the program for the center.

The City Manager pointed out that the present program was the result of much work and study by a committee of citizens, including representatives from youth organizations. He stated that if the Council wished, he would be glad to send copies of the minutes to all of the new Councilmen showing the recommendations of the committee which had set up the program. He stated that he was pleased with the progress which had been made on the program. "A lot of people who criticize this program do not know what is going on at the center," he stated. He urged Council members to visit the center and inspect the programs in progress. "It would be tragic if the use of the center was hampered by misinformation."

Councilman Anderson contended that if people were willing to help on this program, they should be given the opportunity.

Mrs. Robert Crabb, 1010 Princeton, Chairman of the Social Studies Section of the Modesto Branch of the American Association of University Women, appeared before the Council and objected to the criticism "without facts", of the center which was given by Councilman Anderson at the last Council meeting which had appeared in the Modesto Bee. "If there is a

committee appointed for the Center," she stated, "we would stongly recoment that people who are qualified, who have the necessary education and background be appointed, and not someone pulled out of a hat, and just because he was the head of a Dads Club."

Councilman Anderson stated that he appreciated Mrs. Crabb's recommendation but that he did not make a practice of criticizing unless facts had been told to him by persons whose judgment he trusted. He did not make recommendations "helter skelter". His advisers, he stated, were interested in starting a quarterback club program in the community. "They feel and I feel," he stated, "that our athletic program should be pushed forward and brought up to a par with other cities in the valley. He stated that he would also like to see qualified people on the committee and that he was not saying that the people he suggested were the best people but that he felt when people express an interest to do something, those people are better than people who are more qualified who do not express an interest.

Mayor Marks pointed out that Mr. Anderson's suggestion was that a committee could be helpful to lay out a program which would not be costly to the city and that he did not intend any "slur" on the group which was working there and that it was intended more as an offer from certain citizens "what else can we do to help".

PRESENTATION OF CERTIFICATE TO FORMER COUNCILMAN CLIFFORD M. ANNAN

Mayor Marks presented former Councilman Clifford M. Annan a certificate of merit for his services to the city during his term of Councilman from April, 1951, to April, 1955.

DISCUSSION RELATING TO PAYMENT BY CITY FOR PERIMETER SEWERS IN SUBDIVISIONS

The City Attorney questioned whether the City could legally advance funds to a subdivider to defray a portion of the cost of the construction of sewers to be built on the perimeter of a subdivision, which was later to be recaptured from the subdivider of adjoining properties by the city. He suggested various methods. The city could enter into a contract with the subdivider relating to the construction of the perimeter sewers after a call for competitive bids and the city could pay its share, he stated.

It was agreed by the Council that the City Attorney should be authorized to work out the frame work for the program for the Council's consideration.

REPORT ON PROPOSED RIGHT OF WAY ON COLLEGE AVENUE TO M.I.D. LATERAL #3

The City Manager reported that the Council would need to make some final and fundamental decision on the proposed right of way for College Avenue up to the M.I.D. Lateral No. 3. He stated that it would be placed on the agenda for a later meeting and in the meantime those in the area who would be interested in the matter would be notified that it was coming up for action by the Council so that they could be present.

CONSIDER ATTENDANCE AT MEETINGS OF BOARDS AND COMMISSION BY MEMBERS

A general discussion was held on the recurring problem of non-attendance by members at the various meetings of boards and commissions of the city.

Councilman Hammond introduced

RESOLUTION NO. 55-223

seconded by Mayor Marks, establishing the policy of requesting the resignation of any member of a board or commission who does not attend at least two-thirds of the regular meetings over any six months period, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Robinson and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Merrill

RESOLUTION APPROVING AGREEMENT WITH STANISLAUS COUNTY RELATING TO THE FURTHER DEVELOPMENT OF THE MODESTO MUNICIPAL AIRPORT

Pursuant to the request of the Council, the City Attorney presented for consideration, an agreement between the City of Modesto and County of Stanislaus relating to the further development of the Modesto Municipal Airport, which had been executed by the County. The Council Airport Committee recommended its approval. The City Manager outlined the changes made in requirements for insurance. Councilman Arata introduced

RESOLUTION NO. 55-224

seconded by Councilman Anderson, approving the agreement and authorizing its execution by the city's designated officials, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Robinson and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Merrill

RESOLUTION CHANGING THE COST OF OILING ALLEYS

As requested by the Council, the City Attorney presented for consideration a resolution changing the fee for oiling alleys from four cents per front foot to ten cents. Councilman Robinson introduced

RESOLUTION NO. 55-225

seconded by Councilman Anderson, increasing the cost price to property owners for oiling abutting alleys from four cents per front foot to ten cents per front foot of abutting property, effective July 1, 1955, and rescinding Resolution No. 7868-N.S., which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Robinson and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Merrill

RESOLUTION COMMENDING THE MEMBERS OF THE MODESTO JUNIOR CHAMBER OF COMMERCE AND TOM MOORE, CHAIRMAN OF THE 14TH ANNUAL CALIFORNIA RELAYS

The City Manager suggested that the Council take official notice that the 14th annual California Relays, recently held in Modesto, and sponsored by the Modesto Junior Chamber of Commerce, was outstanding and of national importance since three world records had been broken.

Mayor Marks introduced

RESOLUTION NO. 55-226

seconded by Councilman Adams, commending the Modesto Junior Chamber of

Commerce, Tom Moore, Chairman of the California Relays Committee, and all of the many members who helped on the splendid manner in which the relay program was conducted, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Robinson and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Merrill

Mayor Marks read a telegram which he had received from Norman West from Akron, Ohio, pointing out that the relays had given "terrific publicity all over the east to Modesto".

CHANGING NAMES OF CERTAIN STREETS IN THE CITY AS RECOMMENDED BY THE PLANNING COMMISSION

Letters transmitting resolutions from the Planning Commission recommending the changing of the names of certain streets in the city were read. Councilman Arata introduced

RESOLUTION NO. 55-227

changing the term "Avenue" to "Drive" on those streets known as Oakwood and Ashwood, extending from Del Vale Avenue westward to Westland Drive in the Westland Manor #1 Subdivision, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Robinson and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Merrill

Councilman Robinson introduced

RESOLUTION NO. 55-228

seconded by Councilman Anderson changing the existing street names in the LaVilla Serena Subdivision as follows:

1. Seward Avenue to Enslin Avenue
2. Nancy Court to Ralston Court
3. Geraldine Street to Joaquin Street
4. Mayola Avenue to Fremont Avenue
5. Margo Court to Regent Court

which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Robinson, and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Merrill

AUTHORIZE PAYMENT OF CHARGE IN CONNECTION WITH THE GRAF HEARING AND AUTHORIZE TRANSFER OF FUNDS

Upon the recommendation of the City Manager, Councilman Hammond introduced

RESOLUTION NO. 55-229

seconded by Councilman Adams, approving payment of claim of Spalinger and Hill of \$1,123.75 for services rendered for a transcript of the hearing before the Personnel Commission April 14-28, May 2-3-9-10, relating to the

dismissal of Fern Graf, Policewoman, and authorizing the transfer of \$1,123.75 from the General Reserve, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Robinson and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Merrill

CITY MANAGER SUBMIT REPORT ON OPERATION OF THE POLICE DEPARTMENT

The City Manager submitted a report for the Council's information on the operation of the Police Department, showing progress already made and still remaining to be made in the department.

REMIND COUNCIL OF "YOUTH IN GOVERNMENT DAY" - JUNE 1

The City Manager reminded the Council that the annual "Youth in Government Day" sponsored by the Kiwanis Key Clubs in Downey and Modesto High Schools, would be held Wednesday, June 1.

REPORT ON PENDING LEGISLATION

Mayor Marks was authorized to contact Senator Donnelly and urge his support of the Uniform Sales Tax Bill which was up for consideration shortly. Councilman Anderson was also requested to urge his favorable consideration of the bill since he planned to be in Sacramento on Friday.

REPORT ON PROGRESS ON ANALYSIS OF FREEWAY AGREEMENT

The City Manager reported that the Planning Director, Traffic Engineer and Public Works Director had worked with the state and county officials on the proposed freeway agreement and made a number of proposals for changes which would be beneficial to the city and county and sent the changes back to the state. As soon as the state's report on the suggested changes is received, he stated, it will be presented to the Council for consideration. He suggested that the Council could invite the public to come in and review the proposals.

GRANT PERMIT TO STANISLAUS COUNTY HORSEMEN'S ASSOCIATION TO HOLD PARADE

A letter was received from the Stanislaus County Horsemen's Association asking permission to hold a parade in the business district, Sunday, June 5, at 12 noon in connection with its annual rodeo in Modesto. Councilman Adams introduced

RESOLUTION NO. 55-230

seconded by Councilman Robinson, granting permit to the Association to hold its parade on the same conditions as in the past years, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Robinson, and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Merrill

CITY MANAGER TO ARRANGE TOUR OF CITY AFTER PRESENTATION OF BUDGET

The City Manager suggested, to which the Council concurred, that the planned tour of the City by the Council be delayed until the preliminary budget had been filed for Council consideration.

REPORT ON APPOINTMENT OF HARRY SHAM AS DIRECTOR OF CALIFORNIA ASSOCIATION OF AIRPORT EXECUTIVES

Mayor Marks read a telegram received from Wilmer J. Garrett, President of the California Association of Airport Executives, announcing the election of Harry Sham, as Director of the organization for the year 1955-56.

LETTER FROM DANIA LADIES SOCIETY DANNEBROG OF CALIFORNIA AND NEVADA

Mayor Marks read a communication received from the Dania Ladies Society Dannebrog of California and Nevada expressing appreciation for the welcome and many courtesies shown the organization during its recent convention in Modesto.

CITY MANAGER INTRODUCES NEWLY APPOINTED ASSISTANT CITY MANAGER BILL MASON-HEIMER TO COUNCIL MEMBERS

C. W. "Bill" Masonheimer, newly appointed Assistant City Manager, was introduced to the Council members by City Manager Miller.

MAYOR MARKS REQUESTS THAT RECONSIDERATION BE GIVEN TO ORDINANCE PROVIDING FOR COMBINATION ANGLE AND PARALLEL PARKING

Mayor Marks asked that the Council reconsider the proposed ordinance which was voted down at a recent meeting providing for combination parallel and angle parking on such streets as approved by the Council. He stated that his deciding vote on the ordinance was based on the premise that the legislation was "obscure".

Councilman Anderson moved, but later withdrew his motion, that the Traffic Engineer reexamine the problem.

Councilman Anderson moved, seconded by Councilman Adams, and it was unanimously carried, that the City Attorney be instructed to bring the proposed ordinance to the next council meeting for consideration of the members and that copies be mailed to them, prior to the meeting, for study.

DISCUSS USE OF OLD JOHN MUIR SCHOOL BUILDING

Mrs. Harold Stanley, President of the Modesto Branch of the American Association of University Women reported that the association was still interested in using a portion of the Old John Muir School Building for its meetings. Councilman Arata reported that arrangements were still pending with the United Crusade for the use of the building and that she would be notified of further meetings after these arrangements had been concluded.

ADJOURNMENT

Councilman Anderson moved, seconded by Councilman Robinson, and it was unanimously carried, that the meeting now in session adjourn. The meeting was adjourned at 11:00 P.M.

ATTEST:


 REX E. GAILFUS, CITY CLERK

The Council of the City of Modesto met in adjourned session on the hearing on the proposed zoning ordinance this date at 7:30 p.m. in the City Council Chambers.

Present: Councilmen: Adams, Anderson, Arata, Hammond, Robinson, and Mayor Marks

Absent: Councilman: Merrill

Also present: Approximately 45 interested citizens

CONTINUATION OF PUBLIC HEARING ON PROPOSED ZONING ORDINANCE

Parking Provisions

This being the time and place set for the continuation of the public hearing on the proposed zoning ordinance for the City of Modesto, the hearing was reopened by Mayor Marks.

Mayor Marks announced the discussion will include only that portion of the text which has not been resolved - specifically, parking provisions and the request that the provision for 3 boarders and/or roomers in the R-1 and R-2 zones be changed to 4.

Mayor Marks asked the Planning Director for a summary of the items raised at the hearing on May 24, a copy to be given to each Council member as soon as possible.

Mayor Marks called on Mr. Halley, who had requested he and his clients be given time to study the parking situation in an attempt to suggest some solution.

Mr. Halley stated he and his clients had given the matter serious thought and he had been instructed to request the following:

1. That the downtown (hard core of the City) be exempt from the parking provisions of the zoning ordinance for a period of one year, during which they be given an opportunity to endeavor to form a parking district. He suggested that the hard core of the city be designated as that area between G and L Streets and 9th Street and the alley between 13th and 14th Streets.
2. That a committee from the Council be appointed to work with him and his clients in the formation of the district.
3. That the ordinance, when passed, contain an exclusionary clause excluding any area, in which a parking district has been formed, from the parking provisions.

Mayor Marks asked whether Mr. Halley and his clients have a particular act in mind under which the district will be formed. Mr. Halley stated they are considering the Act of 1951.

Mr. Grimes outlined the provisions of this Act with respect to the submission of a petition by the property owners to the legislative body indicating the area in which it is proposed to form the district, the type of facilities to be formed, type of financing, protest hearing, issuance of revenue bonds by the Council, levying of taxes on property within the district if revenue from parking meters is insufficient to amortize the bonds, and the operation of the facilities by a Board of Parking Commissioners, the Council being permitted to act as such or to designate this to some other body.

Mayor Marks stated he felt a district should be formed under the 1951 Act which includes the contingency liability clause, and preserve this community as a market place. If this is not done, he stated, we may lose our Class 2 fire rating, and will get more outlying shopping centers, and that to encourage the formation of a parking district is a sound action by the Council. He suggested, however, that all areas of the city be subject to the provisions of the zoning

ordinance until such time as a parking district has been formed. He asked Mr. Halley why he felt the appointment of a Council Committee on this problem to be necessary.

Mr. Halley stated he will need assistance on financial information and thinks the City Council should be acquainted at all stages of the proceedings with what the property owners are doing. He also requested that the formation of the district not be limited by the Council to the terms of the 1951 Act, although this is the Act which it is proposed will be used.

Mr. Smeath reported on a survey of a number of cities as to their parking requirements of the downtown areas. He stated out of approximately 20 replies, 16 or 17 had totally excluded the downtown areas; 4 or 5 had included them with some minor or total requirements and some were still working on the problem.

Councilman Hammond stated he likes the idea of the parking district but also prefers to see the ordinance apply until the parking district is in effect. He stated we must provide parking and thinks the downtown business district has been slow in meeting its obligations in parking, and does not think the ordinance is as "hurtful" as it first appears, and that all the time possible has been granted to meet this situation. He stated, "Let the ordinance stand as it now reads and be altered by the formation of a district to take its place."

Mayor Marks expressed a desire that the 1951 Act be used in the formation of the district. Mr. Halley stated he did not think it too objectionable to confine it to the 1951 Act but stated he had been given no authority by his clients to accept this limitation.

Mr. D.S. Olson, owner of the property at the corner of 13th and K Streets, stated his property would be in the proposed parking district and objected on the grounds it would constitute confiscation of his property and that future development would be required to pay for parking for businesses already established.

Mr. Vernon Gant, representing certain people opposed "in spirit and in principle" to the parking provisions of the ordinance, stated he feels it invades the rights of private property. He maintained that, although considerable money may be spent in an effort to provide parking to preserve the value of the downtown property, the result will be decentralization of the downtown area and destruction of the downtown values; that businesses already established would not have to provide any parking and no one coming into the downtown area could provide the required parking or pay the money and still compete with other like establishments. He mentioned specifically, theaters. He also stated there would be no modernization of existing buildings, since this, too, would bring an established business under the parking provisions of the proposed ordinance. Mr. Gant asked whether parking is considered a public or a private responsibility, and whether parking areas would be controlled by the public or by the man furnishing the parking facility. He stated if the property owner or merchant controls his own parking area, he could control the people who used it, the hours it is used, etc., "otherwise," he stated, "you are taking his property. If it is public, then upon what theory is it right to put the cost back on the particular individual who spends money to add to the taxable wealth of the City? If it is a private problem, economics will take care of it, by forcing the individual to provide parking in order to promote sales." Specifically he gave the following reasons for protesting the parking provisions of the zoning ordinance:

1. The real estate needed would probably not be obtainable.
2. The in lieu payment runs into such a figure nobody would buy the property downtown and pay this.

He stated if parking is a public problem it should be faced as a public problem and financed by means that distribute the cost properly over those who receive the benefit of parking.

Since it appeared Mr. Gant had arrive late, Mayor Marks briefly explained the situation as it would exist under a parking district formation, and Mr. Grimes explained that a structural alteration would require the provision

of off-street parking spaces only as it generates additional parking demand.

Mr. Gant stated he understood that if an area were exempt from the provisions of the ordinance for one year at the end of which time a parking district has not been formed, the area would automatically come under the ordinance provisions. He stated they do not want that. The approach is either right or wrong; he thinks it wrong for the reasons stated and asked that it be taken out of the ordinance for a year, at the end of which time the matter will be given further study.

Councilman Anderson said he did not think any area should be excluded over and above any other area.

Mayor Marks stated his proposal is that this Parking District Act of 1951 which depends on meter revenue to pay for parking be extended to any area where there is a demonstrated need. Where the situation already exists they need parking and it is public business. He stated the need is demonstrated by the existence of parking meters.

Mr. Smeath reported there are more than 311 cities that have parking provisions in their zoning ordinances; that these have not been tested in the courts extensively but that in the few cases which have reached the courts they have been generally sustained. He mentioned Chicago and Detroit. Councilman Arata objected to these examples, stating cities more the size of Modesto should be studied.

Bill Warner stated he thinks the entire community should be excluded for one year and perhaps other areas which have a potentiality for parking district would have the same opportunity as those in the hard core.

Pete Ruffino pointed out when he developed Yosemite Park-In Village he set back 140 feet to allow for parking and does not think there should be any "free riders" who are furnished a lot of parking free of charge. Mrs. Arata stated if Mr. Ruffino had bought in the city limits he could not have afforded this and stated she felt he should retract his statement.

Mayor Marks again expressed the opinion that the downtown area should be excluded from the provisions of the zoning ordinance together with such other areas as have a demonstrated need as pointed out by the presence of parking meters. He asked whether the entire city should be excluded or whether the Council should decide on the downtown area tonight.

Mr. Erb, Waterford, a Modesto property owner, felt the formation of a parking district in the downtown area, where parking is most needed and less available, to be fair and just and that if outlying areas find it necessary to form such a district they should have the same opportunity.

Mr. Olson asked why meters had not been put on 13th Street. By request of the Mayor, Mr. Carmody stated a recent survey of the area had shown a need for meters on 13th Street between K and L and G and H Streets.

Mayor Marks moved that the downtown area from G to L Streets and from 9th Street to the alley between 13th and 14th Streets be exempt from the parking provisions of the zoning ordinance for a period of one year in order to give the businessmen of that area an opportunity to form a parking district under the Act of 1951 or, with the approval of the Council, any other Act, to take the place of the zoning provisions, and that any other area of not less than 10 square blocks where the need is demonstrated by parking meters, on the basis of 50% of on-street parking meter revenue be given the same opportunity.

City Attorney Grimes asked that he be instructed to prepare the necessary legislation to put this into effect, and asked for clarification of the motion.

Councilman Robinson asked if this would mean that we "strike completely the zoning ordinance as it pertains to any area where there is a demonstrated need as demonstrated by parking meters."

Mayor Marks: "No. The area between G and L, and the alley between

13th and 14th be exempted and this same privilege be extended to any other area as need is demonstrated."

Councilman Robinson: "Does it mean deletion or suspension for one area?"

Mayor Marks: "Means suspension."

Councilman Robinson: "We can't let it drag on for an undetermined length of time and force new construction in other parts of the City to furnish parking or make in lieu payments. If we proceed on this basis, between now and the time another parking need is demonstrated, what about new construction during that period and building has paid in lieu or furnished parking, and then formation of a district may be approved? We will have to return some of the money spent or something of justification if a new area could qualify for a parking district but in lieu payment was paid in the meantime by some new building. You are throwing penalty on those who build in the interim period."

Robert Bomberger stated the district must be originated by the people in the area; that if other areas proposed a district, they could be excluded also; and that everybody who had paid for parking should be repaid for what he had furnished.

Mayor Marks maintained that if a building is constructed during the interim period it must be done so under the provisions of the zoning ordinance.

Councilman Anderson asked, "Why penalize them for the construction whether it be on 13th or 15th Streets?" He stated he is in favor of parking districts but does not see how a line can draw.

Mr. Bacon stated that, under the 1951 Act there are means for extending the boundaries of the district. Mr. Grimes stated later that a cursory review of the Act failed to reveal the provision for expansion or multiple issues.

Councilman Adams asked whether the Mayor had dropped his first proposal that the zoning provisions would hold until the district had been formed.

Attorney Grimes pointed out confusion could result from the term "demonstrated needs."

Mr. Warner asked what justification there could be for reducing from 75% to 50% the amount of on-street meter revenues for amortizing the bonds, but Mayor Marks requested that this point not be discussed at this meeting.

Mr. Carmody pointed out that the motion as stated would permit any area to install parking meters and form a district, but it was also pointed out that meters could not be installed solely for revenue.

Mayor Marks rephased his motion as follows: "That the City Attorney be instructed to prepare an amendment to the proposed ordinance to provide that none of the parking provisions would apply for a period of one year, within which year any area of the City that formed a parking district under the 1951 Act or any other Act satisfactory to the City Council would thereafter be exempt from the provisions."

Attorney Frad asked for clarification as to whether this meant only the hard core and was told by Attorney Grimes that it was stated in the motion otherwise. Mr. Frad stated that this appears that where there are no meters there is no pressing problem, and that building will not under these circumstances, take place outside the hard core area if the outside had to provide parking and the hard core did not. His opinion was that the entire city should be excluded for a period of one year.

Mr. Grimes pointed out the parking provisions will stay in the zoning ordinance but will not apply to any area for a period of one year, during which time a parking district may be formed under the provisions of the Parking District Act of 1951 or any other Act approved by the Council, and that following one year.

the provisions would not apply to those areas within any district so formed. He stated the zoning ordinance provisions would apply to all areas not within a parking district at the end of one year but that any time after a district is formed that area would be excluded.

Councilman Robinson inquired regarding setting up qualifications for district formation. Mr. Grimes stated the Act sets these up depending on economics and traffic engineering. Councilman Robinson asked whether in the formation of a district parking requirements as provided in the zoning ordinance must be met. Mr. Grimes' answer was negative, stating it will be based on what the people within the area want.

Mr. Bacon pointed out that, in forming the district, the property owners must present the petition to the City Council for acceptance and approval.

Mayor Marks, in answer to a question by Councilman Adams, stated he had removed from his motion, the requirement that an area be not less than 10 square blocks and also the phrase "demonstrated need."

In answer to a question by Councilman Robinson as to what would be the disposition of parking lots currently owned by the Parking Authority, should they be located within a parking district, Attorney Grimes stated the matter will have to be resolved as to who would have control of the lots - that the Council may appoint a Board or designate the authority to do so, or the Council may maintain and operate them itself.

Councilman Adams asked, "in the event the hard core forms a parking district, what happens ten years from now when we need twice as many parking spaces?" Mayor Marks stated additions can be made to the district depending on the amount of revenue.

Mayor Marks suggested that the land be made the basis of the district fiscal responsibility rather than the improvements, otherwise those with vacant land would receive a "free ride."

Councilman Anderson asked what will happen to commercial property values before a district is formed or zoning regulations apply. Mayor Marks stated, "nothing that is not happening now."

Mr. Smeath explained the figures used in the parking provisions in the zoning ordinance are not based on land use, but on normal figures used in other communities.

Since the terms "parking district," "assessment district," and "improvement district" had been used during the discussion, Mr. Halley suggested that "parking district" be the term used exclusively.

Mr. Lancaster stated only the people in business are reaping the benefits from a parking district; that if meter revenue is insufficient to amortize the bonds he will have to help pay. He was told to attend the public hearing held in connection with the formation of the district and protest; that if 51% of the property owners protest, the district cannot be formed.

The motion as rephrased by Mayor Marks (see page 4) was seconded by Councilman Arata and unanimously carried.

Appointment to Committee

In response to the request made by Mr. Halley that a Council Committee be appointed to work with citizens in the formation of a parking district, Mayor Marks appointed Councilman Hammond as chairman.

Request to Permit Four Boarders and/or Roomers Without Use Permit

In response to a request by Estelle Gonzalez that Section 10-2.501 (c) be changed to permit the renting of rooms to not more than 4 roomers or boarders rather than 3 as now proposed in R-1 and R-2 zones, on the grounds such a change would affect the sharing of a room by two persons, the Council considered the suggestion. Mr. Smeath stated in his experience with zoning ordinances, this

~~is not a permitted use ordinarily included.~~ After brief discussion it was moved by Councilman Hammond, seconded by Councilman Adams to leave the number at 3 as presently written. The motion carried with one "no" vote (Anderson).

Lumber Yard and Building Material Storage Yard

Mayor Marks authorized Mr. Smeath, and Mr. Grimes to contact Mr. Bradford, who had brought this matter up at public hearing and work out this problem and confer with Councilman Hammond who would bring it to the Council.


Side Yards:

Copies of a proposed new section to this Article were distributed, read and considered, a copy of which is in the City Clerk's Office. The Council agreed that the substance of the draft was along the lines desired, leaving it to the City Attorney to put it in proper legal form.

CONTINUATION OF HEARING

At 10:30 p.m., Councilman Anderson moved the hearing be continued to Friday, June 3, 1955 at 2:00 p.m. in the Council Chambers. The motion was seconded by Councilman Arata and 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 Chamber at the McHenry Public Library, 14th and I Streets, Mayor Marks presiding.

The City Clerk called the roll and there were

Present: Councilmen: Adams, Anderson, Arata, Hammond, Robinson, and
Mayor Marks
Absent: Councilmen: Merrill

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

Invocation was given by Rev. John Watson, pastor of the First Southern Baptist Church.

MAYOR MARKS WELCOMES MEMBERS OF MODESTO AND DOWNEY HIGH SCHOOLS KEY CLUBS PARTICIPATING IN THE YOUTH IN GOVERNMENT DAY PROGRAM

Mayor Marks officially welcomed members of the Modesto and Downey High School Key Clubs who were participating in the "Youth in Government Day". He stated that "today's experience will give you a better understanding of the perplexing problems confronting a democratic form of government". He pointed out that it was citizen participation and programs similar to the Youth in Government Day, which had won the All-America City Award for Modesto. He stated that "the Council-Manager form of government is a frustrating thing indeed for those people in a community that would like to have the community serve their own selfish needs." "It enables the city to operate as a business rather than as a political machine." He asked the City Attorney to explain the basic principles of the Council-Manager form of government for the students.

The City Attorney reviewed the Council-Manager form of government, describing the basic concepts and how it works in practice.

LETTER FROM DR. R. R. RADCLIFF RELATING TO LIMITED PARKING ESTABLISHED ON 16TH STREET BETWEEN NEEDHAM AVENUE AND J STREET

A letter from Dr. R. R. Radcliff relating to limited parking established on 16th Street, between Needham and J, was referred to the City Manager for reply.

LETTER FROM MRS. ROBERT CRABB RELATING TO RECREATION PROGRAM

The City Clerk was directed to acknowledge receipt of a letter from Mrs. Robert Crabb, representing the Modesto Branch of the American University Women Association, regarding the recreation program.

CONSIDERATION OF BIDS RECEIVED FOR THE CONSTRUCTION OF CARVER ROAD SANITARY TRUNK SEWER

The City Manager reported that the 3 bids received for the construction of Carver Road sanitary trunk sewer had been opened at 2:00 P.M. on Tuesday, May 31. Director of Public Works Ray had recommended to him that the low bid submitted by Batchelor Pipeline Construction Company of \$32,780.55 be accepted.

However, since Mr. Ray's recommendation, he stated, Mr. Batchelor had advised that a clerical error had been made in copying the sub-totals to his master sheet for addition. The sum of \$7,015.20 for the labor had been copied twice and the sum of \$14,699.72 for the materials had been omitted entirely, making a difference in the final total of \$7,684.52.

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The bidder asked that the Council release him from his bid on the basis of this clerical error. The City Manager pointed out that the Council could either reject all the bids or accept the low bid as was recommended in the Director of Public Works memo prior to Mr. Batchelor's request. He pointed out the urgency of completion of the line to serve two new subdivisions that were under construction. He pointed out that the call for bids had been delayed because of difficulty in clearing rights-of-way. He asked that the Council consider as a final alternative, the possibility of some negotiation basis upon which the city could proceed.

The City Attorney pointed out there was a question whether or not if the city awarded this bid to Mr. Bathelor on the basis of the bid, for the sum of \$32,780.55, that it could successfully require the contractor to proceed. It might well result in legal proceedings. He pointed out that there were two factors that were in favor of the contractor: 1) that he made, according to his statement, a clerical error, not an error in judgment; 2) he has called the error to the attention of the city prior to award of the bid. The City Attorney stated that it would be possible to reject all bids and readvertise. He pointed out that the charter also permitted the authorization of the work by the Public Works Department without advertising for bids, which would be the same status if it rejected the bids, if the work should be considered by the Council to be of "urgent necessity for the preservation of life, health or property and shall be authorized by resolution passed by at least five affirmative votes of the Council and containing a declaration of the facts constituting such urgency". It was suggested that the Council might consider, with the cooperation of the contractor, some satisfactory basis to award the bid on the corrected sum of his bid.

The Director of Public Works pointed out that this would be above the engineer's estimate of \$38,300. He pointed out the possibility that the contractor would be unable to secure the necessary bonds on his bid, under the circumstances. He stated that Mr. Batchelor was reported to be a reliable person and the city wished to deal fairly with all contractors working for the city. He had discussed the possibility with him that he might be able to share on a 50/50 basis, the difference between his submitted bid and what the bid should have been. He has indicated his willingness to negotiate on that basis providing he can obtain a bond, Director of Public Works Ray reported.

Councilman Hammond recommended that negotiations be on the basis of the bid and not at a lower price.

Director of Public Works Ray stated that the error was "an honest error in calculations". He pointed out the urgency in completing the line since sewer service had been promised by the city to one subdivider, by July 1.

Mayor Marks outlined the three alternatives for the Council to consider in awarding the bid. Councilman Robinson moved, but later withdrew his motion, that the bid be awarded on the engineer's estimate.

Councilman Hammond stated that he did not like to see anybody doing business with the city without a normal profit. "He made an error in his calculations, those things can occur."

Councilman Adams pointed out that the city had not always met the engineer's estimate in awarding bids.

Mr. Batchelor, who was present, indicated willingness to do the work for the sum estimated by the City Engineer, \$38,300.

The City Manager stated that, "we want to make it clear we do not want any contractor to stand on the premise that you cannot get below that estimate."

Councilman Anderson stated, "We also want it known that we do not make this a habitual practice. This was an honest error." Councilman Anderson introduced

RESOLUTION NO. 55-231

seconded by Councilman Adams, rejecting all the bids received for the construction of the Carver Road trunk sewer line, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Robinson and Mayor
Marks
Noes: Councilmen: None
Absent: Councilmen: Merrill

Councilman Anderson introduced

RESOLUTION NO. 55-232

seconded by Councilman Arata, declaring an emergency and that because of that emergency it is necessary for the Council to let the contract for this job without going to bid in order to preserve the life, health and property of the people and awarding the contract for the construction of the Carver Road trunk sewer to Batchelor Pipeline Construction Company for the work shown on the plans and specifications and in accordance to the terms and conditions shown therein for the sum of \$38,300, and authorizing the city's designated officials to execute a contract for the completion of the work, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Robinson and Mayor
Marks
Noes: Councilmen: None
Absent: Councilmen: Merrill

The City Manager pointed out for the benefit of the audience that the reason so much care had been taken in this matter was because it is important that the sanctity of the bidding procedure be maintained at all times by the Council.

APPROVE PLANS AND SPECIFICATIONS AND AUTHORIZE CALL FOR BIDS ON SANITARY SEWER LATERALS IN WESTWOOD MANOR TRACT

Upon the recommendation of Director of Public Works Ray, Councilman Adams introduced

RESOLUTION NO. 55-233

seconded by Councilman Robinson, approving plans and specifications and authorizing the calling for bids on sanitary sewer laterals on perimeter area in Westwood Manor Subdivision (Robert Bomberger, subdivider), said bids to be opened on June 21, at 2:00 P.M., which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Robinson and Mayor
Marks
Noes: Councilmen: None
Absent: Councilmen: Merrill

Mr. Ray stated that the agreement relating to the sewer laterals had been discussed with Subdivider Bomberger, who was agreeable to the provisions but that City Attorney Grimes had not had an opportunity to check the agreement. It was agreed by the Council that the agreement would be held over for approval at a later date.

HOLD OVER MATTER OF CONSIDERING INFORMAL BIDS ON TRACTOR

The consideration of the informal bids on a crawler type tractor was held over at the suggestion of the City Manager.

FINAL ADOPTION OF ORDINANCE NO. 25-C.S. REGULATING TRAFFIC ON STREETS (TURNING MOVEMENTS)

Ordinance No. 25-C.S. entitled: "AN ORDINANCE AMENDING SECTION 16 OF ORDINANCE NO. 345-N.S. OF THE CITY OF MODESTO ENTITLED, 'AN ORDINANCE REGULATING TRAFFIC UPON THE PUBLIC STREETS OF THE CITY OF MODESTO', AS AMENDED", having been heretofore introduced and ordered printed and published at the regular meeting of May 18, 1955, Councilman Arata moved, seconded by Councilman Hammond, that the ordinance be finally adopted, which motion was upon roll call carried by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Robinson and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Merrill

FINAL ADOPTION OF ORDINANCE NO. 26-C.S. PROVIDING FOR THE LEASE OF HANGAR TO NATHAN J. PROVINCE DBA PACIFIC AIRCRAFT SERVICE FOR A THREE YEAR TERM

Ordinance No. 26-C.S. entitled: "AN ORDINANCE PROVIDING FOR THE LEASE OF CERTAIN CITY OWNED AIRPORT PROPERTY TO NATHAN J. PROVINCE AND AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT IN CONNECTION THEREWITH", having been heretofore introduced and ordered printed and published at the regular meeting of May 18, 1955, Councilman Adams moved, seconded by Councilman Hammond, that the ordinance be finally adopted, which motion was upon roll call carried by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Robinson and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Merrill

INTRODUCTION OF ORDINANCE ESTABLISHING COMBINATION ANGLE AND PARALLEL PARKING

Pursuant to the request of Mayor Marks, the City Attorney again presented an ordinance providing for combination angle and parallel parking for the Council's consideration.

Councilman Arata moved the introduction and passage to print of
 ORDINANCE NO. 27-C.S.

entitled: "AN ORDINANCE AMENDING SECTION 34 OF ORDINANCE NO. 345-N.S. ENTITLED, 'AN ORDINANCE REGULATING TRAFFIC UPON THE PUBLIC STREETS OF THE CITY OF MODESTO', AS AMENDED", (combination parallel and angle parking permitted), which motion being duly seconded by Councilman Adams, was upon roll call carried and the ordinance ordered printed and published by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Robinson and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Merrill

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DISCUSS PROPOSED TRAFFIC CHANGES AT INTERSECTION OF 19TH AND H STREETS

Traffic Engineer Carmody presented sketches of four suggested plans for the improvement of traffic conditions at the intersection of 19th and H Streets, for the Council's study and consideration. He outlined in detail the present conditions and proposed improvements giving the features, advantages and disadvantages of each proposed plan. He recommended Plan 4.

The City Manager stated that the proposed plan could be again discussed and considered by the Council after the preliminary budget had been filed. Council members indicated they wished copies of the Traffic Engineer's report on the four plans sent to them.

RESOLUTION APPROVING PROPOSED ANNEXATION OF MINENI MANOR TO THE CITY OF MODESTO

A letter, accompanied by a copy of Resolution No. 211 from the Modesto City Planning Commission recommending the continuation of annexation proceedings of the proposed Mineni Manor Addition to the city, was read. Councilman Arata introduced

RESOLUTION NO. 55-234

seconded by Councilman Anderson, setting the date of July 13, 1955, at the hour of 8:00 P.M. in the Council Chamber, 14th and I Streets, as the time and place for the hearing of protests to the proposed annexation of Mineni Manor to the City of Modesto, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Robinson and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Merrill

DECLARE RECESS FOR "YOUTH IN GOVERNMENT DAY"

Mayor Marks declared a recess at 5:45 P.M. and turned the meeting over to the "Youth in Government Day" officials.

"YOUTH IN GOVERNMENT DAY" MEETING

Mayor Skipper Ballew called the meeting to order and Councilmen Doyle Cox, Dave Blickenstaff, Don Porcella, Bill Winn, Al Vclz and John Bernard answered roll call. City Manager Jack Lundberg was also present.

Mayor Ballew asked for reports from various committees on suggestions for capital improvement projects.

Ken Williams, Chairman of the Committee for the Police Department, recommended that the Council consider the expenditure of \$292,000 for a new police station, adjacent to the Fire Department Building at 610 11th Street. He pointed out that this sum would not include the acquisition of land for the building.

Richard Corson, Chairman for the Fire Department Committee asked Council consideration for the increase in wages for firemen, especially the starting wage. He pointed out that although this was not a capital improvement project, it was the No. 1 problem of the department. Additional stations were also needed (1) LaLoma area and (2) northern area near the McHenry Village. New water hydrant system and fire alarm system in the LaLoma Area were needed.

Al Case, Chairman of the Sanitation Department Committee asked that \$50,000 be appropriated to be used in a street, drainage and sidewalk project with the city paying 20% of the cost of paving, if sidewalks were included, and the property owners 80%.

Ray Horn, Chairman of the Airport Committee recommended appropriation for the acquisition of land and the improvement of a new runway at the Municipal Airport, to be jointly financed by the Federal government, city and county.

Dave Fernow, Chairman of the Traffic Department recommended that a revenue bond program be established for the acquisition and operation of additional off-street parking lots; that 10th and 11th Streets be made one-way streets and the traffic lanes be reduced from four to three to facilitate the traffic flow; and the installation of numerous traffic signals and railroad gates (to be partly financed by the railroad companies).

Frank Elliott, Chairman of the Parks and Recreation Committee, recommended the installation of an air conditioner in the Youth Center, at an approximate cost of \$3,100 and a long range 5 to 10 year improvement program of Legion Park, rebuilding of Dennett Dam and the establishment of a new Tuolumne River Regional Park.

Mayor Ballew polled the Council members to determine the three projects which they considered should have the highest priority. The result of the poll was as follows:

- No. 1--Construction of Police Department Building
- No. 2--Traffic recommendations
- No. 3--Street and drainage program

Mayor Ballew expressed appreciation to the Mayor and Council members and city officials for the successful Youth in Government Day, and declared the meeting closed.

Mayor Marks reconvened the Council meeting at 6:40 P.M.

REPORT ON PROPOSAL FOR INSTALLATION OF ADDITIONAL PARKING METERS

Traffic Engineer Carmody reported on his investigation for the possible need of additional parking meter zones. He recommended that meters be installed in the following locations:

1. 9th Street - on the east side between J and K Streets
2. 13th Street - on both sides between J and K Streets
3. 12th Street - on both sides between K and L Streets
4. 12th Street - on both sides between G and H Streets

He pointed out that parking meters are installed as a means of increasing curb turnover and assisting enforcement. They are not placed on the street primarily for revenue. He reported that the installation of meters on 12th Street between K and L Streets were contemplated on the diagonal basis but if the lease being investigated for acquisition of the Helm Used Car Lot was obtained, that he would recommend that parking on both sides of 12th Street between K and L Streets be changed to parallel parking. It was agreed by the Council that this location would be considered at a later time after the negotiations were concluded. Councilman Hammond moved, seconded by Councilman Robinson, and it was unanimously carried, that the City Attorney be instructed to prepare the necessary legislation for the Council's consideration to establish parking meter zones at the locations recommended by the Traffic Engineer on items 1, 2 and 4.

REPORT OF APPOINTMENT OF CITY MANAGER AS A MEMBER OF THE BOARD OF DIRECTORS OF THE LEAGUE OF CALIFORNIA CITIES

The City Manager reported that he had been notified of his appointment to the Board of Directors of the League of California Cities representing the City Managers' Department and asked Council permission to serve. Mayor Marks pointed out that this was a great honor for the City of Modesto. Councilman Adams moved, seconded by Councilman Robinson, and it was unanimously carried, that City Manager Miller be permitted to serve.

REPORT ON PROPOSED USE OF PARKING AREA BEHIND FARMER'S INN FOR CITY PARKING

For the Council's information, the City Manager reported that an informal lease had been prepared by the City Attorney providing for the use of three parking spaces in the rear of Farmer's Inn, 716 9th Street, for the day time parking of city cars.

REQUEST OF NATIONAL MUNICIPAL LEAGUE FOR CITY MANAGER TO PARTICIPATE IN NATIONAL CONFERENCE ON GOVERNMENT IN SEATTLE, JULY 24-27

The City Manager reported that he had been asked to attend the National Conference in Government at Seattle on July 24-27 by the National Municipal League and to participate in a panel discussion on "Professional Management at the Local Level", on July 27. He reported that he would use a portion of his vacation time if the Council wished to approve his attendance. Councilman Arata moved, seconded by Councilman Anderson, and it was unanimously carried, that the City Manager be permitted to attend with all expenses paid.

The City Manager reported that the City's display at this conference on its All America City Award celebration was progressing.

REPORT ON PROPOSED FREEWAY AGREEMENT

Copies of a report on the U.S. 99 Freeway Agreement prepared by the Traffic Engineer, City Engineer, and Planning Director were distributed to Council members for their study.

Mayor Marks recommended that the state be asked to send a representative to discuss the proposed interchanges, grade separations, street, closures, frontage roads and proposed one-way streets.

It was agreed by the Council that the Traffic Engineer should discuss any questions which the Councilmen wished cleared in his office where the map showing the proposed interchanges, etc. could be displayed and a public meeting would be arranged later.

REPORT ON PROPOSAL FOR FURNISHING ENZYME MATERIALS AT SEWAGE DISPOSAL PLANT OVER 1955 SEASON

The Director of Public Works reported on the use of enzyme material at the sewage disposal plant for the past three seasons. He stated that an offer had been submitted to the city by the producer of Acti-Zyme, Dry Chemical Pacific to provide this service during the 1955 season. The City Manager recommended that approval be granted to proceed on the basis outlined by the Director of Public Works. Councilman Arata introduced

RESOLUTION NO. 55-235

seconded by Councilman Hammond, authorizing execution of agreement with J. W. Storer, dba Dry Chemical Pacific for the supplying of Acti-Zyme for the sum not to exceed \$1200 per month during the 1955 season as recommended by the Director of Public Works, by the city's designated officials,

which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Arata, Anderson, Hammond, Robinson and Mayor
Marks
Noes: Councilmen: None
Absent: Councilmen: Merrill

FURTHER REPORT ON NORTHEAST SEWER SERVICE AREA

The City Manager reported that the Council had formerly adopted a policy of extending utility services in the northeast area to the east, past the Old Oakdale Road and north only as far as the M.I.D. Lateral #4. Surveys recently completed, he reported, indicate that it would be difficult and expensive to provide sewer facilities to serve any area past the Old Oakdale Road without special pumping stations. He proposed that the eastern limit of the sewer service area be established at the Old Oakdale Road. He pointed out that this would work out well with the apparent neighborhood pattern of the proposed master plan. The Council concurred in this recommendation.

Mayor Marks appointed Councilmen Robinson, Merrill and Adams on the Sewer Committee.

The City Attorney pointed out that no official action had been taken by the Council to designate the exact boundaries of the area to be served with utilities by the city and recommended that the Council consider the adoption of a resolution with a map attached setting forth the plan and outlining the area so that it would be a matter of record as to the precise and tentative limits. It was agreed that the sewer committee would study the matter and make a recommendation.

SUMMARY REPORT ON CITY PERSONNEL

The City Manager submitted a summary report on the City of Modesto personnel for the Council's information, a copy of which is on file.

REPORT ON SUBMISSION OF APPLICATION FOR FINANCIAL ASSISTANCE FOR QUARTERS FOR HEALTH DEPARTMENT

The City Manager reported that Mayor Marks had executed a preliminary application to the State Department of Public Health for financial assistance for quarters for the City Health Department and it is possible that the city might obtain some assistance in building the new city hall. A report would be submitted at a later date, he stated, so that the Council could determine whether or not it wished to give more formal consideration to the matter.

PRELIMINARY REPORT ON PROPOSED CAPITAL IMPROVEMENT PROGRAM BY PLANNING COMMISSION

As required by Section 10-1.03 (f) of the Modesto Municipal Code, a preliminary capital improvement program for Modesto, for period 1955-56 through 1960-61 was filed by the Modesto City Planning Commission. The City Manager pointed out that it was most preliminary in nature.

BASIS FOR PRESENTING SUBJECT MATTERS NOT ON AGENDA FOR COUNCIL DISCUSSION AND CONSIDERATION

Mayor Marks reminded that in order for Council or staff members to present new business at a meeting which was not on the agenda, it must be urgent, and unanimous consent of the Council members was required before it was presented.

New matters should not be raised by Council members unless the department heads are present to answer any questions. The Council concurred in this recommendation.

CITY ATTORNEY DISTRIBUTE COPIES OF PROPOSED ORDINANCE REGULATING GARBAGE

The City Attorney distributed copies of a proposed ordinance regulating garbage. He asked for Council consideration of the ordinance at the next meeting so that it would be effective by the beginning of the fiscal year, July 1.

ADJOURNMENT

Councilman Hammond moved, seconded by Councilman Anderson, and it was unanimously carried, that the meeting now in session adjourn. The meeting was adjourned at 7:30 P.M.

ATTEST:



REX E. GAILFUS, CITY CLERK

The Council of the City of Modesto met in adjourned session of the hearing on the proposed zoning ordinance this date at 2:00 p.m. in the City Council Chambers.

Present: Councilmen: Adams, Anderson, Arata, Hammond, Robinson, and Mayor Marks
Commissioners: Anderson, Cecil, Mensinger, O'Keefe, and Boundey

Absent: Councilman: Merrill
Commissioners: May and Swartling

ADJOURNED HEARING ON PROPOSED ZONING ORDINANCE

This being the time and place set for the adjourned public hearing on the proposed zoning ordinance, the hearing was reopened by the Mayor.

Mayor Marks stated this hearing is in regard to the proposed zoning map; that the City Planning Commission had been invited to attend to furnish any information the Council desired with regard to zoning questions raised at the public hearing on May 24.

Copies of a resume of these questions prepared by the Planning Department were distributed, a copy of which is on file in the office of the City Clerk. Mayor Marks stated no decisions would be made at this meeting unless complete unanimity by the Council could be reached. The following persons were present representing the areas as indicated:

McHenry Avenue Area: Howard Wilbourn, Thomas Quinn, Dan Mellis

Downey-Needham Area: Attorney Schlingheyde, Mrs. Trueblood, Attorney Lacy, Mr. and Mrs. B. V. Harman and Donald South

Valley Builders: Corbin Fairfield

College Avenue-Bowen Avenue Area: Dalton Ellis

Paradise between Ash and Ruberto: Mrs. Edward Taylor

Miller and Covena Area: Chester Spearing

Washington and Vine: Joseph Mitchell

College and Nellie Area: H. W. Huls

Councilmen discussed whether or not it should be requested that attorneys representing other people give the names of those persons being represented. Although Mr. Grimes stated, as a matter of law, this was not required, it was agreed the Council would ask for this information.

Mayor Marks announced the receipt of a petition protesting the proposed zoning of the Valley Builders property on Roseburg and Virginia for C-1; and a letter from Mr. Elledge concerning future zoning of the area at the southeast corner of College and Bowen Avenues.

The properties on which proposed zoning had been disputed at the Council hearing on May 24 were considered. Following are these properties and the comments related thereto.

1. McHenry Avenue Area: Mayor Marks read the report of the Planning Staff, recommending C-1 zoning. Mr. Howard Wilbourn stated, since approximately one-fourth of the businesses in this area are C-2 or M-1 classification, and there is still considerable vacant land in the area, it is felt the zoning should be at least C-2. Mayor Marks asked why, as in alternate 3 of the report, a study, block by block, should not be made and attempt to designate diversified zoning in accordance with existing land use.

Mr. Boundey, Chairman of the Planning Commission, stated the commission's thinking had been to zone for C-1 to discourage heavy land use development until further study could be made of the area. Mr. Smeath pointed out that in the area in question three-fourths of the land use is of C-1 classification or more restrictive; if the area were zoned C-2, and land use studies should prove this to be incorrect, the heavier uses would be established and the damage would have been done.

Referring to the depth of commercial zoning along McHenry, it was noted it ranges from 115 feet to 300 feet, and 600 feet in McHenry Village. Both Councilman Hammond and Councilman Arata expressed the opinion an adequate commercial building could not be erected on a lot only 115 feet in depth. It was pointed out, however, the Planning Commission has recommended C-1 zoning for a depth of 190 feet between Mensinger and Roseburg Avenues; that one reason for varying depths is the existence of homes behind the commercial zoning, and lack of a uniform street pattern necessitates such variation. Mr. Smeath stated most of the commercial zoning now extends to a depth of 150 feet.

Councilman Robinson asked whether permitting a variety of uses - some C-1, some C-2 and perhaps some C-M and M-1 - might encourage foot traffic necessary to make the commercial area profitable. Mayor Marks agreed this would probably be the case.

Mr. Dan Mellis felt the solution would be to zone the area C-2 with provision for some M-1 and set the zoning boundary line at the alleys. He felt too many restrictions will discourage outside areas from annexing.

Mr. Thomas Quinn compared McHenry Avenue to Maze Boulevard and Yosemite Boulevard and stated it should be zoned similarly.

Mayor Marks felt if commercial zoning is proper, the depth should be great enough to permit parking as required under the proposed zoning ordinance, without resorting to the application for a parking area in an "R" district. In answer to a question by Mayor Marks, Councilman Arata stated he felt the area should be zoned at least C-2.

Councilman Hammond felt the C-1 zoning to be proper on McHenry Avenue until further study could be made.

Councilman Anderson stated it appears the uses from Needham Avenue to Lateral No. 4 on both sides of McHenry are predominantly C-1, those on the west side from Lateral No. 4 to Lateral No. 3 C-2 and on the east side the majority seem to be C-M. Mayor Marks asked if the Council felt these various areas should be zoned according to existing use, with sufficient depth for parking, abutting lot lines to the rear permitting.

Mr. Quinn stated in view of the high value placed on the land fronting on McHenry Avenue, C-1 zoning is not justified.

Mr. Wilbourn referred to the support being given by property owners to the future widening of McHenry Avenue and stated he feels enough of the businesses are either C-2 or M-1 to warrant C-2 zoning. He predicted that at some time in the future the intersection of Downey, McHenry, and J will be the "hub of the town." In answer to a question by Mayor Marks, Mr. Wilbourn stated he believes it will be necessary to cross the alley to obtain off-street parking for C-2 uses on the west side of McHenry between Needham and Lateral No. 4.

Councilman Arata recommended that the Council and the Planning Commission visit the property before making any decision.

Dan Mellis requested that his property be viewed by the Council when they visit the McHenry Avenue area, and consider zoning all of his property for C-1. By so doing, he stated the ownership line would be straightened. Mayor Marks stated the Council would visit this property as requested.

2. Downey-Needham Area: - north side of Needham between Hackberry and McHenry.

The report of the Planning Commission regarding this area was read by

William Bacon, representing certain property owners, contended that the area adjacent to Needham Avenue, if developed with apartment houses, would deteriorate the value of the properties to the north more than would C-1 uses.

Mr. and Mrs. Harman objected to any change of zone for the area.

Donald South was interested in keeping his place as a home and objected to the extension of any C-1 in the area.

Mrs. Trueblood spoke in favor of C-1 zoning.

It was moved by Councilman Hammond, seconded by Councilman Adams and unanimously carried that the zoning be left as now shown on the map on the north side of Needham between Hackberry and McHenry.

3. North side of Needham between Johnson and Semple Streets

Attorney Lacy, speaking for all owners of the property in this block, namely: Mrs. Wootten, Mr. Snapp, Mrs. Trueblood, and Dr. Gilson, stated this would not be a case of zoning commercial in the middle of a residential district, and requested C-1 zoning. He stated if the area is left in the R-3 zone, old buildings will be remodeled into multiple dwellings, whereas if it is zoned C-1 it will be developed with new, attractive buildings. Mayor Marks asked why this had not been considered for C-1 by the Planning Commission. He was told the area needs more study, that rezoning this for commercial use would be an extension of strip zoning, the park and school across Downey Avenue are not compatible with more commercial use, and an increase in traffic would result.

Complying with a request by Councilman Arata, Mayor Marks stated the Council will look at this area before its next meeting.

4. South Side of Downey Avenue between James and Newgate Streets

The report on this area submitted by the Planning Commission was read.

Mr. Schlingheyde stated, since his property is improved with a residence and Mrs. Trueblood's is vacant, he urged the Council to rezone Mrs. Trueblood's property for C-1, stating this will never be a residence street and the vacant property, under residential zoning, is useless. Mr. Smeath pointed out the properties are surrounded by R-2 zoning and are approximately 300 feet from any C-1 property.

It was moved by Councilman Hammond, seconded by Councilman Adams and unanimously carried that the zoning in this area remain as now shown on the map, on the basis it is surrounded by R-2.

5. Valley Builders - May Transfer:

The Planning Commission's report was read by Mayor Marks.

Mayor Marks moved that the area remain in R-2 as at present. Attorney Grimes called attention to the fact that an agreement has been signed whereby the property owners agree to remove the lumber yard and the warehouse uses at the end of 10 years provided the area is zoned C-1. He stated if transfer of title occurs between now and the adoption of the ordinance the new owner would have 20 years to amortize the industrial uses. Mayor Marks stated he does not think C-1 is needed in this area; that the Council should not be interested in any agreements but in zoning.

In answer to a question by Mayor Marks, Mr. Boundey stated the commission had felt the rezoning to C-1 and the earlier elimination of the industrial uses would be mutually beneficial to the owners and the public.

Mr. Fairfield, owner of adjacent property to the west asked if this rezoning would include his property or zone down the center as at present.

Councilman Robinson felt it unfair to force the lumber yard out in ten years, which would be the case if no transfer of title takes place between now and the adoption of the ordinance.

The motion as stated by Mayor Marks was seconded by Councilman Hammond.

Councilman Robinson moved that the matter be tabled for further study. This motion was seconded by Councilman Adams and carried unanimously.

6. College and Bowen Avenues:

This area, on the southeast corner of College and Bowen had been designated on an approved map as a shopping center, the owners being under the impression that the acceptance of the map also zoned this area for commercial. Discussion ensued as to whether the area is in a proper location for commercial development, Mr. Smeath stating it was approximately one mile from any other shopping center, but the commission feels the area may be too small for a neighborhood shopping center and perhaps not properly located, and wishes to study the matter further before recommending C-1.

Mr. Dalton Ellis pointed out that, although the southwest corner had also been designated as a shopping center, he would be satisfied to include lots 1 - 7 inclusive, along with lot 8, all on the southeast corner, for a shopping area and cut the southwest corner into residential lots.

Mr. Adams suggested the Planning Commission study this further and report to the Council as soon as possible. This was so moved by Councilman Robinson, seconded by Councilman Hammond and unanimously carried.

7. Paradise between Ash and Ruberto:

Mrs. Taylor stated there are approximately 1600 feet of property on H Street within the city limits that is not zoned for either C-1 or C-2. The Council agreed to look at this property before making a decision.

8. Miller and Covenas:

Planning Commission report was read by Mayor Marks.

Chester Spearing stated he is willing to give 14 feet for street widening if no more will be required, but Mayor Marks stated government cannot make such guarantees.

It was moved by Councilman Robinson and seconded by Councilman Anderson to zone C-1 as recommended by the Planning Commission, with Mr. Spearing dedicating 14 feet along Miller Avenue. The motion carried unanimously. Mr. Grimes stated that Mr. Spearing will be asked to sign the dedication prior to final adoption of the ordinance.

(5:30 p.m., Councilman Adams left the meeting)

9. Washington and Vine:

A letter dated March, 1954 written by former Planning Director Bills was read, stating the store building at 108 Vine Street could be used for the same as or more restrictive use than its previous occupancy. Mr. Grimes stated this is true under the present law but is not pertinent to the new ordinance; that under the terms of the proposed ordinance the building would be abated. Mr. Mitchel explained it is a concrete building and its long vacancy is the result of his not being permitted to use it commercially, due to a decision of a former city official.

It was moved by Councilman Hammond, seconded by Councilman Robinson and unanimously carried, that the zoning remain R-2 as at present.

10. College and Nellie Area:

It was agreed the Council would look at this property.

Meeting of Council and Commission

It was agreed that the Council and Commission meet at the City Hall on Tuesday, June 7, 1955 at 8:30 a.m. to go together and look at the properties on which decisions had not been reached by the Council.

ADJOURNMENT

It was moved by Councilman Anderson, seconded by Councilman Robinson and unanimously carried that the hearing be closed. The meeting adjourned at 5:50 p.m.

Attest: 
Rex E. Gailfus, City Clerk

The Council of the City of Modesto met in regular session this date at 7:30 P.M., as provided by Section 2-1.01 of the Modesto Municipal Code in the Council Chamber at the McHenry Public Library, 14th and I Streets, Mayor Marks presiding.

The City Clerk called the roll and there were

Present: Councilmen: Adams, Anderson, Arata, Hammond, Robinson and
Mayor Marks
Absent: Councilmen: Merrill

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

The invocation was given by Rev. F. T. Zelmer, pastor of the Free Methodist Church.

APPROVAL OF MINUTES

Council members having received copies of the minutes of the meetings of April 26 and May 11, and the same being available for public inspection, and there being no objections, the minutes were approved.

LETTER FROM CHESTER D. NATTINGER & CO. RE: PRELIMINARY EXAMINATION OF RECORDS

A letter from Chester D. Nattinger & Company was read, reporting that a preliminary examination of the records of Cash Revenues and Expenditures of the city for the period July 1, 1954 to March 31, 1955 had been completed. The interim report indicated that cash receipts were properly accounted for and cash disbursements properly made.

REQUEST FILED BY CALIFORNIA RELAYS (MODESTO JUNIOR CHAMBER OF COMMERCE) FOR FUNDS

A request was filed by the California Relays, sponsored by the Modesto Junior Chamber of Commerce, for \$750 to cover expenses incurred during the 1955 Relays, which had been set aside by the Council in its 1954-55 budget. Councilman Arata introduced

RESOLUTION NO. 55-236

seconded by Councilman Robinson, approving the claim and authorizing the appropriation transfer of \$750 from the Special Reserve Fund to Music and Promotion, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Robinson and
Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: Merrill

The City Manager reported that representatives from the Junior Chamber had discussed with him the possibility of the city increasing its financial support of the California Relays. The Chamber has been asked to draft its proposal and needs for the next season, in the form of a letter, he stated, and a copy of this letter will be transmitted to each Council member for study prior to consideration of the 1955-56 budget.

PUBLIC HEARING ON PROPOSED ANNEXATION OF DRYDEN-DURAND ADDITION

This being the time set for the public hearing on the proposed annexation of Dryden-Durand Addition to the city, Mayor Marks declared the hearing open for the consideration of protests at 8:00 P.M.

The City Clerk filed an affidavit that Resolution No. 55-182 giving notice of the proposed annexation, had been published as provided by the "Annexation of Uninhabited Territory Act of 1939"; that written notice had been mailed to persons specified in this Act; and that no written protests to the proposed annexation had been filed.

Mayor Marks asked for oral protests from the audience, but none were filed. He declared the hearing closed.

Councilman Arata moved the adoption and passage to print of

ORDINANCE NO. 28-N.S.

entitled: "AN ORDINANCE ANNEXING UNINHABITED TERRITORY KNOWN AS THE DRYDEN-DURAND ADDITION TO THE CITY OF MODESTO", which motion being duly seconded by Councilman Robinson, was upon roll call carried and ordered printed and published by the following votes:

Ayes:	Councilmen:	Adams, Anderson, Arata, Hammond, Robinson and Mayor Marks
Noes:	Councilmen:	None
Absent:	Councilmen:	Merrill

DISCUSSION ON PROPOSED ZONING ORDINANCE

Mayor Marks declared the meeting open for discussion of the text of the proposed zoning ordinance.

Mayor Marks read a letter from the Planning Commission which stated that "the Planning Commission has made many decisions or has failed to make certain decisions because of lack of completeness of information. Whatever recommendations the Planning Commission have made, have been made after careful discussion and the most sincere attempt to provide for the health, prosperity, and welfare of the people of Modesto. Whatever modifications to these decisions are made by the City Council will be accepted by the Planning Commission in the same spirit, and the future planning of the City will be continued on the basis of decisions made by the Council and in the light of new information which will be developed as rapidly as practical."

The City Attorney outlined the changes in the text which had been made, as agreed by the Council at the public hearings; listed the minor clerical errors corrected; noted the deletions, additions and rearrangement of wording which had been made for clarity throughout the ordinance; and explained the definitions of various terms which had been added for clarity, ie: "foster homes", "dwelling group", "garage, parking", "small animal hospital", "veterinary hospital", etc.

Councilman Hammond recommended that "furniture stores" be included in the same zone as "household appliance" and both should be included in C-2 zone instead of C-1, since furniture stores could not be classified as neighborhood business due to traffic requirements.

Mayor Marks polled the Council and it was agreed generally by all members that household appliances should be deleted from Section 10-2.801, (page 25) uses permitted in a C-1 zone subsection (e). and added to Section 10-2.901 - Permitted Uses, in a C-2 zone, subsection (g), subsection (1) be changed to read (1).Furniture; household appliance" (page 29).

The City Attorney reviewed the provisions in the ordinance relating to parking provisions which had been approved by the Council at the public hearings.

Mayor Marks declared the meeting open for the consideration of the zoning map. He read a letter from Planning Director Smeath stating that the Commission had recommended the zoning of lot 8, in the College Village #2 Subdivision, as C-1 and asking that the Council consider zoning the lot, occupied by the Roseburg Grocery, at the north-east corner of Roseburg Avenue and the Tidewater Southern Railroad tracks, and the Fairfield property, as C-1 Commercial, if the Valley Builders Supply and May Transfer area were zoned C-1.

Mayor Marks asked Planning Director Smeath if the city's implied commitment for the C-1 zoning of a portion of College Village #2 was for lot 8 only and he replied "yes".

The City Attorney pointed out that from a legal point of view it should be clearly understood that any action taken by the Council on the zoning of this property should be based on the premise that "it was for the good of the community". "Nobody but the Council has the right to bind the city," he stated.

Mayor Marks stated that the Council recognized this fact, but he wished to ask Mr. Smeath whether zoning lot 8 as C-1 would fit within the scope of neighborhood planning area and Mr. Smeath answered "yes". He also asked Mr. Smeath whether in his opinion there was an implied commitment on the part of the city to zone the lot C-1. Mr. Smeath stated "there might be" but it is up to the Council to zone the area.

The City Attorney again pointed out that "only the Council can bind the city".

McHenry Avenue Area

Mayor Marks reported that after inspecting the McHenry Avenue Area, the Council agreed to zone the area between Needham Avenue and Lateral No. 4 as C-1 to a depth as shown on the map prepared by the Planning Department and on exhibit in the Council Chamber; and the area between lateral No. 4 and No. 3 as C-2 and C-M, as shown on the map. Mr. Smeath briefly outlined the proposed depth of zoning on McHenry Avenue. Councilman Anderson moved, seconded by Councilman Arata, and it was unanimously carried, that the zoning map as published and recommended by the Planning Commission be changed in so far as it relates to the McHenry Avenue area as approved by the Council on its inspection tour, and as shown on the revised map on file in the Council Chamber.

Downey-Needham Area

Mayor Marks read a letter from Esto Broughton, 115 Downey Avenue, protesting to zoning Downey Avenue as C-1 commercial, which is currently zoned as R-3.

Councilman Hammond moved, seconded by Councilman Adams, which was unanimously carried, leaving the zoning map for the Downey-Needham Area, as proposed by the Planning Commission, which zones the area as R-3.

Valley Builders-May Transfer Warehouse Area

Councilman Anderson moved, seconded by Councilman Arata, that the Valley Builders-May Transfer warehouse area be zoned as C-1, as

recommended by the Planning Commission, with the addition of the balance of the Fairfield property, plus the property of the Grocery Store to be C-1 on the provision that all industrial uses in this area be eliminated in ten years and that an agreement be executed providing for this condition. There were two negative votes and Mayor Marks declared the motion carried.

College Avenue and Bowen Avenue Area

Councilman Adams moved, seconded by Councilman Arata, and it was unanimously carried, that the recommendation of the Planning Commission to zone lot 8 of the College Village #2 Subdivision (lot 6717 as delineated on the map) as C-1 commercial be accepted and the zoning map be changed accordingly.

Paradise between Ash and Ruberto

Councilman Adams moved, seconded by Mayor Marks, that the recommendation of the Planning Commission to zone the area on Paradise, between Ash and Ruberto, as R-2 be approved.

Councilman Anderson moved, seconded by Councilman Robinson, which was later withdrawn, that the motion be amended to provide that the section where the store is located (all of lot 1 in Block 340) be zoned Commercial C-1 and the balance of the area be zoned as R-2.

Councilman Robinson moved that the original motion be amended to provide that only that portion of lot 1 in Block 340 where the store building is actually located be zoned as C-1 commercial and the balance of the area as R-2, which was seconded by Councilman Anderson.

Councilman Arata pointed out that since the location of the freeway, between 5th and 6th streets, would remove a number of business locations on the west side that he would move that the original motion be amended to zone all of lot 1 of Block 340 and the vacant triangle piece of property across the alley from lot 1 as C-1 and the balance of the area as R-2, which was seconded by Councilman Anderson.

The City Attorney pointed out that this type of spot zoning was questionable and might not be sustained in court and it would be a risk the owner would have to take.

Mayor Marks called the roll on the amendment offered by Councilman Arata, seconded by Councilman Anderson:

Ayes: Councilmen: Arata, Anderson
 Noes: Councilmen: Adams, Hammond, Robinson and Mayor Marks
 Absents: Councilmen: Merrill

Mayor Marks called the roll on the amendment offered by Councilman Robinson, seconded by Councilman Anderson:

Ayes: Councilmen: Anderson, Arata, Hammond, Robinson
 Noes: Councilmen: Adams and Mayor Marks
 Absent: Councilmen: Merrill

Mayor Marks declared the motion carried.

Mayor Marks called for a vote on the original motion as amended, which would provide for the zoning of the area as R-2, except for that portion of the area on which the actual store building was located.

Ayes: Councilmen: Anderson, Arata, Hammond, Robinson
 Noes: Councilmen: Adams and Mayor Marks
 Absent: Councilmen: Merrill

Mayor Marks declared the motion carried.

Miller and Covena Area

The City Manager, at the request of Mayor Marks, outlined the problem involved if the Miller and Covena area was zoned as commercial C-1, as recommended by the Planning Commission. Mr. C. C. Spearing has agreed to deed a 14 foot right of way on Miller Avenue if this area is zoned C-1, the City Manager stated, which would reduce the present 30 foot projection into the normal 60 foot wide street by 14 feet, the same as the adjoining Butts property on the north.

Since Miller Avenue is heavily travelled, it is planned to widen it to 60 feet so that gas tax funds could be used. In order to do this, he pointed out, it would be necessary to acquire additional rights of way of 16 feet from Mr. Butts and Mr. Spearing. He recommended that the Council give serious consideration to not zoning the property as C-1 before the necessary rights of way, to widen the street to 60 feet, were cleared. In the lengthy discussion between Mr. Spearing and the Council the following points were considered:

1. That Mr. Spearing would dedicate 14 feet right of way without cost to the city at this time if the property was zoned C-1, and it might be possible that if this was acquired at a later date that there would be some costs involved.
2. That consideration should be given to the fact that Mr. Spearing would also be willing to dedicate the 14 feet if the property was zoned C-1 just to the proposed right of way line for Miller Avenue.
3. That in order to use gas tax funds to improve Miller Avenue it would be necessary to have rights of way for a 60 foot street.
4. That if this property was zoned C-1 and improved for this type of zoning that it would increase the costs to the city when it was necessary to obtain the rights of way for a 60 foot street.
5. That the city would have to pay Mr. Spearing severance damages if the necessary right of way which the city would have to acquire would make his land useless for any other purposes.
6. That it would be unwise to zone the property as C-1 until the street width matter was finally settled so that additional traffic problems would not be created.

Councilman Hammond moved, seconded by Councilman Robinson and it was unanimously carried, that the zoning map be changed to show the zoning of the area west of Camellia way and south of Miller Avenue, between LaLoma and Camelia Way as it is now zoned by the present ordinance, C-1 for the one half of block bordering on Camellia Way, owned by Mr. Kaufman and Mr. Reynolds and the balance of the area be left as now zoned in the present ordinance.

College and Nellie Area

Councilman Adams moved, seconded by Councilman Hammond, that the area be zoned as R-3, as recommended by the Planning Commission.

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Councilman Robinson asked Planning Director Smeath if this was one of the areas in which the Commission planned to make a more detailed study before any commercial or industrial zoning was proposed and Mr. Smeath answered "yes".

Mayor Marks stated that he considered there was sufficient justification to zone this as commercial, due to the heavy traffic on Needham Avenue.

Mr. H. W. Huls, 136 College Avenue, reminded the Council that a petition had been filed to rezone this property for commercial use and that the Planning Commission had informally agreed that this would be rezoned commercial. Mayor Marks pointed out that the Planning Commission was now recommending that it be zoned as R-3.

Mayor Marks called for a vote on the motion.

Ayes: Councilmen: Adams, Hammond, Robinson
 Noes: Councilmen: Anderson, Arata, Mayor Marks
 Absent: Councilmen: Merrill

Councilman Hammond stated that the reason he had voted "yes" was so that his vote would be consistent with his vote on the balance of Needham Avenue and that until a land use study for Needham Avenue is developed the present zoning should remain. Councilman Adams stated that his reason for voting "yes" was the same. Councilman Robinson recommended that the study on this area should be placed high on the priority list for study.

The City Attorney stated that the tie vote would result in leaving the map as recommended by the Commission.

Mr. C. Berthleson, 120 College, recommended College Avenue from Needham to M.I.D. lateral should be zoned commercial and should be widened to four lanes to serve the heavy traffic.

ADOPTION OF ZONING ORDINANCE

Councilman Robinson moved, seconded by Councilman Anderson, and it was unanimously carried, approving the amendments to the text of the proposed zoning ordinance as outlined by City Attorney Grimes.

Councilman Anderson moved the introduction and passage to print of

ORDINANCE NO. 29-C.S.

entitled: "AN ORDINANCE AMENDING CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE BY ADDING ARTICLES 1 THROUGH 26, BOTH INCLUSIVE, THERETO, ESTABLISHING ZONING IN THE CITY OF MODESTO AND THEREIN REGULATING THE USE OF LAND, HEIGHT OF BUILDINGS, AREA OF LOTS AND YARD SPACES: PROVIDING FOR THE ADOPTION OF MAPS SHOWING THE BOUNDARIES OF SAID ZONES: DEFINING THE TERMS USED IN THIS CHAPTER: PROVIDING FOR ITS ADJUSTMENT, AMENDMENT AND ENFORCEMENT: PRESCRIBING PENALTIES FOR VIOLATION: REPEALING CERTAIN ORDINANCES IN CONFLICT THEREWITH: AND REPEALING SECTION 10-2.01 OF SAID CODE., which motion being duly seconded by Councilman Adams, was upon roll call carried and ordered printed and published by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Robinson and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Merrill

Mayor Marks moved, seconded by Councilman Robinson, and it was unanimously carried, that a letter of appreciation be sent to the members of the Planning Commission for their work on the new zoning ordinance.

(Councilman Adams left the meeting at this time.)

CITY MANAGER TO ARRANGE PARKING SPACES IN FRONT OF FRANKLIN-DOWNS FUNERAL HOME TO PERMIT INGRESS AND EGRESS

Attorney T. B. Conway, representing Franklin & Downs Funeral Home, protested to the proposed installation of parking meters on both sides of 12th Street, between G and H Streets. He asked Council consideration for the marking of two parking spaces on the east side of 12th street near G Street, directly in front of the funeral home as follows: (1) "for use of funeral parking only"; and (2) one parking space to be painted yellow and to be used for loading and unloading.

A letter from Fire Chief Wemyss was read recommending that the request of the Funeral Home be allowed.

Councilman Arata moved, seconded by Councilman Anderson, and it was unanimously carried, that the City Manager confer with representatives of the Funeral Home and work out satisfactory arrangements to permit ingress and egress to the establishment.

RESOLUTIONS ESTABLISHING NEW PARKING METER ZONES

Pursuant to directions from the Council, the City Attorney presented for its consideration resolutions establishing new parking meter zones.

Councilman Arata introduced

RESOLUTION NO. 55-237

seconded by Councilman Anderson, establishing the east side of Ninth Street, between J and K Streets, as a parking meter zone; directing the Traffic Engineer to install parking meters, and authorizing the notification of the Division of Highways of the State of California, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Anderson, Arata, Hammond, Robinson, Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: Adams and Merrill

Councilman Robinson introduced

RESOLUTION NO. 55-238

seconded by Councilman Hammond, establishing a meter zone on both sides of 13th Street between J and K Streets and directing the Traffic Engineer to install parking meters in the above described location, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Anderson, Arata, Hammond, Robinson, Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: Adams and Merrill

REQUEST OF INTER-SERVICE CLUB COUNCIL FOR FINANCIAL ASSISTANCE TO ERECT A SERVICE CLUB SIGN AT THE NORTHERLY ENTRANCE TO THE CITY

Bud Gregg and Allen Grimes, representing the Modesto Inter-

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Service Club Council, submitted a design of a sign proposed to be installed by the Agency at the north entrance to the city, showing the names of the various service clubs in the city. They reported that the clubs were financing the major portion of the cost, but that approximately \$300 was still needed of which the M.I.D. had indicated willingness to donate \$150 toward the project if the Council would match this sum. They asked that the Council consider a reasonable contribution for the project and pointed out that an "All America City" shield would be placed on the sign.

A discussion was held on the possibility of requiring, as a condition of a contribution, the placing on the sign the fact that Modesto was an "All America City" and also whether this donation would establish a precedent for other requests.

Councilman Arata introduced

RESOLUTION NO. 55-239

seconded by Councilman Anderson, approving the transfer of \$150 from the General Reserve Fund to Music and Promotion Fund and authorizing its payment to the Inter-Service Club, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Anderson, Arata, Hammond, Robinson, Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Adams and Merrill

MAYOR MARKS DECLARES RECESS

Mayor Marks declared a recess of the Council at 9:40 P.M.

COUNCIL RECONVENE

The Council reconvened at 10:00 P.M.

ADOPTION OF ORDINANCE REGULATING COLLECTION AND DISPOSAL OF GARBAGE AND SWILL

The City Attorney presented for Council consideration an ordinance relating to the collection and disposal of garbage and swill.

The City Manager briefly reviewed the studies made by the Council Committee and administrative staff on this subject.

The City Attorney reported that the City Manager had suggested that the fee for collection of swill (section 5-5.12) should be changed from \$25.00 to \$50.00 per quarter, to which the Council concurred.

It was agreed by the Council that the license fee for collection of garbage should be \$25.00 per annum, payable in advance and in addition to this annual fee, the collector should be required to pay quarterly to the city, within 30 days following the close of the preceding quarter an amount equivalent to 5% of the gross receipts.

The City Manager explained the reasons why it was proposed to define the territory to which a collector was permitted to collect garbage. "It will prevent one collector from raiding another area and will be in the interest of the public," he stated. "When a collector is assigned an area, it will be his sole responsibility to collect garbage." He pointed out that this was true of garbage only and that a collector of swill was not given exclusive rights to a given area.

He called attention to section 5-5.28 of the ordinance relating to owners' liability for payment of garbage collection services to multiple dwellings and to section 5-5.15 which provided for the holding of a public hearing by the Council on all licenses to collect garbage.

Mr. Arthur Miller, 422 Coldwell, raised a number of questions regarding the operation of the Modesto Garbage Company. He was asked to confer with the Director of Finance for the clearing of these questions.

Councilman Arata moved the adoption and passage to print of

ORDINANCE NO. 30-C.S.

entitled: "AN ORDINANCE AMENDING CHAPTER 5 OF TITLE V OF THE MODESTO MUNICIPAL CODE, RELATING TO THE COLLECTION AND DISPOSAL OF GARBAGE AND SWILL" which motion was seconded by Councilman Hammond and upon roll call carried and ordered printed and published by the following vote:

Ayes: Councilmen: Anderson, Arata, Hammond, Robinson, Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Adams and Merrill

LETTER FROM GLORIA WERNSMAN RE: USE OF MANCINI BOWL FOR SUMMER DANCING

The City Manager read a letter from Gloria Wernsman requesting approval of the use of Mancini Bowl for folk dancers during the summer season. He reported that the request could be handled administratively, to which the Council concurred, and that the dancers would be required to keep the sound to a minimum.

GRANT PERMIT TO ERECT TENT ON SIXTH STREET BETWEEN G AND F STREETS

Rev. H. P. Aderholdt, Pastor of the Assembly of God Church, located on Sixth Street, between F and G Streets, requested permission to erect a tent adjoining the church to be used for revival services beginning June 17 for a period 2-3 weeks. Councilman Arata moved, seconded by Councilman Anderson, and it was unanimously carried, that the request be referred to the administrative staff.

AUTHORIZE CALL FOR BIDS FOR PRINTING AND ADVERTISING FOR FISCAL YEAR 1955-56

Councilman Robinson introduced

RESOLUTION NO. 55-24C

seconded by Councilman Anderson, authorizing the calling for bids for the publication of the official advertising of the city for the fiscal year ending June 30, 1956; and setting the date for the opening of the bids as June 20, 1955 at 2 P.M. in the office of the City Clerk, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Anderson, Arata, Hammond, Robinson, Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Adams and Merrill

ACCEPT INFORMAL BID OF STANISLAUS IMPLEMENT & HARDWARE CO. ON CRAWLER TYPE TRACTOR

The Director of Public Works reported on the informal bids which had been received for a used crawler type tractor. He stated that after inspection of the equipment consideration had been reduced

to two tractors which would do the work in a satisfactory manner; one of these was a 1950 model submitted by the Stanislaus Implement & Hardware Company for the sum of \$6,180 and a later model for \$9,072 which had only been used for a period of 50 hours.

Councilman Hammond recommended the purchase of the 1950 model on the basis that (1) the amount of use the city had for the tractor and (2) the newer model would depreciate more from standing idle than from use.

Councilman Hammond introduced

RESOLUTION NO. 55-241

seconded by Mayor Marks, approving the purchase of the 1950 model crawler tractor from Stanislaus Implement & Hardware Company for the purchase price of \$6,180, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Anderson, Hammond, Robinson, Mayor Marks
 Noes: Councilmen: Arata
 Absent: Councilmen: Adams and Merrill

APPROVE SPECIFICATIONS AND CALL FOR BIDS ON DEEP WELL TURBINE PUMP

Upon the recommendation of the City Manager, Councilman Arata introduced

RESOLUTION NO. 55-242

seconded by Councilman Robinson, approving the specification for one deep well pump and electrical equipment (station No. 2); authorizing the calling for bids; and establishing the date of July 5, 1955 at 2:00 P.M. in the City Clerk's office as the time and place for the opening of bids, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Anderson, Arata, Hammond, Robinson, Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Adams and Merrill

APPROVE SPECIFICATIONS AND AUTHORIZE CALL FOR BIDS FOR ONE SAND TRAP

Upon the recommendation of the City Manager, Councilman Arata introduced

RESOLUTION NO. 55-243

seconded by Councilman Anderson, approving the specifications for one sand trap (station No. 2); authorizing the calling for bids; and establishing the date of July 5, 1955 at 2:00 P.M. in the office of the City Clerk as the time and place for the opening of said bids, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Anderson, Arata, Hammond, Robinson, Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Adams and Merrill

RESOLUTION APPROVING AGREEMENT WITH ROBERT BOMBERGER, ET UX FOR PERIMETER SEWER IN WESTWOOD MANOR

Upon the recommendation of the City Manager, Councilman Arata introduced

RESOLUTION NO. 55-244

seconded by Councilman Anderson, approving agreement with Robert Bomberger, et ux for perimeter sewer in Westwood Manor and authorizing its execution by the city's designated officials, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Anderson, Arata, Hammond, Robinson, Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Adams and Merrill

CONSIDER RENEWAL OF LEASE WITH ROBERT PHILIPS ON OFFICE BUILDING NO. 2 AT AIRPORT

The City Attorney reported Mr. Robert Philips had indicated that he did not wish to renew his lease on office building No. 2 at the Municipal Airport.

DISCUSSION ON PARKING LOTS

A general discussion was held on a proposal that property owners adjacent to City parking lots be asked to improve the rear of their buildings which were exposed to the public view after the lots had been developed by the city.

Traffic Engineer Carmody reported that letters had been drafted but not sent to owners surrounding the Ninth and Eleventh Street lots (between H and I Streets). Councilman Arata moved, seconded by Councilman Anderson, and it was unanimously carried, that Mayor Marks be authorized to write a letter to the property owners adjoining the 9th Street and 11th Street lot (between I and H Streets) on behalf of the Council.

Traffic Engineer Carmody reported that the Planning Commission had discussed the possibility of adopting a program to tie alley approaches in with public parking in the location of lots. The possibility of making it a condition on the purchase of a lot, that the property owners improve the access to the rear of store buildings to parking lots and to encourage future alleys in commercial areas to develop good locking frontages and access points. The City Manager suggested that property owners adjoining a proposed new parking lot site be contacted prior to the purchase and asked to improve their property. It was suggested by Council members that the Authority contact the Planning Commission for any assistance it might need on this program.

CONSIDER PAYMENT OF BILL FOR TAXES TO THE SOUTHERN PACIFIC CO. FOR PARKING LOT ON EAST SIDE OF EIGHTH ST.

The City Manager reported receipt of a request from the Southern Pacific Company for the payment of taxes on the parking lots on the East side of Eighth Street leased to the City of Modesto.

The City Attorney reported that the company had agreed to the transfer of this lease to the Parking Authority and the claim for taxes could be assumed and paid by the Authority after the transfer. He pointed out that it would be unwise to transfer the lot to the Authority if the Council planned to later on return these lots to the city since it would be necessary to enter into another agreement with the company to transfer the property back to the city.

Councilman Hammond introduced

RESOLUTION NO. 55-245

seconded by Councilman Arata, approving assignment of lease between the

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Southern Pacific Company and City of Modesto covering property on east side of Eighth Street, between I and K Streets, used for automobile parking to the City of Modesto Parking Authority and authorizing the execution of the assignment by the Mayor and City Clerk, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Anderson, Arata, Hammond, Robinson, Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Adams and Merrill

ACCEPT DEEDS AND AUTHORIZE RECORDATION WITH STANISLAUS COUNTY RECORDER

The City Attorney presented for Council consideration grant deeds from Conow Builders, Inc. and Lester B. Maxfield.

Councilman Arata introduced

RESOLUTION NO. 55-246

seconded by Councilman Anderson, accepting the grant deed from Lester B. Maxfield and Corliss C. Maxfield on a portion of lot 1 of Weil Colony (alley in Block 6128A-Improvement District #3) and authorizing its recordation with the Recorder of Stanislaus County, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Anderson, Arata, Hammond, Robinson, Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Adams and Merrill

Councilman Hammond introduced

RESOLUTION NO. 55-247

seconded by Councilman Arata, accepting grant deed from Conow Builders Inc. on a portion of lots 8 and 9 of the Fresno Tract (one foot strip of land on east side of LaVilla Serena Subdivision) and authorizing its recordation with the Recorder of Stanislaus County, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Anderson, Arata, Hammond, Robinson, Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Adams and Merrill

ACCEPT IMPROVEMENT OF GRANDSTAND AND BLEACHERS AT DEL WEBB FIELD FROM SPEARS CONSTRUCTION COMPANY

Upon the recommendation of the Director of Public Works Councilman Arata introduced

RESOLUTION NO. 55-248

seconded by Councilman Anderson, accepting the improvement of grandstand and bleachers at Del Webb Field from Spears Construction Company; authorizing payments as due and authorizing the recordation of Notice of Completion with Stanislaus County Recorder, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Anderson, Arata, Hammond, Robinson, Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Adams and Merrill

The Director of Public Works reported that the actual cost of repairs of the facilities at the park had exceeded the estimated amount by \$1100.

Councilman Arata introduced

RESOLUTION NO. 55-249

seconded by Councilman Robinson, approving the appropriation transfer of \$1100 from Capital Improvements-Park Sites Fund to Capital Improvements-Municipal Ball Park, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Anderson, Arata, Hammond, Robinson, Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Adams and Merrill

Councilman Arata introduced

RESOLUTION NO. 55-250

seconded by Councilman Anderson, accepting painting of Del Webb Field from J. H. Andrews Painting Service in the amount of \$1739.06 and authorizing payment, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Anderson, Arata, Hammond, Robinson, Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Adams and Merrill

Councilman Arata introduced

RESOLUTION NO. 55-251

seconded by Councilman Anderson, authorizing the appropriation transfer of \$522 from General Reserve to Parks & Recreation, Parks Division, Municipal Ball Park (Del Webb Field) to provide for repairs to existing bleachers, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Anderson, Arata, Hammond, Robinson, Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Adams and Merrill

REPORT BY DIRECTOR OF PUBLIC WORKS ON AGREEMENT FOR CONSTRUCTION OF
 CARVER SEWER LINE

The Director of Public Works reported that Batcherlor Pipeline Construction Company had been unable to secure the necessary bonds from the insurance company for the construction of the Carver Road sewer line. The Public Works Department had called for informal bids on the cost plus basis and four bids were received. He recommended that this work be done on this basis as there was a time factor involved and to readvertise for bids would entail a delay of 3 weeks and from the previous experience on bids on this project there was an element of uncertainty. He recommended that an agreement be entered into with the Standard Materials Inc. to do the work.

The Council discussed the possibility of establishing a "stop figure", and the submission of progress reports so that the Council could stop the work at any time. Councilman Hammond moved, seconded by Councilman Robinson, that the city enter into an agreement with Standard

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Materials Inc. for the work, as outlined by the Director of Public Works. This motion was withdrawn.

Councilman Anderson introduced

RESOLUTION NO. 55-252

seconded by Councilman Hammond, recommending that as Batchelor Pipeline Construction Company were unable to provide a bond as required by the plans and specification for the construction of the Carver Road sewer line that Resolution No. 55-232 adopted by the Council on June 1, 1955 awarding the contract to the said Batchelor Pipeline Construction Company be and it is hereby rescinded, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Anderson, Arata, Hammond, Robinson, Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Adams and Merrill

Councilman Hammond introduced

RESOLUTION NO. 55-253

seconded by Councilman Robinson, finding and determining that an emergency exists due to limited time and that it is necessary to proceed with the construction of the Carver Road sewer line for the preservation of life, health and property and approving the execution of an agreement with Standard Materials Inc. to do this work on a cost plus basis as outlined by the Director of Public Works, by the city's designated officials, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Anderson, Arata, Hammond, Robinson, Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Adams and Merrill

AUTHORIZE REMOVAL OF STOP SIGNS ON VIRGINIA AVENUE AT GOLDWELL AVENUE

Upon the recommendation of the Traffic Engineer, Mayor Marks introduced

RESOLUTION NO. 55-254

seconded by Councilman Hammond, approving the removal of stop signs on Virginia Avenue at Goldwell Avenue, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Anderson, Arata, Hammond, Robinson, Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Adams and Merrill

PRESENTATION OF PRELIMINARY BUDGET FOR YEAR 1955-56

The City Manager filed the preliminary budget for the fiscal year 1955-56.

SET DATE FOR PUBLIC HEARING ON PROPOSED ANNEXATION OF THE LA VILLA ROSE ADDITION

The City Attorney presented for Council consideration, a resolution relating to the proposed annexation of LaVilla Rose. The Planning Commission recommended that the area be annexed.

Councilman Hammond introduced

RESOLUTION NO. 55-255

seconded by Councilman Arata, setting the date of July 20, 1955 at 4:30 P.M. in the Council Chambers at the McHenry Public Library as the time and place for consideration of objections of any owner of property within the area, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Anderson, Arata, Hammond, Robinson, Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Adams and Merrill

AUTHORIZE INSTALLATION TO INSTALL VENTS AND FAN IN MADDUX YOUTH CENTER

Upon the recommendation of the City Manager, Councilman Arata moved, seconded by Councilman Hammond, which was unanimously carried, authorizing the installation of vents and fan in the Maddux Youth Center building.

GRANT LEAVE OF ABSENCE FOR TEMPORARY MILITARY DUTY TO CITY ATTORNEY GRIMES

City Attorney Grimes requested leave of absence for temporary military duty beginning June 13, through June 28, 1955.

Councilman Arata moved, seconded by Councilman Anderson, which was unanimously carried, that leave of absence be granted City Attorney Allen Grimes for temporary military duty during this period. Councilman Arata moved, seconded by Councilman Anderson, and it was unanimously carried, that J. Wilmar Jenson be appointed as acting City Attorney during the absence of City Attorney Grimes during this temporary absence.

ADJOURNMENT

Councilman Hammond moved, seconded by Councilman Robinson, and it was unanimously carried that the Council meeting now in session adjourn. The meeting was adjourned at 11:45 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 Chamber at the McHenry Public Library 14th and I Streets, Mayor Marks presiding.

The City Clerk called the roll and there were

Present: Councilmen: Anderson, Arata, Hammond, Robinson, Merrill and Mayor Marks

Absent: Councilmen: Adams

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

The invocation was given by Rev. R. C. Christofferson, pastor of the Fairmont Baptist Church.

APPROVAL OF MINUTES

Council members having received copies of the minutes of the meetings of May 17, 18, 24, 25, 31 and June 1 and the same being available for public inspection, and there being no objections, the minutes were approved.

MAYOR MARKS PRESENTS CITY MANAGER MILLER WITH CAKE IN COMMEMORATION OF FOURTH ANNIVERSARY WITH THE CITY OF MODESTO

Mayor Marks presented City Manager Miller with a cake in commemoration of his fourth anniversary with the City of Modesto.

DISCUSS APPROPRIATION TO MODESTO BAND FOR FISCAL YEAR 1955-56

A letter received from the Modesto Band asking Council consideration to appropriation of \$1200 in budget year 1955-56, as in the past years, was read.

Mayor Marks reported that he had asked Councilman Robinson to act as "liaison" representative of the Council to the Modesto Band to determine "how the city can support the band and to help the band to support itself".

The City Manager reminded the Council that there was still available the sum of \$500 which had been appropriated by the Council to assist the band in the changing of its name from Stanislaus County Band, Inc. to Modesto Band and which would be paid as soon as this transaction had been concluded. He suggested that if it was not cleared before the end of the fiscal year that it could be rebudgeted.

Councilman Anderson reported that he had attended a meeting with representatives of the band on Friday, June 10 and they were requesting an additional donation of \$500 to be used for (1) \$350 to send the band to Sacramento Fair and (2) \$150 for participation in the Fourth of July parade. It was suggested by the group, he reported, that the other bands participating in the parade were paid by the Fourth of July Committee so the appropriation to the Committee could be reduced by that amount and the money paid direct to the band.

Mayor Marks asked Councilman Anderson and Merrill to work with Councilman Robinson to check this matter and report at a later meeting on their recommendation.

LETTER FROM CENTRAL CALIFORNIA ART LEAGUE

A letter from the Central California Art League, expressing appreciation for the city's support on its festival held at McHenry Village on June 4th, was read and ordered filed.

DISCUSSION ON OPERATIONS OF MODESTO MOTOR BUS SERVICE

A letter was read from Willis M. Kleinenbroich, operating the Modesto Motor Bus Service, asking that "the Council cancel his temporary right to serve the South Modesto area (Route 5) and the LaLoma-Airport area (Route 6)". He stated that the reason for his request was lack of support and patronage by the citizens in these areas. One half of the cost of operation of the bus service would be eliminated if these areas were dropped, Mr. Kleinenbroich stated. This would permit him to retain almost two thirds of his revenue. He pointed out that if he continued the service on the present basis that a deficit of over \$4,800 for the fiscal year would be incurred. He stated that "the citizens in the areas mentioned have the Modesto City Council to thank for the past months operations, beyond the original 90 day trial period, for allowing this carrier to operate without the payment of the franchise taxes, for the past few months. Had the Council required the payments of said taxes this carrier would have been forced to stop operating into these districts at the expiration of the 90 day period."

Mr. Kleinenbroich, who was present, stated that he wished to clear up the point regarding the franchise taxes. "I had no intention of giving the opinion that the Council had cancelled those taxes. I realize that it did not cancel them," he stated.

Mayor Marks gave a brief background on the operation of the bus system for the information of the new members of the Council. He expressed the belief that the people in these areas needed a way to get to the down town area and it would be a tragedy if the routes were discontinued. He pointed out that the company could not be permitted to just operate the "lush routes". He stated that he knew that Mr. Kleinenbroich had tried to get the cooperation of the residents in the areas to ride the busses.

The City Manager asked Mr. Kleinenbroich to continue the routes until "we can wring out every possibility that we can make it work". He suggested that the people in those areas who were going to lose this service concern themselves with it and set up some committee to help see that this service is not lost. "It is important to them and to the City. I would urge the Council to request the owner of this service to continue it at least for now. We will check with him to offer whatever help we can to see if we can get the people in these areas to help."

Mr. Kleinenbroich stated that he would be willing to continue for a period of 90 days and try to solve the problem in that time. He stated that he would confer with the P.U.C. and Traffic Engineer Carmody. He stated that it was not only the two routes which made his operation unprofitable.

Mayor Marks stated "we do not want to get into this business. We think private enterprise in the long run will solve this problem. We have the public convenience and necessity to consider. If we cannot solve the problem in these areas, we will find ourselves in the business. Somebody has to get them into town. Let's face the issue."

The City Manager suggested that the report prepared by Mr. Carmody be studied. He also reported that Mr. Carmody had written to other cities regarding their solution of the problem.

Mayor Marks suggested that if the M.I.D. was exempt from a franchise tax, that the transportation service should be considered in the same category. He reported on the previous consideration of the Council to subsidize the operations of the transportation with parking meter revenue.

Mr. Kleinenbroich reported that it had been suggested that he increase the fares but that this would be a "tough problem".

To a question from Councilman Arata, the City Manager reported that the estimated franchise tax per year for the bus service was approximately \$1200.

Mayor Marks suggested that Mr. Kleinenbroich contact the Merchants Bureau to see if the store would issue cards or tokens to customers for free rides on the bus.

The City Manager stated, "May we understand, Mr. Kleinenbroich, that you will go ahead for 90 days?"

Mr. Kleinenbroich agreed that he would.

GRANT PERMIT TO JUNIOR RIFLE CLUB TO OPERATE POP STAND AT COURTHOUSE PARK ON FOURTH OF JULY

John Wilson appeared before the Council on behalf of the Junior Rifle Club requesting a free permit to operate a pop stand on Fourth of July on the courthouse grounds. The City Manager stated that the request could be handled by the administrative staff, to which the Council concurred.

DISCUSS PAYMENT OF CERTAIN BILLS RELATING TO IMPROVEMENT OF DEL WEBB FIELD

The City Manager reported that Floyd Benson on behalf of the Modesto Community Athletic Association, had presented several bills for improvements which had been made at Del Webb Field.

1 - Industrial Electrical Co. (for replacement of lenses on east floodlight pole)	\$ 66.68
2 - Industrial Electrical Co. (moving of light to prevent glare in eyes of batter)	11.35
3 - Spears Construction Company (installation of window guards for the concession area, which were not in the original plan and which are necessary for the operation)	511.39
4 - Industrial Electrical Co. (couplings - floodlights for foul play recovery)	70.47
5 - Industrial Electrical Co. (additional wiring at concession area since the wiring was not heavy enough to carry the load)	127.49
Total	\$787.38

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He pointed out that a number of the items should have been included in the specifications but due to the haste in preparing the plans and specifications they had been overlooked.

Two other statements (1) Industrial Electrical Company for \$322.28 for changing broken lenses on six field poles and (2) Spears Construction Company for \$96.12 for various other repairs due to vandalism which had occurred during the off-season, the City Manager stated, have not been cleared as yet and he suggested that they be held over for the City Attorney to check the contract with the Association.

Councilman Merrill introduced

RESOLUTION NO. 55-256

seconded by Councilman Arata, authorizing the payment of the claims totaling \$787.38 and authorizing appropriation transfer of \$788 from Capital Improvements-Park Sites to Capital Improvement Municipal Ball Park (Del Webb Field), which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Adams

Councilman Arata moved, seconded by Councilman Merrill, and it was unanimously carried, that the City Attorney be asked to check the contract to determine the status of the other two statements for repairs and make a report, as soon as possible so that they may be cleared before the end of the fiscal year.

REQUEST FOR FINANCIAL SUPPORT BY "OVER 60" CLUB

Anderson Umberger, representing a group for "Over 60" which had recently been formed, asked for financial support to supply cooking utensils and dishes to be used at the Boy Scout's Clubhouse. Mayor Marks suggested that he check with the City Manager and the Recreation Department.

AUTHORIZE CALL FOR BIDS ON LAMPS FOR FISCAL YEAR 1955-56

Upon the recommendation of the City Manager, Councilman Anderson introduced

RESOLUTION NO. 55-257

seconded by Councilman Arata, approving specification and authorizing the call for bids for incandescent, fluorescent and mercury vapor lamps for municipal lighting for fiscal year beginning July 1, 1955; setting the date of Tuesday, July 5, 1955 at 3:00 P.M. at the City Clerk's office as the time and place for the opening of bids, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Adams

REPORT ON PROGRESS OF DOWN-TOWN STREET LIGHTING IMPROVEMENT DISTRICT

Director of Public Works Ray reported that the assessment

district and boundaries of the proposed street lighting district should be cleared in 2-3 weeks.

AWARD OF CONSTRUCTION OF SEWER LATERAL AND STREET LIGHTS (MATERIAL) IN IMPROVEMENT DISTRICT NO. 3 HELD OVER

Director of Public Works Ray reported receipt of two bids for the construction of sewer laterals and street light materials in Improvement District No. 3, which had been opened at 2:00 P.M. June 14, 1955. He stated that the license of the low bidder was being checked and it would be necessary to hold over the awarding of the bid until a later date.

RECONSIDER CALLING FOR BIDS ON OFFICIAL ADVERTISING FOR FISCAL YEAR 1955-56

The City Manager stated that it would be necessary to readvertise for bids on the official advertising due to certain conditions and recommended the rescinding of the previous resolution calling for bids.

Councilman Robinson introduced

RESOLUTION NO. 55-258

seconded by Councilman Anderson, rescinding Resolution No. 55-240 adopted by the Council on June 8, authorizing the calling for bids for the official advertising for the fiscal year 1955-56, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Adams

Councilman Arata introduced

RESOLUTION NO. 55-259

seconded by Councilman Hammond, authorizing the calling for bids for the official advertising for the fiscal year 1955-56 and setting the date of Monday, June 20, 1955 at 2:00 P.M. in the City Clerk's office as the time and place for the opening of said bids, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Adams

PUBLIC HEARING ON PROPOSED ANNEXATION OF WEST GLEN ADDITION TO THE CITY OF MODESTO

This being the time set for the public hearing on the proposed annexation of the West Glen Addition to the city, Mayor Marks declared the meeting open for the consideration of protests at 4:30 P.M.

The City Clerk filed an affidavit that Resolution No. 55-199, giving notice of the proposed annexation, had been published as provided by the "Annexation of Uninhabited Territory Act of 1939"; that written notice had been mailed to persons specified in this act; and that no written protests to the proposed annexation had been filed.

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Mayor Marks asked for oral protests from the audience but none were filed. He declared the hearing closed.

Councilman Hammond moved the adoption and passage to print of
ORDINANCE NO. 31-C.S.

entitled: "AN ORDINANCE ANNEXING UNINHABITED TERRITORY KNOWN AS THE WEST-GLEN ADDITION TO THE CITY OF MODESTO", which motion being duly seconded by Councilman Anderson, was upon roll call carried and ordered printed and published by the following vote:

Ayes: Councilmen: Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: Adams

REPORT ON POPULATION OF CITY

The City Manager reported that the official population of the City of Modesto was now past the 30,000 mark. The question of whether the city should make arrangements with the Department of Commerce for a special census was being checked, he stated.

FINAL ADOPTION OF ORDINANCE NO. 27-C.S. (PARALLEL AND ANGLE PARKING)

Ordinance No. 27-C.S. entitled: "AN ORDINANCE AMENDING SECTION 34 OF ORDINANCE NO. 345-N.S. ENTITLED, 'AN ORDINANCE REGULATING TRAFFIC UPON THE PUBLIC STREETS OF THE CITY OF MODESTO' AS AMENDED" (permit parallel and angle parking) having been heretofore introduced and ordered printed and published at the regular meeting of June 1, 1955, Councilman Arata moved, seconded by Councilman Anderson, that the ordinance be finally adopted, which motion was upon roll call carried by the following vote:

Ayes: Councilmen: Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: Adams

APPROVE AGREEMENT WITH STATE DIVISION OF HIGHWAYS-GAS TAX PROJECTS 1955-56 MAJOR CITY STREETS

Upon the recommendation of City Manager Miller Councilman Arata introduced

RESOLUTION NO. 55-260

seconded by Councilman Robinson, approving memorandum of agreement for expenditure of gas tax allocation for Major City Streets, for fiscal year 1955-56, and authorizing its execution by the Mayor and City Clerk, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: Adams

ACCEPTANCE OF GRANT OFFER OF CIVIL AERONAUTICS ADMINISTRATION - AIRPORT LAND ACQUISITION

Acting City Attorney Jensen reported receipt of approval of

the project application for airport land acquisition from the Civil Aeronautics Administration. He stated that the Director of Public Works had approved the grant agreement from the C.A.A. as to substance and that he had approved it as to form. The County Board of Supervisors, he reported, has already adopted a resolution accepting the grant agreement and the Chairman of the Board has signed the agreement.

Councilman Arata introduced

RESOLUTION NO. 55-261

seconded by Councilman Robinson, accepting the offer of the United States of America for a grant of federal funds for the development of the Modesto Municipal Airport (acquisition of land for runway), which is set forth in detail in the resolution, and authorizing the execution of agreement by the city's designated officials, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Anderson, Arata, Hammond, Merrill, Robinson and
Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: Adams

SET DATE FOR BUDGET HEARING ON 1955-56 BUDGET

A general discussion was held by the Council members on a method for clearing consideration of the 1955-56 city budget. It was agreed that the members should go out on an inspection tour Tuesday, June 21 at 2:00 P.M. and return to the Council Chamber at 4:00 P.M. for a discussion on the budget.

Councilman Arata introduced

RESOLUTION NO. 55-262

seconded by Councilman Robinson, setting the date of Wednesday, July 13 at 8:00 P.M. as the date for the formal public hearing on the proposed 1955-56 budget for the City of Modesto, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Anderson, Arata, Hammond, Robinson, Merrill and
Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: Adams

APPOINT C. W. MASONHEIMER CITY MANAGER PRO TEMPORE DURING ABSENCE OR
DISABILITY OF CITY MANAGER

Councilman Merrill introduced

RESOLUTION 55-263

seconded by Councilman Hammond, appointing C. W. Masonheimer, Assistant City Manager, City Manager Pro Tempore during the absence or disability of the City Manager and rescinding Resolution No. 54-268 appointing C. D. Millar as City Manager Pro Tempore, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Anderson, Arata, Hammond, Robinson, Merrill and
Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: Adams

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AUTHORIZE TRANSFER FUNDS FROM McHENRY LIBRARY FUND TO THE McHENRY LIBRARY SPECIAL FUND FOR CAPITAL OUTLAY

Councilman Arata introduced

RESOLUTION NO. 55-264

seconded by Councilman Hammond, authorizing the Director of Finance to transfer \$16,000 from the McHenry Library Fund to the McHenry Library Special Fund for Capital Outlays, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Anderson, Arata, Hammond, Robinson, Merrill and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Adams

AUTHORIZE TRANSFER OF \$30,000 FROM DOMESTIC SEWER SERVICE FUND TO GENERAL FUND

Councilman Hammond introduced

RESOLUTION NO. 55-265

seconded by Councilman Arata, authorizing the Director of Finance to transfer \$30,000 from the Domestic Sewer Service Fund to the General Fund, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Adams

HOLD OVER ESTABLISHMENT OF "LIBRARY CASH BASIS FUND"

The matter of establishing a "Library Cash Basis Fund" was held over for a later meeting when the City Attorney has returned.

ACCEPT GRANT DEED FROM MANUEL CARRILLO AND VALENTINE CARRILLO (WIDENING OF ROSEBURG AVENUE)

The Acting City Attorney presented for Council consideration grant deed from Manuel Carrillo et ux for the widening of Roseburg Avenue.

Councilman Anderson introduced

RESOLUTION NO. 55-266

seconded by Councilman Robinson, accepting grant deed from Manuel Carrillo and Valentine Carrillo, husband and wife, as joint tenants, dated June 7, 1955, deeding 10 feet for the widening of Roseburg Avenue and authorizing its recordation with the Recorder of Stanislaus County, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Adams

APPROVE PROPOSAL OF BARIUM PRODUCTS INC. TO BROADCAST MODESTO BAND SUMMER CONCERTS IN GRACEADA PARK

The City Manager reported that Barium Products Inc. had

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requested permission to sponsor the broadcasting, over K.T.R.B. Radio Station, of the summer concerts given by the Modesto Band in Mancini Bowl at Graceada Park, as a community service only. Councilman Merrill moved, seconded by Councilman Hammond, and it was unanimously carried, that the Council indicate approval of this procedure.

HOLD OVER ESTABLISHMENT OF LIMITED NO PARKING ZONE ON SCENIC DRIVE NEAR DOWNEY AVENUE

The matter of establishing limited "no parking" zone on Scenic Drive, near Downey Avenue, was held over for a later meeting.

ACCEPT SANITARY SEWER ON KEARNEY AVE. FROM CONTRACTOR A.P. RASMUSSEN

The Director of Public Works filed a report that the sanitary sewer on Kearney Avenue had been completed by contractor A. P. Rasmussen and that he recommended payment as provided by the contract.

Councilman Arata introduced

RESOLUTION NO. 55-267

seconded by Councilman Robinson, accepting the sanitary sewer on Kearney Avenue from contractor A. P. Rasmussen; authorizing the recordation of Notice of Completion with the Recorder of Stanislaus County; and authorizing payments as due, as provided by the agreement, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Adams

AUTHORIZE MAILING OF FINANCIAL STATEMENT FOR MONTH OF MAY, 1955

The Director of Finance reported completion of the financial statement for month of May, 1955 and he was directed to mail copies to each Council member.

REPORT BY COUNCIL PARKING COMMITTEE

Councilman Hammond, chairman of Council Committee, reported that Councilmen Anderson and Adams, other members of the committee, and he, had met several times with a committee of down-town merchants and property owners, headed by William Bacon, to discuss the formation of an improvement district to provide for parking to conform with the provision of the new zoning ordinance which abated the parking requirements for one year. As a result of these meetings, the Council committee wish to suggest as follows:

- 1 - That for a parking district to function, it must be through the Council and not the Parking Authority and it is the consensus of opinion of the committee that the Authority should be disbanded, which will be necessary to go along with the voting on the parking provision in the zoning ordinance--these two items go together.
- 2 - That the Security Title and Insurance Company, to further this program, had agreed to supply the information on the assessed valuation of the property and improvements that will be in the district, for the sum of \$125. This is recommended since it would be the duty of the city staff to furnish this information. This charge can be paid after the formation of the district.

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- 3 - That the Parking District committee work with the Council Committee to set up the proposed parking program which would be presented to the Council for approval and after this is done the financial analyst could be hired.

Councilman Anderson pointed out that the hiring of the financial consultant by the Council would not be necessary until after the assessment program study had been made so that the scope of the district could be decided. He pointed out that all these expenses would be part of the district after it was formed. He considered that there could not be two bodies for the program and that the Authority should be disbanded.

Mayor Marks asked if it was the committee's idea to recommend an advisory committee or commission as recommended in the Public Administration Service report.

Councilman Hammond stated that it was advisable to have the Council committee and Parking district committee serve as an advisory committee.

Councilman Anderson stated that it was the committee's idea to furnish the Council with the necessary information so that a district can be formed.

Councilman Robinson pointed out that the Authority was set up to serve the entire city wherever a demand was proven and that a parking district would serve an area of 10 blocks in size or larger. He questioned the advisability of disbanding an agency that was serving 35,000 people in the city. He pointed out that the effort to establish a parking district might not be successful and he questioned whether a "going organization" should be disbanded.

Councilman Hammond contended that it would be difficult under the new zoning ordinance for the Authority to function. He stated that it was a functional necessity for the authority to be disbanded and the Council to assume the duties.

Mayor Marks summed up the recommendations of the committee:

- 1 - That the Authority be disbanded and the Council as elected representatives of the people take over the business presently administered by the Authority. That one agency could do the work better than two.
- 2 - That the administrative work be done by Mr. Carnody under the City Manager.
- 3 - That the policy decisions be made by the Council.

Councilman Arata asked if an advisory or parking committee would be appointed.

The City Manager stated that if a committee or commission was appointed it would have to be on an advisory basis only.

Bob Bomberger, member of the audience, stated: "It is virtually impossible to form a parking district under the most favorable conditions but with the Authority, such as they are doing now, not giving any consideration to the desire of the property owners for the formation of a parking district, leasing and buying property, it is more difficult. Every time a new lot is leased or bought it is going to be more impossible

to get property owners to sign up for a parking district. We feel that it would be desirable to disband the Authority so that they could not make any additional purchases or leases of property until we have had time to form this district. The 1951 act requires 51% of the property owners to sign, and public utility companies and banks will not sign a petition, and some people are opposed to any form of improvement district. It places a burden on those attempting to form this district to get 51%. It is going to be a difficult task and more impossible if the Authority continues to operate. We recommend to the Council Committee and to the group working with us that the Authority be disbanded and the duties assumed by the Council. If the Council wishes it could appoint a committee to make recommendations."

The City Manager suggested that the matter be delayed due to the absence of City Attorney Grimes. The Council could indicate its intention, however, as to what it wished to do about the recommendations of the committee.

Councilman Anderson pointed out that the abolishment of the Authority had been considered for a number of years and that the procedure for doing this should have been worked out prior to this time so that "we could start the ball rolling now".

The City Manager again pointed out that Mr. Grimes, who had handled all the legal matters, was absent with the Council's consent.

Mayor Marks suggested that the Authority be notified that the Council intended to make the change and it should be asked to withhold any major transactions until this was concluded.

Councilman Hammond moved, seconded by Councilman Anderson, that the City Attorney be directed to prepare the necessary documents to disband the Authority and to notify the Authority of the Council's intention, and to request the Authority to withhold any major action until after the matter was concluded.

Before the vote was taken there was a general discussion on the motion and the following points considered:

- 1 - That this would be giving up a going organization and that the parking district was an uncertainty.
- 2 - That Mr. Carmody and Mr. Grimes would be hired in the same capacity by the Council, with the City Manager in charge of this particular department, and that salaries would be paid out of the Parking revenue.
- 3 - That the parking should be handled as a part of the regular business of the city--like the water department--and it would become a part of the city's operation and be the responsibility of the Council as far as policy is concerned and the City Manager as far as administration.

Mr. Carmody pointed out that the Authority "was in the middle of things. We have a lot leased on 9th Street, which will be available in 3 weeks when the \$500 per month rent will start. The plans and specifications for the improvement of the lot are to be approved at next Monday's meeting and if the Authority is asked to cease and desist its operation the members might resign and we will not have the plans approved nor be able to call for bids, and the rent is starting. This is a possibility."

Mayor Marks outlined the three courses of action which could be considered by the Council:

- 1 - To instruct the City Attorney to prepare the necessary documents for the disbanding of the Authority and for transfer of the parking lots to the city.
- 2 - Indicate to the Authority that the Council has under consideration the disbanding of the Authority and ask the members to proceed with the regular business with the exception of any new major projects.
- 3 - Not do anything.

Mayor Marks called for a vote on the motion introduced by Councilman Hammond and seconded by Councilman Anderson (1 and 2 above) and it was unanimously carried.

Mayor Marks moved, seconded by Councilman Hammond, and it was unanimously carried, that it is the intention of the Council that City Attorney Grimes and Parking Administrator Carmody should continue with the same type work they have been doing.

REPORT BY CITY MANAGER ON JOINT ANALYSIS OF STREET CROSSING SIGNALS WITH SCHOOLS

The City Manager reported that he had discussed with Traffic Engineer Carmody and Superintendent of Schools Corson, the possibility of a city-wide joint analysis of street crossings, before the end of the summer season, with the possibility of installing certain crossing signals in areas where schools are concerned. A report will be submitted to the Council later, he stated.

Mayor Marks recommended that a signal be considered at the intersection of Virginia at Goldwell Avenue, where the stop signs were recently removed, to stop traffic for pedestrians only on Virginia, where many children would cross to attend Enslin School and Junior College.

ADJOURNMENT

Councilman Hammond moved, seconded by Councilman Merrill, and it was unanimously carried, that the meeting now in session adjourn. The meeting was adjourned at 6:00 P.M.

ATTEST: 
 REX E. GAILFUS, CITY CLERK

The Council of the City of Modesto met in special session this date at 5:00 P.M., as provided by Section 2-1.02 of the Modesto Municipal Code, in the Council Chamber at the McHenry Public Library, 14th and I Streets, Mayor Marks presiding.

The City Clerk called the roll and there were

Presents: Councilmen: Anderson, Arata, Hammond, Robinson and Mayor Marks
Absents: Councilmen: Adams and Merrill

CONSIDER MATTERS RELATING TO THE PARKING AUTHORITY

Mayor Marks reported that he had contacted each member of the Parking Authority and asked them, that in the interest of all the people of Modesto if they would continue with their business as the Council had asked them to do. He said that the Council understood that the Authority was considering additional purchases and leases of land and they wanted them to know that the Council felt additional land should not be acquired at this time. He stated that the action which the Council took seemed to be the best thing to do. All the members of the Parking Authority, he stated, declined to continue serving.

Acting City Attorney Jensen reported that he had conferred with the League of California Cities and they had suggested that the best way to clear the matter would be to appoint five new members to the Authority.

City Manager Miller stated that it would be much more orderly procedure if the new members of the Authority would transfer all the property back to the City in the proper legal order. He suggested that in appointing the new members, that the Council proceed in the following manner: That the properties be transferred to the City, and that the termination of the action of the activities of the Authority, and the resignation of the members, be effective at midnight, June 30, 1955, to coincide with the end of the fiscal year. By doing this, he stated, it would be easier to keep the record clear.

Councilman Arata introduced

RESOLUTION NO. 55-267

seconded by Councilman Anderson, accepting the resignation of the members of the Parking Authority, effective 12 o'clock noon, June 16, 1955, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Anderson, Arata, Hammond, Robinson and Mayor Marks
Noes: Councilmen: None
Absents: Councilmen: Adams and Merrill

City Manager Miller asked the Council if they were in agreement that they proceed with the documents on the basis that it would be terminated at the end of the fiscal year. The Council concurred in this matter.

Acting City Attorney Jensen suggested that a meeting be called of the Parking Authority as soon as the new members had been appointed.

Mayor Marks asked the Council members to submit names to him for the new members of the Authority and stated that he would contact them all before the Council meeting tomorrow night.

ADJOURNMENT

The Council meeting was adjourned at 5:05 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 Chamber at the McHenry Public Library, 14th & I Streets, Mayor Marks presiding.

The City Clerk called the roll and there were

Present: Councilmen: Anderson, Arata, Hammond, Merrill, Robinson and
Mayor Marks
Absent: Councilmen: Adams

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

Invocation was given by Rev. J. S. McMullen, pastor of the Assembly of God Church.

APPROVAL OF MINUTES

Council members having received copies of the minutes of the Council meeting of June 3, and the same being available for public inspection, and there being no objections, the minutes were approved.

ACCEPT RESIGNATION OF MEMBERS OF THE PARKING AUTHORITY

A letter from Melville D. Harris, Roy Bylling, Ian Mensinger, and A. M. Rose, submitting their resignation from the Parking Authority, effective 12 o'clock noon, June 16, 1955, was read. Councilman Arata moved, seconded by Councilman Hammond, and it was unanimously carried, that Certificates of Merit be presented to the members.

APPOINTMENT OF MEMBERS TO THE PARKING AUTHORITY

Mayor Marks stated that he had contacted all of the men whom the Council had suggested to serve on the Authority, but that many of them could not serve because of illness or the press of business. He said that he explained to the five men who consented to serve that they could only be appointed for the unexpired terms of the resigning members, but that the Council expected them to clear the Parking Authority business by the first of July.

Councilman Arata introduced

RESOLUTION NO. 55-268

seconded by Councilman Merrill, appointing the following men to the Parking Authority:

Bill Warner, to serve the unexpired term of Melville D. Harris
John Gorman, to serve the unexpired term of A. M. Rose
Nathan McVay, to serve as the successor to R. E. Bates
Ray Shearn, to serve the unexpired term of Ray Bylling
Jack Ulrich, to serve the unexpired term of Ian Mensinger

which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Anderson, Arata, Hammond, Merrill, Robinson, and
Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: Adams

LETTER FROM MILO F. BRADSHAW, DIRECTOR OF CIVIL DEFENSE

A letter from Milo F. Bradshaw, Director of Civil Defense, expressing

appreciation to the City for its cooperation during the recent civil defense test, "Operation Alert", was read.

COMMUNICATION FROM THE FOURTH OF JULY CELEBRATION COMMITTEE

Mr. Henry Zimmerman, Chairman, Fourth of July Celebration Committee, appeared before the Council to request a contribution of \$750 to help meet expenses of this year's parade. Don Lapan, who was also present, reviewed the past parades and stated that each year more and more entries are coming to Modesto because of the large crowd who view the parade. Mr. Zimmerman and Mr. Lapan both extended an invitation to the Council to participate in the parade.

Councilman Hammond moved, seconded by Councilman Arata, and it was unanimously carried, that the \$750 be included in the budget for the 4th of July Celebration.

Councilman Robinson, as Chairman of the Committee to study the Modesto Band's request for \$150, recommended that the request be referred to the 4th of July Celebration Committee, and that the \$150 be included in the \$750 allocated to the Committee.

Councilman Arata moved, seconded by Councilman Hammond, and it was unanimously carried, that the Modesto Band's request for \$150 be referred to the 4th of July Celebration Committee, and that the City Clerk be directed to write a letter to the Band notifying them of the Council's decision.

LETTER FROM MODESTO MOTOR CAR DEALERS ASSOCIATION RE: WITHDRAWAL OF REQUEST FOR LEGISLATION

A letter from the Modesto Motor Car Dealers Association withdrawing their request for licensing provisions covering the used car businesses within the city, was read and ordered filed.

ACCEPT BID OF W. M. LYLES COMPANY FOR CONSTRUCTION OF SEWER LATERALS AND STREET LIGHTING MATERIALS IN IMPROVEMENT DISTRICT NO. 3

Tabulation of the bids received for the construction of sewer laterals and street lighting materials in Improvement District No. 3, which were opened on June 14, 1955, at 2:00 P.M., were distributed to Council members for their study.

Director of Public Works Ray recommended that the bid be awarded to W. M. Lyles Company, as Collins Electrical Company, the low bidder, did not hold the necessary license for this type of a job and as a result could not be considered the lowest responsible bidder. He stated that he had contacted Acting City Attorney Jensen and Mr. Eugene Sturgis, Bond attorney for this project, as to their opinion and they had both agreed that Collins Electrical Company could not be considered the lowest responsible bidder.

A general discussion was held by the Council as to whether they should reject all the bids and re-advertise, or if they should accept the bid of W. M. Lyles Company since its bid was below the engineer's estimate. It was agreed that the bid be awarded to W. M. Lyles Company.

Councilman Hammond introduced

RESOLUTION NO. 853-S.P.

seconded by Councilman Robinson, accepting the bid of W. M. Lyles Company of \$42,336.59, for the construction of sewer lateral and street lighting materials in Improvement District No. 3, as the lowest responsible bid, as recommended by the Director of Public Works, and authorizing the execution of the agreement by the City's designated officials, which resolution was

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regularly adopted by the following vote:

Ayes: Councilmen: Anderson, Arata, Hammond, Merrill, Robinson and Mayor
Marks
Noes: Councilmen: None
Absent: Councilmen: Adams

ACCEPT BID OF W. M. LYLES COMPANY FOR CONSTRUCTION OF SANITARY SEWER LATERALS
IN WESTWOOD MANOR SUBDIVISION

Tabulation of bids received for the construction of sanitary sewer laterals in Westwood Manor Subdivision which had been opened on June 21, 1955, at 2:00 P.M., were distributed to Council members for their study.

Director of Public Works Ray recommended that the bid of W. M. Lyles Company of \$4,581.50 be accepted.

Councilman Anderson introduced

RESOLUTION NO. 55-269

seconded by Councilman Robinson, accepting the bid of W. M. Lyles Company of \$4,581.50 for the construction of sanitary sewer laterals in Westwood Manor Subdivision, as the lowest responsible bid, as recommended by the Director of Public Works, and authorizing the execution of an agreement by the City's designated officials, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Anderson, Arata, Hammond, Merrill, Robinson, and Mayor
Marks
Noes: Councilmen: None
Absent: Councilmen: Adams

CONSIDER AWARD OF BID FOR OFFICIAL ADVERTISING FOR THE YEAR 1955-56

City Manager Miller requested that this item be held over until next week so that additional information could be gathered.

CALL FOR BIDS ON STORM SEWER AND PUMP STATION ON COLLEGE AVENUE

Director of Public Works Ray reported that the pump station on the corner of Princeton and College Avenue is located at a point where it is continually being flooded out by the winter rains. He stated that they felt it was necessary to reconstruct the station before the improvement of College Avenue could proceed and that it was proposed that it be relocated on the northeast corner of Coldwell and College Avenues. He said that it had been constructed only on a temporary basis, but that if it was discontinued now, some homes in that area might be flooded during the winter.

Councilman Hammond stated that he felt something should be done about the Tully Avenue drainage problem, as it seemed to be in a more serious condition than the one on College Avenue. He wanted to know what the estimated cost would be to relocate the College Avenue station. Mr. Ray stated that the estimated cost was \$4600.

Councilman Hammond asked if the M.I.D. had been contacted regarding the installation of a pumping plant to pump water into the irrigation laterals, which would eliminate the flooding on Tully Avenue. City Manager Miller stated that there had been a meeting with the M.I.D. yesterday, and that this problem had been discussed with them.

It was agreed by the Council that the City staff should do everything they could to correct the condition on Tully Avenue before the rains come in the Fall.

Councilman Merrill introduced

RESOLUTION NO. 55-270

seconded by Councilman Anderson, authorizing the calling for bids for the construction of a storm sewer and pump station on the northeast corner of Coldwell and College Avenues; said bids to be opened in the office of the City Clerk at 2:00 P.M., Monday, July 11, 1955, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Anderson, Arata, Hammond, Merrill, Robinson and Mayor
Marks
Noes: Councilmen: None
Absent: Councilmen: Adams

INDICATE INTENTION TO SET DATE FOR HEARING ON ISSUING OF GARBAGE LICENSES

It was recommended by the City Manager that this item be held over until the next Council meeting.

ACCEPT CONSTRUCTION OF THE LALOMA SANITARY TRUNK SEWER FROM CONTRACTOR STOCKTON CONSTRUCTION COMPANY

Director of Public Works Ray reported that the contractor, Stockton Construction Company, had completed the construction of the LaLoma Sanitary Trunk Sewer, but that under the terms of the contract, all work was to be completed by April 22, 1955, although the sewer was actually completed on May 18, with street replacements being completed a few days later. The final cleaning up of the project, he stated, was not accomplished until June 22.

Mr. Ray recommended that the penalty clause of the specifications be invoked to cover additional inspection costs incurred by the city in connection with the project. These amounted to \$104.97. He recommended the acceptance of the construction, recording of Notice of Completion with the County Recorder, and payment of amounts due.

Councilman Robinson introduced

RESOLUTION NO. 55-271

seconded by Councilman Hammond, accepting the construction of the LaLoma Sanitary Trunk Sewer from Contractor, Stockton Construction Company, as recommended by the Director of Public Works, authorizing the recording of Notice of Completion with the County Recorder and payment of amounts due as provided by the contract (less penalty), which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Anderson, Arata, Hammond, Merrill, Robinson and Mayor
Marks
Noes: Councilmen: None
Absent: Councilmen: Adams

CONSIDER SUBMISSION OF REQUEST FOR STATE AND FEDERAL FUNDS FOR QUARTERS FOR THE HEALTH DEPARTMENT

City Manager Miller reported that the necessary documents were ready to be mailed to the State Department of Public Health requesting funds for quarters for the Health Department, and that a resolution was needed to accompany them. He stated that the City was not obligated to accept the funds if there are too many "strings" attached.

Councilman Arata introduced

RESOLUTION NO. 55-272

seconded by Councilman Merrill, authorizing the application to the United States of America and the State of California Department of Public Health for Federal and State assistance for the construction of and equipment for a City Health Center, (this resolution was effective retroactive to May 31, 1955), which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Adams

FINAL ADOPTION OF ORDINANCE NO. 29-C.S. (ZONING ORDINANCE)

Ordinance No. 29-C.S. entitled: "AN ORDINANCE AMENDING CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE BY ADDING ARTICLES 1 THROUGH 26, BOTH INCLUSIVE, THERETO, ESTABLISHING ZONING IN THE CITY OF MODESTO AND THEREIN REGULATING THE USE OF LAND, HEIGHT OF BUILDINGS, AREA OF LOTS AND YARD SPACES: PROVIDING FOR THE ADOPTION OF MAPS SHOWING THE BOUNDARIES OF SAID ZONES: DEFINING THE TERMS USED IN THIS CHAPTER: PROVIDING FOR ITS ADJUSTMENT, AMENDMENT AND ENFORCEMENT: PRESCRIBING PENALTIES FOR VIOLATIONS: REPEALING CERTAIN ORDINANCES IN CONFLICT THEREWITH: AND REPEALING SECTION 10-2.01 OF SAID CODE", having been heretofore introduced and ordered printed and published at the regular meeting of June 8, 1955, Councilman Hammond moved, seconded by Councilman Arata, that the ordinance be finally adopted, which motion was upon roll call carried by the following vote:

Ayes: Councilmen: Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Adams

Mayor Marks pointed out that the new Zoning Ordinance provided for a Board of Zoning Adjustment and he suggested that the Council be thinking of names to submit for the members of this Board.

CONSIDER LIMITED NO PARKING ZONE ON SCENIC DRIVE NEAR DOWNEY AVENUE

City Manager Miller recommended that this item be carried over until the next Council meeting.

APPROVE PARTIAL RELEASE OF CASH BOND TO PHIL HUMPHREYS ON LOT 2 OF THE FRESNO TRACT

Director of Public Works Ray reported that the curbs, gutters and storm drains installed in Lot 2 of the Fresno Tract were acceptable to the City and that it would be in order to reduce the cash bond of \$2800, filed with the City, by \$1200, to \$1600.

Councilman Robinson introduced

RESOLUTION NO. 55-273

seconded by Councilman Anderson, approving the \$1200 reduction of the Cash Bond of \$2800 filed with the City by Phil Humphreys to guarantee the improvements of Lot 2 of the Fresno Tract, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Adams

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REQUEST BY THE MODESTO SHRINE CLUB THAT THE CIRCUS LICENSE FEE BE WAIVED

A request that the circus license fee required by Section 6-1.207 of the Modesto Municipal Code be waived, for its annual showing of the Shrine Circus on July 22 and 23, 1955, was filed by Ward C. Rowe, General Chairman of the Circus Committee of the Modesto Shrine Club.

Councilman Anderson introduced

RESOLUTION NO. 55-274

seconded by Councilman Robinson, waiving the circus license fee of \$300.00 required by Section 6-1.207 of the Modesto Municipal Code, for the Shrine Circus to be held on July 22 and 23, 1955, at the Junior College Stadium, under the sponsorship of the Modesto Shrine Club, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Adams

AUTHORIZE REDUCTION IN CASH BOND FILED BY THE WOLVERINE BUILDING SERVICE TO GUARANTEE IMPROVEMENTS IN THE PACIFICA TRACT

The Director of Public Works reported that all concrete work in the Pacifica Tract was complete and acceptable to the City and that he recommended that the bond be reduced in the amount of \$7,000. He stated that the original amount of the Cash Bond, \$20,300, had been reduced in the amount of \$5,000 last April, which left a balance of \$15,300; therefore, the remaining amount of the cash bond will be \$8,300.

Councilman Hammond introduced

RESOLUTION NO. 55-275

seconded by Councilman Merrill, approving the \$7,000 reduction of the Cash Bond which was filed with the City Clerk by Wolverine Building Service to guarantee the improvements of the Pacifica Tract, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Anderson, Arata, Hammond, Merrill, Robinson, and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Adams

CONSIDER TRANSFER OF ASSESSMENTS LESS THAN \$25.00, IMPROVEMENT DISTRICT NO. 2, TO THE TAX ROLL FOR COLLECTION BY THE COUNTY

The City Manager recommended that this item be put on the agenda for next week's Council meeting.

APPROVE AGREEMENT WITH LANCE ELLIS FOR SEWER AND WATER SERVICE IN THE GREGORY GARDENS ADDITION

Acting City Attorney Jensen presented for Council consideration, an agreement with Lance E. Ellis and Carol L. Ellis for the furnishing of water and sewer services to Gregory Gardens Addition.

Councilman Robinson introduced

RESOLUTION NO. 55-276

seconded by Councilman Hammond, approving agreement, under certain conditions

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as outlined in the Agreement, with Lance E. Ellis and Carol L. Ellis, for the furnishing of water and sewer service to the Gregory Gardens Addition, and authorizing its execution by the City's designated officials, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Adams

REPORT ON CITY PARTICIPATION IN CONSTRUCTION OF PERIMETER SEWER ON SYCAMORE AVENUE NORTH OF M.I.D. LATERAL NO. 3

City Manager Miller reported on the City's participation in the construction of perimeter sewers on Sycamore Avenue north of M.I.D. Lateral No. 3. He stated that the City is working with the Subdivider and owner and that each would pay the following amounts toward the construction of the sanitary lateral sewer:

H. B. Wilson, Subdivider	\$3,000
H. Russell Briggs, Owner	\$1,588
City of Modesto	\$1,495

Councilman Anderson moved, seconded by Councilman Robinson, and it was unanimously carried, approving these payments on the construction of a perimeter sewer on Sycamore Avenue.

REPORT BY SENATE INTERIM COMMITTEE ON HIGHWAY, STREETS AND BRIDGES

The City Manager presented a report from the Senate Interim Committee on Highways, Streets and Bridges for the Council's information. He stated that Traffic Engineer Carmody would prepare a summary of the report to be presented to the Council at a later date.

REPORT ON CEILING VENTS FOR THE YOUTH CENTER

A report on the ceiling vents for the Youth Center was presented to the Council by the City Manager. He stated that these estimates on the cost were just for the equipment and that the Parks Division personnel would install the vents under the supervision of Henry Beck of the Public Works Department.

Councilman Hammond introduced

RESOLUTION NO. 55-277

seconded by Councilman Arata, approving the appropriation transfer of \$1,000 from the General Reserve Fund to the Parks Division, Capital Outlay, to provide for two exhaust vents for the youth center, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Adams

REPORT ON RENOVATION OF WELL AT PUMP STATION NO. 2

A report from the Director of Public Works on the renovation of a well at Pump Station No. 2 was distributed to the Council for their information.

FURTHER CONSIDERATION OF BUDGET MATTERS

A general discussion was held by the Council on certain items in the 1955-56 preliminary budget.

City Manager Miller pointed out that the two greatest increases in personnel which are proposed are in the Planning Department and the Police Department. He stated that the Planning Department's increase is to be used for the new Master Plan, and the Police Department's increase is proposed in order to obtain additional help and to place the employees on a 40 hour week. He also stated that there is a major increase in the Recreation Department but that it was based on the request for additional allocations from the County and the Schools.

Councilman Hammond questioned the increase in "Specialized Extra Help" proposed for the City Manager's Department.

City Manager Miller explained that the specialized help, if allowed, would be used to take care of pending projects which have grown in the past year to include 40 to 50 items. He said that the increase which is proposed is based on the suggestion of the Council that some of the items be taken care of. He suggested that the Council go over the list with him to decide which of the items should be taken care of first, and also to get the list up to date.

It was agreed by the Council to meet and discuss the pending list to decide which items should be taken care of.

Discussion was held on the salary increase in several of the departments and it was suggested that the Director of Finance prepare a "break down" on the salaries for each department and distribute the report to each Council members.

Other items in the budget which were discussed by the Council are as follows:

1. Purchase of a stapling machine and postage scale in the Finance Department
2. Purchase of a Calculator for the Planning Department
3. "Specialized Police Equipment" in the Police Department
4. "Books and Periodicals" for the Police Department

ADJOURNMENT

Councilman Arata moved, seconded by Councilman Merrill, and it was unanimously carried, that the Council adjourn until 5:00 P.M., Wednesday, June 29, 1955. The meeting was adjourned at 10:45 P.M.

ATTEST:


 REX E. GAILFUS, CITY CLERK

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The Council of the City of Modesto met in special session this date at 1:30 P.M., as provided by Section 2-1.02 of the Modesto Municipal Code, in the Council Chamber at the McHenry Public Library, 14th and I Streets, Mayor Marks presiding.

The City Clerk called the roll and there were

Present: Councilmen: Anderson, Adams, Arata, Hammond, Merrill and
Mayor Marks
Absent: Councilmen: Robinson

CONSIDER MATTERS RELATING TO THE PARKING AUTHORITY

City Attorney Grimes stated that it was his understanding in reading the minutes, following the action of the Council, that the City Attorney was instructed to prepare the necessary papers to transact the business relating to the Parking Authority. He outlined the following procedure which he recommended be followed:

1. Meeting of the Council to adopt a resolution which transfers the property of the Parking Authority to the City of Modesto;
2. Resolution accepting the resignations of the members of the Parking Authority;
3. Resolution declaring the need for the City of Modesto to exercise the powers of a Parking Authority;
4. Resolution rescinding certain resolutions relating to the City of Modesto Parking Authority;
5. Emergency ordinance making provisions for the regulation of parking on off-street lots;
6. Resolution establishing the rates and time limits for parking on all lots;
7. Resolution relating to the compensation for the officials working for the Authority;
8. Resolution establishing funds for the administration of parking meter revenues.

A general discussion was held by the Council on the above matters.

Councilman Hammond introduced

RESOLUTION NO. 55-278

seconded by Councilman Arata, transferring the property of the City of Modesto Parking Authority to the City of Modesto, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Anderson, Arata, Hammond, Merrill and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: Adams and Robinson

The City Attorney reviewed the legislation which will be considered by the Council at its next meeting.

(Councilman Adams arrived at this time)

A discussion was held by the Council regarding the various resolutions. The City Attorney pointed out that the proposed resolution relating to charges and time limits would continue the present time limits and rates of the parking lots but that the Council would have the power to change them at any future time by amending the resolution.

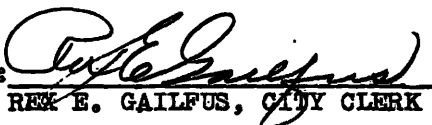
City Attorney Grimes explained how the fund for the parking meter revenues would be established under the proposed resolution as prepared. He stated that there would be two funds; one fund to be designated as the Parking Fund and the other to be the existing Parking Meter Fund. He said that 25% of all the revenues from the on-street parking meters would be placed in the Parking Meter Fund and would be used for the purchase, installation, operation, maintenance and enforcement of the parking meters. 75%, he stated, would be placed in the Parking Fund and would be used for the development, operation, maintenance and administration of the off-street parking facilities. 100% of the revenues from the off-street parking meters would be placed in the Parking Fund, and would be used for the same purposes as specified for this fund.

City Attorney Grimes also stated that a portion of the salaries for the City Attorney and the Traffic Engineer could still be charged against the Parking Fund by appropriate budgetary action.

ADJOURNMENT

Councilman Hammond moved, seconded by Councilman Merrill, and it was unanimously carried, that the meeting be adjourned. The meeting was adjourned at 1:55 P.M.

ATTEST:


 REX E. GAILFUS, CITY CLERK

The Council of the City of Modesto met in adjourned regular session this date at 5:00 P.M., as provided by Section 2-1.01 of the Modesto Municipal Code in the Council Chamber at the McHenry Public Library, 14th and I Streets, Mayor Marks presiding.

The City Clerk called the roll and there were

Present: Councilmen: Anderson, Hammond, Robinson and Mayor Marks
Absent: Councilmen: Adams, Arata and Merrill

LETTERS REGARDING FEDERAL AIRPORT AID PROGRAM

Letters received from Senator Thomas Kuchel, Senator William F. Knowland, and Representative Leroy Johnson regarding the federal airport aid program were read and ordered filed.

LETTER FROM REPUBLICAN WOMENS CLUB OF TURLOCK INVITING COUNCIL MEMBERS TO CIVIL DEFENSE PROGRAM

A letter from Mrs. Thelma C. Fiorini, President, Republican Women's Club of Turlock, inviting the members of the Council to attend a Civil Defense program which will be held in Crane Park, Turlock, at 8:00 P.M., June 29, 1955, was read.

LETTER FROM CALIFORNIA STATE AUTOMOBILE ASSOCIATION REGARDING SPECIAL CITATION RECEIVED BY THE CITY OF MODESTO

A letter from J. C. Spencer, Manager, Public Safety Department, California State Automobile Association, advising that the City of Modesto has received a special citation for its excellent pedestrian program during 1954, was read and ordered filed.

GRANT REQUEST BY COUNTY FOR SPECIAL PARKING AT NEW COUNTY JAIL

A request by the County for special parking at the new County Jail was considered by the Council. Traffic Engineer Carmody reported that there would be an increase of two parking spaces by transferring the parking from the south side of H Street to the North side, in front of the new jail.

Councilman Robinson introduced

RESOLUTION NO. 55-279

seconded by Councilman Anderson, regulating parking on H Street between its intersection with 11th Street and 12th Street, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Anderson, Hammond, Robinson and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: Adams, Arata and Merrill

CONSIDERATION OF CLAIMS FOR REPAIRS TO THE DEL WEBB FIELD DUE TO VANDELISM

City Manager Miller reported that damage resulting from vandalism, in the amount of \$419.00, had occurred at the Del Webb Field. He stated that the City Attorney had advised that under the contract with the Ball Club the Club was not responsible for the cost and recommended that the claims, presented by the Modesto Community Athletic Association, be approved.

Councilman Hammond introduced

RESOLUTION NO. 55-280

seconded by Councilman Robinson, authorizing the payment of the claims of Industrial Electrical Company and Spears Construction Company in the aggregate amount of \$419.00, and approving appropriation transfer of \$419.00 from the General Reserve Fund to Parks and Recreation, Parks Division, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Anderson, Hammond, Robinson and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Adams, Arata and Merrill

GRANT PERMISSION TO INSTALL 4TH OF JULY REFRESHMENT STANDS ON 12TH STREET AND 15TH STREET PARKING LOTS

Assistant City Manager Masonheimer reported that because of the recent landscaping of the County Courthouse yard, the County had forwarded all of the requests for permission to erect 4th of July refreshment stands to the City in the hope that the City would grant them permission to erect these stands on the City streets. He stated that the situation had been investigated and that a portion of I Street, between 10th and 11th Streets, could be used for these stands. A number of alternatives could be used; such as:

1. Deny the applications and return them to the County
2. Permit the stands to be set up in a given block on I Street between 10th and 11th Streets
3. Permit the applicants to establish stands in the parking areas, locating the stands on streets where there is diagonal parking
4. Locate the stands on the parking lot at 12th and I Streets.

He stated that permits could be issued to the applicants on the condition that the Health Officer approves the method of the handling of food and that the stands be removed from the area before 7:00 P.M., July 4th.

It was pointed out that if the permits are granted this year, it might set a precedent. There are potential hazards involved, wiring would be needed and the food would have to be inspected.

Councilman Hammond stated that he was not in favor of the stands being placed on the City streets and suggested that they be erected on the parking lots.

Assistant City Manager Masonheimer stated that there were eight applications, and suggested that two parking lots be used. Those seeking permission to erect stands were as follows:

Order of the Rainbow for Girls
 Our Lady of Fatima Catholic Church
 Veterans of Foreign Wars
 Modesto Navy Mothers
 Disabled American Veterans Auxiliary
 Modesto Y's Mens Club
 City of Modesto Employees Association
 Junior Riflemen of Modesto

Councilman Anderson moved that the applications be referred back to the Board of Supervisors for proper distribution.

Councilman Hammond suggested that they grant permission as an emergency measure, with no policy set for next year.

The Council was in agreement that the City streets should not be used for this purpose, and that the parking lots be used.

Councilman Anderson stated that he felt the Council should make it clear that they will not grant permits next year.

Councilman Anderson withdrew his motion that the applications be referred back to the Board of Supervisors.

Councilman Hammond moved, seconded by Councilman Anderson, and it was unanimously carried, that permission be granted on an emergency basis only to the applicants to use the 12th and I Streets and 15th and I Streets parking lots for the erection of refreshment stands on the 4th of July; and that no electricity be furnished; and that it be understood that similar requests would not be favorably considered in the future.

CONSIDER ITEMS CONCERNING THE PARKING AUTHORITY

City Attorney Grimes reported that at the meeting of the Parking Authority, a resolution was adopted transferring its property to the City of Modesto, and authorizing the execution of the deeds. The members also submitted a letter of resignation. He stated that it would be in order, first, to consider a resolution accepting the grant deeds and assignments from the Modesto Parking Authority.

Councilman Robinson introduced

RESOLUTION NO. 55-281

seconded by Councilman Hammond, accepting grant deeds and assignment from the City of Modesto Parking Authority, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Anderson, Hammond, Robinson and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Adams, Arata and Merrill

Councilman Hammond introduced

RESOLUTION NO. 55-282

seconded by Councilman Anderson, accepting the resignation of the members of the City of Modesto Parking Authority, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Anderson, Hammond, Robinson and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Adams, Arata and Merrill

Mayor Marks introduced

RESOLUTION NO. 55-283

seconded by Councilman Hammond, declaring the need for the City of Modesto to exercise the powers of a Parking Authority, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Anderson, Hammond, Robinson and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Adams, Arata and Merrill

Councilman Hammond introduced

RESOLUTION NO. 55-284

seconded by Councilman Anderson, rescinding certain resolutions relating to the City of Modesto Parking Authority, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Anderson, Hammond, Robinson and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Adams, Arata and Merrill

Councilman Anderson introduced

RESOLUTION NO. 55-285

seconded by Councilman Hammond, allocating parking meter revenues, establishing funds therefor, and prescribing the purposes for which they may be used, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Anderson, Hammond, Robinson and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Adams, Arata and Merrill

Mayor Marks introduced

RESOLUTION NO. 55-286

seconded by Councilman Hammond, adjusting the compensation of the City Attorney, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Anderson, Hammond, Robinson and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Adams, Arata and Merrill

The City Attorney stated that no change was required to continue the present compensation of the Traffic Engineer in as much as the Authority had been reimbursing the City for one half of his salary, which charge could hereafter be made against the Parking Fund.

City Attorney Grimes stated that the proposed ordinance regulating the off-street parking facilities would have to be held over, as the affirmative vote of five members of the Council was required for its adoption as an emergency measure.

CONSIDER AWARD OF BID FOR OFFICIAL ADVERTISING FOR THE YEAR 1955-56

Mayor Marks asked that this item be held over until next meeting so that Councilmen Adams, Arata and Merrill would have an opportunity to discuss the matter.

ADJOURNMENT

Councilman Anderson moved, seconded by Councilman Robinson, and it was unanimously carried, that the meeting now in session be adjourned. The meeting was adjourned at 6:10 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 in Section 2-1.01 of the Modesto Municipal Code, in the Council Chamber at the McHenry Public Library, 14th and I Streets, Vice-Mayor Merrill Adams presiding.

The City Clerk called the roll and there were

President: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson
and Mayor Marks
Absent: Councilmen: None

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

The invocation was given by Rabbi Fried, First Hebrew Congregation Church.

APPROVAL OF MINUTES

Council members having received copies of the minutes of the Council meeting of June 8, 1955, and the same being available for public inspection, and there being no objections, the minutes were approved.

ACCEPT BID OF CONSOLIDATED WESTERN STEEL FOR THE FURNISHING OF SAND TRAP

Tabulation of bids received for the furnishing of a Sand Trap, which had been opened on July 5, 1955, at 2:00 P.M., were distributed to the Council members for their study.

Director of Public Works Ray recommended that the bid of Consolidated Western Steel Company of \$1,776.75, be accepted.

Councilman Merrill introduced

RESOLUTION NO. 55-287

seconded by Councilman Robinson, accepting the bid of Consolidated Western Steel Company, of \$1,776.75, for the furnishing of a Sand Trap, as the lowest responsible bidder, as recommended by the Director of Public Works, and authorizing the execution of an agreement by the City's designated officials, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Anderson, Hammond, Merrill, Robinson and Vice-Mayor Adams
Noes: Councilmen: None
Absent: Councilmen: Arata and Mayor Marks

(Councilman Arata arrived at 4:08 P.M.)

ACCEPT BID OF BYRON JACKSON COMPANY FOR ONE DEEP WELL TURBINE PUMP AND ELECTRICAL ATTACHMENTS

Tabulation of the bids received for the furnishing of one deep well turbine pump and electrical attachments, which had been opened July 5, 1955, at 2:00 P.M., were distributed to the Council for their study.

Director of Public Works Ray recommended that the bid of the Byron Jackson Company, in amount of \$3,358.00, be accepted.

Councilman Hammond introduced

RESOLUTION NO. 55-288

seconded by Councilman Arata, accepting the bid of Byron Jackson Company,

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in amount \$3,358.00, for the furnishing of one deep well turbine pump and electrical attachments, as the lowest responsible bidder, as recommended by the Director of Public Works, and authorizing the execution of an agreement by the City's designated officials, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Anderson, Arata, Hammond, Merrill, Robinson and Vice-Mayor Adams
 Noes: Councilmen: None
 Absent: Councilmen: Mayor Marks

(Councilman Anderson left the meeting at 4:10 P.M.)

(Mayor Marks arrived at 4:10 P.M.)

ACCEPT BID OF INDUSTRIAL ELECTRICAL COMPANY FOR THE FURNISHING OF STREET LIGHTING MATERIALS FOR THE FISCAL YEAR

Tabulation of the bids received for the furnishing of street lighting materials for the fiscal year, which were opened at 3:00 P.M., July 5, 1955, were distributed to the Council for its study.

Director of Public Works Ray recommended that the bid of Industrial Electrical Company be accepted, due to the fact that in the proposal submitted by Light Sales, Inc., the low bidder, there was a paragraph which stated that "this agreement may be cancelled by either party upon thirty days notice in writing"; also, the city would have better assurance of delivery from Industrial Electrical Company, since it was a local firm.

Councilman Hammond introduced

RESOLUTION NO. 55-289

seconded by Councilman Merrill, accepting the bid of Industrial Electrical Company, because of the availability of materials, as recommended by the Director of Public Works, and authorizing the execution of an agreement by the City's designated officials, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Arata, Hammond, Merrill, Robinson, and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Anderson

(Councilman Anderson returned at 4:20 P.M.)

LETTER FROM MODESTO CHAMBER OF COMMERCE RE: ANNUAL ACTIVITIES

A letter from A. T. Brandt, Secretary-Manager, Modesto Chamber of Commerce, regarding an increase in the 1955-56 Budget appropriation to the Modesto Chamber of Commerce, was read. It was agreed by the Council that the increase would be considered at the Budget Hearing.

The Annual Report of the activities of the Chamber of Commerce, as required by the agreement, was also presented to the Council.

LETTER FROM RUSSELL S. MUNRO, DIRECTOR, DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL RE: REORGANIZATION OF THE DEPARTMENT

A letter from Russell S. Munro, Director, Department of Alcoholic Beverage Control, regarding the reorganization of the Department, was read and ordered filed.

PETITION FROM PROPERTY OWNERS IN THE JOHN MUIR PARK AREA RE: SIDEWALKS

A petition from property owners in the John Muir Park Area requesting that the Council "revise the basis of its street improvement program, at least insofar as it affects our particular area, to provide that the city will participate to the extent of 20% of the street paving costs, irrespective of the construction of sidewalks, and re-poll the property owners on this basis", was read by the City Manager.

Charles Riise, 808 Carmel Drive, who was present, stated that the residents in this area felt that sidewalks would be impractical, since a recent survey revealed that many of the trees located in the proposed sidewalk right-of-way, would have to be removed. He stated that the residents felt that the City "should not take away the natural beauty" of the John Muir Area and that their request was based on this factor.

Mayor Marks suggested that this area be re-pollled.

City Attorney Grimes asked if he understood correctly that there would be no change in the policy and that the City Manager would just be instructed to re-poll the area to find out what the property owners feelings would be if the City participated 20% and did not include the sidewalks, provided that there are no main arterial streets involved.

Councilman Arata moved, seconded by Councilman Hammond, and it was unanimously carried, that the City Manager re-poll the John Muir Park Area to determine the feelings of the property owners if the improvements were to be made on the basis that the City would participate 20% and would not require sidewalks, provided there are no main arterial streets involved.

INVITATION FROM THE INTERNATIONAL CITY MANAGER'S ASSOCIATION

A letter from the International City Manager's Association inviting the City Manager to be present at the 41st Annual Conference at Mount Washington Hotel in New Hampshire, was read and ordered filed.

City Manager Miller suggested no authorization be made since he was going to Seattle.

COMMUNICATION FROM THE RETAIL MERCHANTS ASSOCIATION, DOWN-TOWN DIVISION, REGARDING THE 1955-56 APPROPRIATIONS

A letter from the Retail Merchants Association, Down-Town Division, submitting their application requesting the City of Modesto to allocate the sum of \$3,000 in this year's budget, was read.

City Manager Miller stated that \$3,000 had been included in the proposed budget. He stated that the Merchants Association had also requested that the City assist them in the placing of Christmas decorations this year, as they had purchased new decorations and would not be able to afford the extra help needed to place the decorations on the street at Christmas time.

The Council agreed that the City assist in furnishing the help needed this year.

LETTER FROM HOOVER E. LONG RE: PARKING IN THE CITY OF MODESTO

Copies of a letter from Hoover E. Long regarding parking in the City of Modesto, were distributed to the Council members for their study.

LETTER FROM CENTRAL VALLEY DIVISION, LEAGUE OF CALIFORNIA CITIES REGARDING MEETING IN NEWMAN

A letter from the Central Valley Division, League of California
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Cities, inviting the Council Members to the July 21, 1955, meeting in Newman, was read.

Mayor Marks asked the City Clerk to check to see who was appointed as his alternate to the Executive Board of the Central Valley Division.

REPORT ON STATUS OF FREEWAY STUDIES

Mayor Marks stated that he thought it would be well to have a meeting with the County Board of Supervisors and representatives from the State Department of Highways to discuss plans for the Freeway.

City Manager Miller reported that the City staff has been working with the representatives of the State and that they would like to meet with the Council and discuss with the members just what has been done and what remains to be done. He said that a copy of the proposed Freeway agreement was being furnished to the Council members so they would be familiar with the nature of the agreement.

The Council agreed to have a meeting with the County Board of Supervisors and representatives from the State Department of Highways some time in early August to discuss the Freeway plans and the Manager was asked to make the arrangements

SET DATE FOR INFORMAL MEETING TO DISCUSS MATTERS RELATING TO PERSONNEL

Mayor Marks stated that he would like to meet with the Council members to discuss matters of personnel procedure. It was agreed by the Council that they would meet in the Council Chamber on July 19, 1955, at 5:00 P.M. to discuss these matters.

DISCUSS MATTERS RELATING TO THE TIDEWATER SOUTHERN FRANCHISE

Councilman Merrill stated that he would like to know what has been done regarding the moving of the Tidewater Southern tracks off of 9th Street. He said that he felt they should pay the City if they are going to continue using the City streets.

Councilman Arata asked why they could not pay month by month for the use of the streets.

City Attorney Grimes stated that the only way the Council could require payment from the Company for the use of the streets would be under the city's power to require a franchise.

City Manager Miller reviewed what had been done on the problem of removal of the tracks from 9th Street. The Southern Pacific Company had been contacted as to whether the Tidewater Southern Company could use their tracks, and the Southern Pacific Company told them that it would be impossible to do so.

Councilman Hammond asked if there was any way, through the Public Utilities Commission, to have them removed from 9th Street.

City Attorney Grimes stated that he questioned the P.U.C.'s authority to require removal.

City Manager Miller reported that the State had pointed out the difficulty of constructing underpasses and overpasses if the tracks are still located on 9th Street.

It was agreed by the Council that the City Manager proceed with his investigation and report back to the Council as to whether there is any way for the City to collect payment from the Tidewater Southern Railroad Company while they are still using 9th Street.

ACCEPT BID OF THE MODESTO JOURNAL AND VALLEY CITIZEN FOR LEGAL ADVERTISING FOR THE FISCAL YEAR 1955-56

The City Clerk presented to the Council members a tabulation of the bids received for official advertising for the fiscal year 1955-56.

City Clerk Gailfus reported that the low bidder was Modesto Journal and Valley Citizen, although the Modesto Bee could be considered if the Council wished to use a daily paper. He stated that by advertising in the Modesto Tribune, it has caused more work in the City Clerk's Office and the Department of Finance. By advertising in a weekly paper, he said, all ordinances must go into effect one week later, in order to be printed correctly. He stated that it would cost about \$1500 extra to have the legal advertising in the daily paper, but that if the Council wished to have the ordinances printed the same week they are adopted, the extra cost might be justified.

Mr. Donald Calkins, owner of the Modesto Journal, stated that they would be in a position to run any legal which must be in effect immediately. He said that if the wording of the legals are changed after it has been set up for printing, all corrections will be made and the legal will still be run in the paper the same week.

Councilman Merrill introduced

RESOLUTION NO. 55-290

seconded by Councilman Anderson, accepting the bid of the Modesto Journal and Valley Citizen, for the furnishing of legal advertising for the fiscal year 1955-56, as the lowest responsible bid, as recommended by the City Clerk, and authorizing the execution of an agreement by the City's designated officials, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: None

ADOPTION OF ORDINANCE NO. 32-C.S. REGULATING OFF-STREET PARKING FACILITIES

The City Attorney presented, for the Council's consideration, an emergency ordinance regulating off-street parking facilities.

Councilman Adams moved the adoption and passage to print of

ORDINANCE NO. 32-C.S.

entitled: "AN ORDINANCE ADDING CHAPTER 6 TO TITLE III OF THE MODESTO MUNICIPAL CODE RELATING TO THE REGULATION AND USE OF PUBLIC OFF-STREET PARKING FACILITIES IN THE CITY OF MODESTO", which motion being duly seconded by Councilman Arata, was upon roll call carried and the ordinance adopted and ordered printed and published by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: None

RESOLUTION AUTHORIZING PAYMENT OF CLAIMS RELATING TO SOUTHERN PACIFIC PARKING LOT

The City Manager presented a claim from the Southern Pacific Company, in amount \$666.58, for the 1954-55 taxes on the parking lot leased

by the City to be paid from the Parking Fund.

Councilman Merrill introduced

RESOLUTION NO. 55-292

seconded by Councilman Robinson, authorizing the payment of claims from the Southern Pacific Company, in amount \$666.58, for the 1954-55 taxes on the parking lot leased by the City, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

RESOLUTION ESTABLISHING AND FIXING PARKING RATES AND TIME LIMITS FOR OFF-STREET PARKING FACILITIES

Councilman Arata introduced

RESOLUTION NO. 55-291

seconded by Councilman Anderson, establishing and fixing parking rates and charges for use of municipal off-street parking facilities in the City of Modesto, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

INTRODUCTION OF ORDINANCE AMENDING MODESTO MUNICIPAL CODE REGULATING THE PEDDLING OF FOOD STUFF

City Attorney Grimes reported that Director of Finance Lawrence had recommended that an amendment be prepared to the Code section under the Business License Article relating to the peddling of food stuff, which would include a license for the sale of farm products, and would provide for a license fee of \$15.00 per quarter. He presented an ordinance which he had prepared for the Council's consideration, which amended Section 6-1.232 of Article 2 of Chapter I of the Modesto Municipal Code.

After discussion of the historical background of this type of license, Councilman Merrill moved the introduction and passage to print of

ORDINANCE NO. 33-C.S.

entitled: "AN ORDINANCE AMENDING SECTION 6-1.232 OF ARTICLE 2 OF CHAPTER 1 OF TITLE VI OF THE MODESTO MUNICIPAL CODE REGULATING THE PEDDLING OF FOOD STUFFS", which motion being duly seconded by Councilman Hammond, was upon roll call carried and the ordinance ordered printed and published by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

SET DATE OF HEARING APPLICATIONS FOR GARBAGE AND SWILL PERMITS

Upon the recommendation of the City Manager, Councilman Anderson introduced

RESOLUTION NO. 55-293

seconded by Councilman Adams, fixing the time and place for a public hearing in the matter of granting licenses for the collection of garbage in the City of Modesto, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson,
and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

Councilman Arata introduced

RESOLUTION NO. 55-294

seconded by Councilman Anderson, fixing the time and place for a public hearing in the matter of granting licenses for the collection of swill in the City of Modesto, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson
and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

INTRODUCTION OF ORDINANCE NO. 34-C.S. APPROPRIATING \$250,000 FOR FINANCING THE 1955-56 FISCAL YEAR, PRIOR TO THE ADOPTION OF THE BUDGET AND PROVIDE SPACE FOR PLANNING STAFF AND ONE ASSOCIATE ENGINEER

City Manager Miller reported that at the present time the Public Works Department has two positions for Associate Engineer, but only one position is filled. He stated that the Department is requesting an additional engineer so that many of the pending projects can be handled, such as the drainage and street program.

Director of Public Works Ray pointed out that one engineer would be involved particularly with checking the subdivisions and working on the street designing program; while the second man would be primarily concerned with the design of sewers and the preparation and functions at the Sewage Treatment Plant. The extra engineer, which is requested, would be a general "all around" man, dividing his time with the present associate engineer, Mr. Fredricksen, and himself.

Councilman Anderson asked if the work could be let out on a contract basis.

The City Manager replied that it had been considered, but it was felt that if the additional engineer was hired, the work could be taken care of satisfactorily. He also pointed out the cost of getting the work done would not be increased but that the rate of getting it done would be stepped up.

Councilman Hammond asked whether the third position had been included in the proposed budget and was told that it had.

Councilman Adams moved, seconded by Councilman Robinson, and it was unanimously carried, that an allocation for a third associate engineer in the Public Works Department, be included in the budget.

Councilman Adams moved the introduction and passage to print of

ORDINANCE NO. 34-C.S.

entitled: "AN ORDINANCE APPROPRIATING FUNDS FOR PAYMENT OF THE USUAL CURRENT

EXPENSES OF THE CITY OF MODESTO", which motion being duly seconded by Councilman Robinson, was upon roll call carried and the ordinance ordered printed and published by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson, and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

City Manager Miller reported that space is still needed for the Advance Planning Staff but thought that it would be settled within a few days. He said that he would like authorization from the Council to make arrangements for space. He stated that it might involve renting two rooms, if other arrangements do not work out.

Mayor Marks appointed Councilmen Robinson and Arata to work with the Planning Department in making arrangements for space for the Advance Planning Staff.

Councilman Robinson moved, seconded by Councilman Arata, and it was unanimously carried, that the City Manager proceed with his investigation for space for the Advance Planning Staff.

REMOVE STOP SIGNS ON COLLEGE AVENUE AT ROSEBURG AVENUE

Upon the recommendation of the Traffic Engineer, Councilman Hammond introduced

RESOLUTION NO. 55-295

seconded by Councilman Merrill, authorizing the removal of stop signs on College Avenue at Roseburg Avenue, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson, and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

Traffic Engineer Carmody introduced the following members of his staff, to the Council:

- Jim Liakcs
- Ken Crouse
- Norman Cole

RESOLUTION AMENDING RESOLUTIONS NO. 9831, DESIGNATING THE CO-ORDINATOR-DIRECTOR OF THE STANISLAUS CIVIL DEFENSE OPERATIONAL AREA

City Attorney Grimes reported that an amendment was needed for Resolution No. 9831, designating Kenneth C. Ables as the Co-ordinator-Director of the Stanislaus Operational Area, as he was no longer the chairman of the Board of Supervisors, and that a new director should be appointed by the County.

Councilman Adams introduced

RESOLUTION NO. 55-296

seconded by Councilman Robinson, amending Resolution No. 9831-N.S. to provide that the Board of Supervisors be authorized to appoint the Stanislaus Operational Area Co-ordinator-Director and Deputy Stanislaus Operational Area Co-ordinator-Director, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

RESOLUTIONS ESTABLISHING LOADING ZONES AT CERTAIN DESIGNATED CHURCHES

Upon the recommendation of the Traffic Engineer, Councilman Arata introduced

RESOLUTION NO. 55-297

seconded by Councilman Merrill, approving a passenger loading zone on H Street, in front of the Church of the Nazarene, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

Councilman Anderson introduced

RESOLUTION NO. 55-298

seconded by Councilman Adams, approving a passenger loading zone on Rosedale Avenue, in front of the Church of the Brethren, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

REFER BOUNDARY COMMISSION REPORT ON THE ANNEXATION OF BEL AIR ADDITION TO THE PLANNING COMMISSION FOR REPORT

The City Manager presented, to the Council, the Boundary Commission's report on the annexation of the Bel Air Addition.

Councilman Anderson introduced

RESOLUTION NO. 55-299

seconded by Councilman Robinson, referring the Boundary Commission's report for the annexation of the Bel Air Addition to the Planning Commission for report, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson, and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

REPORT OF PLANNING COMMISSION ON PROPOSED GREGORY GARDENS ADDITION ANNEXATION AND FIX TIME AND PLACE FOR HEARING

A report by the Planning Commission on the proposed annexation of Gregory Gardens Addition, was presented to the Council.

Councilman Anderson introduced

RESOLUTION NO. 55-300

seconded by Councilman Arata, giving notice of the proposed annexation of

the Gregory Gardens Addition to the City of Modesto and setting the date of August 17, 1955, at 4:30 P.M., in the Council Chamber of the McHenry Public Library, as the time and place for a public hearing, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson
and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

The City Clerk was instructed to check to see that all property owners in this area had signed the petition.

REPORT ON PUBLIC LIABILITY INSURANCE

Director of Finance Lawrence reviewed, for the Council's information, the public liability policy offered by the Modesto Insurance Agents Association.

He listed the following coverages included in the policy:

1. Combined policy for general liability and airport liability
2. Omnibus Coverage
3. Specific Malpractice Insurance
4. False Arrest Insurance

Mr. Lawrence pointed out that the two factors which were instrumental in securing this policy were: 1. The insurance engineer's recognition of citizen participation and the progressive programs being carried into effect by the city, such as street repair and maintenance, sidewalk and driveway repair, improved recreational equipment, and traffic engineering; and 2. The excellent cooperation given to the insurance engineers during the survey, by all the officials of the city. He recommended that the Council accept the public liability policy offered by the Modesto Insurance Agents Association.

Councilman Hammond stated that he felt the City should secure the insurance on a bid procedure, and requested that an investigation be made on that basis.

A general discussion was held by the Council on this matter, and it was agreed that the Council would accept the public liability policy from Modesto Insurance Agents Association, but would investigate the possibility of securing bids on the fire insurance.

Councilman Robinson moved, seconded by Councilman Adams, and it was unanimously carried, that the City Manager be instructed to investigate and report on the procedure for purchasing insurance.

Councilman Anderson introduced

RESOLUTION NO. 55-301

seconded by Councilman Robinson, approving the placing of the city's liability insurance with the Firemen's Insurance Indemnity Company, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson
and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

REPORT ON FIRE INSURANCE

Director of Finance Lawrence distributed a report on the fire insurance coverage, to the Council for their information.

COUNCIL COMMITTEES

Mayor Marks stated that at the next Council meeting he would present a list of the temporary committees which the Council has at the present time.


GRANT REQUEST OF THE CITY MANAGER TO BE ABSENT FROM THE CITY

Councilman Anderson moved, seconded by Councilman Adams, and it was unanimously carried, that permission be granted to City Manager Miller to be absent from the Council Meetings on July 27 and August 3, 1955.

ADJOURNMENT

Councilman Merrill moved, seconded by Councilman Adams, and it was unanimously carried, that the meeting now in session be adjourned. The meeting was adjourned at 6:50 P.M.

ATTEST:



REX E. GAILFUS, CITY CLERK

Council Meeting
July 13, 1955

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 Chamber at the McHenry Public Library, 14th and I Streets, Mayor Marks presiding.

The City Clerk called the roll and there were

Present: Councilmen: Arata, Adams, Hammond, Merrill, Robinson and Mayor Marks
Absent: Councilmen: Anderson

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

Invocation was given by Rev. Leland Nelson, pastor of the Church of the Brethren.

APPROVAL OF MINUTES

Council members having received copies of the minutes of the Council meeting of June 15, 21, 28, 1955, and the same being available for public inspection, and there being no objections, the minutes were approved.

LETTER FROM THE MODESTO COUNCIL OF CHURCHES RE: SUNDAY EVENING SERVICES IN MANCINI BOWL

A letter from Eleanor L. Dolby, Secretary, Modesto Council of Churches, expressing appreciation to the Council for making it possible to hold Sunday evening services in Mancini Bowl, was read.

PRESENTATION OF AMERICAN AUTOMOBILE ASSOCIATION AWARD IN PEDESTRIAN SAFETY CONTEST

Mr. Ernest Nelson, manager of the local AAA office, presented to the City of Modesto a special citation for its safety program in the national Pedestrian Protection Contest, which was sponsored by the American Automobile Association. It was pointed out that an important factor contributing to the winning of the award was Modesto's low pedestrian death rate and the reduction in the number of pedestrian injuries.

COMMUNICATION FROM CLAUDE BENNETT RE: TELEVISION AND REPAIR SHOP AT 148 MELROSE AVENUE

The City Manager reported that copies of Mr. Bennett's communication and copies of the Planning Commission's summary of the case had been delivered to the Council members for their study.

Mayor Marks stated that this matter had come up last year and at that time most of the Council members had investigated the property under question and had agreed that Mr. Bennett should cease operation within a reasonable length of time, which was determined by the Council to be 90 days. Mayor Marks pointed out that the 90 days had expired and Mr. Bennett still continued to operate his business on Melrose Avenue. He asked the City Attorney what alternatives the Council had in the matter and Mr. Grimes stated that the only solution that would legalize the use would be an amendment to the zoning ordinance.

Mr. Claude Bennett, who was present, stated that he was almost surrounded by C-1 zoning and would like to have the zoning ordinance amended or else come in under a variance. He stated that he had gone to the Planning Commission last fall and had asked for a hearing to clear up this matter. He said that he had offered to pay \$20.00 at that time to advertise the hearing but had been advised to wait until after the zoning ordinance was adopted.

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Councilman Hammond stated that he had read the memo from Mr. Bennett carefully, and had the impression that the property was purchased, knowing that it was zoned residential. He said that he did not feel it was advisable to make any amendments to the zoning ordinance.

Mayor Marks read, for the Council's information, the action taken by the council at a formal hearing which was held on August 4, 1954. He pointed out this was an appeal to the Planning Commission's denial and that the Council upheld the Commission's action.

Mayor Marks moved, seconded by Councilman Adams, that Mr. Bennett's request for an amendment to the zoning ordinance not be considered, which motion was carried by the following vote:

Ayes: Councilmen: Adams, Arata, Hammond, Robinson and Mayor Marks
 Noes: Councilmen: Merrill
 Ayes: Councilmen: Anderson

Councilman Merrill asked how long Mr. Bennett would have to relocate his business and City Attorney Grimes stated that he would contact Mr. Bennett and discuss the matter with him.

Mr. Bennett stated that he would like to discuss with Mr. Smeath and Mr. Grimes a plan which he has in mind, and agreed to relocate his business as soon as possible.

COMMUNICATION FROM FRED CURTIS RE: RE-POLLING OF JOHN MUIR PARK AREA

Mayor Marks read a letter, which had been received from Fred Curtis, regarding the re-polling of the John Muir Park Area.

The City Manager was instructed to write Mr. Curtis, explaining what is proposed for the area and how the property owners would be assessed if this plan is approved.

HEARING ON PROPOSED ANNEXATION OF THE MINENI MANOR

This being the time set for the public hearing on the proposed annexation of Mineni Manor, Mayor Marks declared the hearing open at 8:00 P.M.

The City Clerk filed an affidavit that Resolution No. 55-234 giving notice of the proposed annexation, had been published as provided by the "Annexation of Uninhabited Territory Act of 1939"; that written notices had been mailed to persons specified in this Act; and that no written protests to the proposed annexation had been filed.

As there were no oral protests, Mayor Marks declared the hearing closed.

Councilman Arata moved the adoption and passage to print of

ORDINANCE NO. 35-C.S.

entitled, "AN ORDINANCE ANNEXING UNINHABITED TERRITORY KNOWN AS THE MINENI MANOR ADDITION TO THE CITY OF MODESTO", which motion being duly seconded by Councilman Robinson, was upon roll call carried and ordered printed and published by the following vote:

Ayes: Councilmen: Adams, Arata, Hammond, Merrill, Robinson and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Anderson

HEARING ON APPLICATIONS FOR GARBAGE PERMITS

As this was the time set for the hearing on applications for garbage permits, Mayor Marks declared the hearing open.

City Manager Miller reported that three applications had been received for permits to collect garbage within the City limits.

Applications were received from the following companies:

Airport Garbage Service, to serve Area "A" which includes the eastern LaLoma District and a smaller area in the west section of the City.

Sanders Salvage Company, to serve Area "B" which includes the area north of Modesto Irrigation District Lateral 3 and south Modesto, west of the Southern Pacific Tracks.

Modesto Garbage Company, to serve Area "C" which includes the remainder of the City.

The City Manager recommended that exclusive licenses, having terms of five years, be granted the applicants.

Mayor Marks raised the question as to who would be entitled to the areas which will be annexed to the City. The City Manager replied that newly annexed areas would be served by the same operator who served the area prior to annexation, as shown on the service area map, previously filed.

Councilman Merrill asked if services would be provided twice a week if the customers requested it. Representatives of the companies replied that twice a week service would be provided if it was requested by their customers.

City Manager Miller stated that the rates which would apply inside the city limits would be \$.75 a month for once a week service and \$1.25 a month for twice a week service.

Councilman Adams moved, seconded by Councilman Hammond, that the City Attorney be instructed to prepare the necessary resolutions in accordance with the recommendation of the City Manager, which motion was unanimously carried.

HEARING ON APPLICATIONS FOR SWILL PERMITS

Mayor Marks declared the hearing open on applications for swill permits.

City Manager Miller recommended the granting of two permits to collect swill in the City limits. The companies which made application for non-exclusive permits were the American Hog Farm and Rudy Bonzi Enterprises.

The City Manager recommended that non-exclusive licenses be granted for a period of 5 years.

Mr. Joseph Agresti, owner of the American Hog Farm, asked if the license granted to the Rudy Bonzi Enterprises would entitle them to collect swill in town besides collecting it at the canneries. He was told that Mr. Bonzi would be able to collect swill throughout the city if he desired to do so.

A representative of Mr. Bonzi's company stated that they had no intention of collecting swill other than from the canneries and that no problems were anticipated regarding this matter.

Mayor Marks declared the hearing closed.

Councilman Hammond moved, seconded by Councilman Arata, that the City Attorney be instructed to prepare the necessary resolutions in accordance with the recommendation of the City Manager, which motion was unanimously carried.

HEARING ON PROPOSED BUDGET FOR 1955-56

As this was the time set for the public hearing on the proposed 1955-56 budget, Mayor Marks declared the hearing open.

City Manager Miller distributed a work sheet for the Capital Improvement Program, which he reviewed with the Council. He pointed out that immediate consideration should be given to the City Hall and the Police Station.

With the Council's approval, Mayor Marks recessed the hearing at 8:50 P.M. to consider other items on the agenda.

ACCEPT BID FOR STORM SEWER AND PUMP STATION ON COLLEGE AVENUE FROM A. P. RASMUSSEN

Tabulation of bids received for the storm sewer and pump station on College Avenue, which had been opened on July 11, at 2:00 P.M., were distributed to the Council members for their study.

Director of Public Works Ray recommended that the bid of A. P. Rasmussen of \$3,668.68, be accepted.

Councilman Arata introduced

RESOLUTION NO. 55-302

seconded by Councilman Robinson, accepting the bid of A. P. Rasmussen, of \$3,668.68, for a storm sewer and pump station on College Avenue, as the lowest responsible bid, as recommended by the Director of Public Works, and authorizing the execution of an agreement by the City's designated officials, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Arata, Hammond, Merrill, Robinson and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: Anderson

REPORT ON CITY PARTICIPATION IN CONSTRUCTION OF PERIMETER SEWERS

The City Manager presented, for the Council's consideration, a report on city participation in construction of perimeter sewers in the Campus Heights Subdivision, Roosevelt Park Tract, and Glenwood Park Subdivision. The City's share, he stated, would be one-half of the cost of construction of qualifying lines in each of the three subdivisions.

Councilman Robinson introduced

RESOLUTION NO. 55-303

seconded by Councilman Hammond, authorizing the approval of a proposal for construction of perimeter sewers in the Roosevelt Park Tract with Arthur J. Wylie and Florence E. Wylie and the execution of said proposal by the designated City officials, and also authorizing the payment of \$294.00 to Arthur J. Wylie for the City's share of construction of perimeter sewers in the Roosevelt Park Tract, upon acceptance of the work as being complete in accordance with requirements of the Department of Public Works, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Arata, Hammond, Merrill, Robinson, Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: Anderson

Councilman Adams introduced

RESOLUTION NO. 55-304

seconded by Councilman Robinson, authorizing the approval of a proposal for the construction of perimeter sewers in the Campus Heights Subdivision with Arthur J. Wylie and Florence E. Wylie and the execution of said proposal by the designated City officials, and also authorizing the payment of \$1,108.50 to Arthur J. Wylie for the City's share of construction of perimeter sewers in the Campus Heights Subdivision upon acceptance of the work as being complete in accordance with requirements of the Department of Public Works, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Arata, Hammond, Merrill, Robinson, Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: Anderson

Councilman Arata introduced

RESOLUTION NO. 55-305

seconded by Councilman Adams, authorizing the approval of a proposal for construction of perimeter sewers in the Glenwood Park Subdivision, with John Quaresma and Bernice Quaresma and the execution of said proposal by the designated City officials and also authorizing the payment of \$670.50 to John Quaresma for the City's share of construction of perimeter sewers in the Glenwood Park Subdivision, upon acceptance of the work as being complete in accordance with requirements of the Department of Public Works, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Arata, Hammond, Merrill, Robinson, Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: Anderson

INTRODUCTION OF ORDINANCE NO. 36-C.S. TRANSFERRING ASSESSMENT COLLECTION TO THE COUNTY OF STANISLAUS

City Attorney Grimes stated that at one of the Council meetings, the Council had indicated its desire that the assessments of \$25.00 or less, resulting from improvement districts work, be collected on the tax roll by the County. He stated that it would require a change in the procedure of collecting the assessments and also the approval of the County, as to whether they would be willing to collect the assessments.

The City Manager reported that the County Auditor had been contacted and he expressed willingness to collect the assessments for the City, but authorization from the Council was necessary before action could be taken.

Councilman Hammond moved the introduction and passage to print of
ORDINANCE NO. 36-C.S.

entitled: "AN ORDINANCE AMENDING SECTIONS 8-2.301 AND 8-2.304 OF ARTICLE 3 OF CHAPTER 2 OF TITLE VIII OF THE MODESTO MUNICIPAL CODE RELATING TO PROPERTY TAXES", which being duly seconded by Councilman Robinson, was upon roll call ordered printed and published by the following vote:

Ayes: Councilmen: Adams, Arata, Hammond, Merrill, Robinson, and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: Anderson

Councilman Robinson moved, seconded by Councilman Adams, that the City Manager be authorized to negotiate with the County Auditor regarding the collection of these assessments, which motion was unanimously carried.

ADOPT RESOLUTION RELATING TO TURNING MOVEMENTS AT THE INTERSECTION OF MORTON BOULEVARD AND 99 HIGHWAY

Upon the recommendation of the Traffic Engineer, Councilman Arata introduced

RESOLUTION NO. 55-306

seconded by Councilman Robinson, prohibiting specified turning movements at the intersection of Morton Boulevard and 99 Highway in the City of Modesto, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Arata, Hammond, Merrill, Robinson and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Anderson

CONSIDER CLAIM OF MODESTO TITLE COMPANY FOR \$125.00 FOR PREPARATION OF ASSESSMENT AND OWNERSHIP LIST (DOWN TOWN AREA)

City Manager Miller recommended that this item be carried over until the next Council meeting.

REPORT ON PROPOSED CHANGE IN SUBDIVISION CONTRACTS

City Manager Miller reported to the Council on the proposed change in the subdivision contract which would provide for the handling of reductions of cash bonds or cash deposits by the administrative staff rather than by the Council. He stated that the reductions would be based on the percentage of improvements completed satisfactorily. This would eliminate, he stated, the necessity of having Council action on the reductions.

The Council agreed that the administrative staff could handle this matter satisfactorily.

RESOLUTION APPROVING CONTRACT WITH VALLEY BUILDERS SUPPLY COMPANY AND MAY WAREHOUSE COMPANY RE: REZONING

City Attorney Grimes reported that the contract with the Valley Builders Supply Company and May Warehouse Company had been presented to the Council before the Zoning Ordinance was adopted. He stated that the contract provides for these companies to remove all industrial uses of the land and buildings within 10 years from the effective date of the zoning ordinance.

Councilman Arata introduced

RESOLUTION NO. 55-307

seconded by Councilman Merrill, approving the agreement with Valley Builders Supply Company and May Warehouse Company and authorizing its execution by the City's designated officials, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Arata, Hammond, Merrill, Robinson, and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Anderson

ADOPT RESOLUTION ESTABLISHING PASSENGER LOADING ZONE ON NEEDHAM AVENUE

Upon the recommendation of the Traffic Engineer, Councilman Adams introduced

RESOLUTION NO. 55-308

seconded by Councilman Robinson, approving a passenger loading zone on Needham Avenue, in front of the Centenary Methodist Church, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Arata, Hammond, Merrill, Robinson and Mayor
Marks
Noes: Councilmen: None
Absent: Councilmen: Anderson

AUTHORIZE SALE OF USED AM RADIO EQUIPMENT TO COUNTY FIRE WARDEN

The City Manager reported that County Fire Warden O. S. Ball had indicated that the County would like to purchase the used AM radio transmitter-receivers, which had been replaced by new FM equipment in the Police and Public Works equipment. He stated that the County is willing to pay \$50.00 per unit for the ones which can be relicensed by the Federal Communications Commission. The City has 10 units which meet their requirements, he stated.

Councilman Merrill introduced

RESOLUTION NO. 55-309

seconded by Councilman Arata, authorizing the City Manager to sell the City's used AM radio equipment to the County Fire Warden, at \$50.00 per unit, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Arata, Hammond, Merrill, Robinson and Mayor
Marks
Noes: Councilmen: None
Absent: Councilmen: Anderson

CONSIDER APPOINTMENT OF BOARD OF ZONING ADJUSTMENT

Mayor Marks asked that this item be carried over until the next Council meeting.

ACCEPT GRANT DEED FROM CLIFTON AND AILEEN MARTINEZ FOR WIDENING OF ROSEBURG AVENUE

The City Attorney presented for Council consideration a Grant Deed from Clifton and Aileen Martinez for property to be used in the widening of Roseburg Avenue.

Councilman Arata introduced

RESOLUTION NO. 55-310

seconded by Councilman Adams, accepting the grant deed from Clifton and Aileen Martinez, dated June 21, 1955, for land to be used in the widening of Roseburg Avenue, and authorizing the City Clerk to record it with the County Recorder, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Arata, Hammond, Merrill, Robinson and Mayor
Marks
Noes: Councilmen: None
Absent: Councilmen: Anderson

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SUMMARY OF STREET REPORT ON CITY STREETS AND COUNTY ROADS DEFICIENCY

The City Manager reported that copies of Traffic Engineer Carmody's summary of the State's report had been sent to the Council members for their study.

REPORT ON COUNCIL COMMITTEES

Mayor Marks requested that this item be held over until the next Council meeting.

REPORT ON NEW NINTH STREET PARKING LOT

The City Manager reported that the Parking Authority had entered into a lease agreement with the owner of the lot adjacent to the Ninth Street Parking Lot and had agreed to certain improvements of the lot. Traffic Engineer Carmody, the owner, and he had conferred, and agreed to changes in the lease, subject to Council approval, as follows:

1. That a canopy be constructed at both the 9th Street entrance and the J Street entrance of the lot, eliminating part of the requirement for an all-around structure
2. That the city would pay half the cost of plastering the walls of the adjacent building on the north side of the lot, improving the appearance at a reasonable cost to both the owner and the city, cost not to exceed \$600.00.

Councilman Merrill moved, seconded by Councilman Hammond, that the City Attorney prepare an amendment to the Lease Agreement to cover the improvements agreed upon by the owner and the city, and submit it to the Council at its next meeting, which motion was unanimously carried.

LEAGUE OF CALIFORNIA CITIES MEETING IN NEWMAN

Mayor Marks reminded the Council members of the Central Valley Division, League of California Cities Meeting in Newman on July 21, 1955.

Mayor Marks declared a recess from 9:15 to 9:20 P.M.

CONTINUATION OF HEARING ON PRELIMINARY BUDGET

Mayor Marks reopened the hearing on the preliminary budget.

CITY COUNCIL

Discussion was held on the City Council Account, page 25 of the preliminary budget, and as there were no questions or changes, it was temporarily approved.

CITY MANAGER'S DEPARTMENT

The City Manager's Department, page 27 of the preliminary budget, was discussed.

Councilman Hammond moved, seconded by Councilman Merrill, that the \$3,000 proposed for extra help to take care of pending projects, be deleted, and the General Reserve Fund be increased by a like amount, which motion was unanimously carried.

It was agreed by the Council that as the various projects came up, allocations would be considered for the hiring of extra help.

CITY ATTORNEY'S DEPARTMENT

The Council considered the City Attorney's Department, page 29 of the preliminary budget.

Councilman Hammond questioned the \$3,000 proposed for Services, Professional and Others, and was told that this expenditure had already been approved by the Council.

Councilman Hammond stated that the \$750 proposed for additions to the Law Library seemed rather high. City Attorney Grimes pointed out that when he first started to work for the City, there was no law library and he has proposed a certain amount of money each year in an effort to build up a working library. He stated that he has purchased second hand books whenever possible.

CITY CLERK AND AUDITOR'S DEPARTMENT

The Council considered and tentatively approved the budget for the City Clerk and Auditor's Department, page 31 of the preliminary budget.

FINANCE DEPARTMENT

The Council considered the budget for the Finance Department, page 33 of the preliminary budget.

Councilman Hammond asked why there were so many clerks needed in this department. He wanted to know if the Council was asking for reports and other information which was causing extra work and did not justify the expense.

City Manager Miller replied that whenever the administrative staff could submit a report to the Council which is useful, then the extra work and expense is justified.

It was agreed by the Council that this item would be discussed when Councilmen Robinson, Merrill and Hammond discuss the Personnel and Planning Departments with the City Manager.

PERSONNEL DEPARTMENT

The Council considered the budget for the Personnel Department, page 35 of the preliminary budget, and it was agreed that this department would be held over until after the Councilmen visit the City Hall to obtain first hand information concerning the operations of the Personnel Office.

(Councilman Arata was excused and left the meeting at 9:50 P.M.)

PLANNING DEPARTMENT

The Council considered the budget for the Planning Department, page 37 of the preliminary budget, and it was agreed that provisional approval would also be held over until after the City Hall visit.

CITY HALL

The budget for the City Hall, page 43 of the preliminary budget, was considered by the Council.

Councilman Merrill questioned the \$6,460 budgeted for communications for the City Hall. He asked if it was necessary for this bill to be so high.

City Manager Miller asked Councilman Merrill to study this item with him when the other departments are discussed.

FIRE DEPARTMENT

The Council considered the budget for the Fire Department, page 45 of the preliminary budget.

The proposed amount of money for Conference and Travel was discussed by the Council. Councilman Merrill stated that he did not feel \$25.00 was sufficient to cover the travels of the Fire Chief.

City Manager Miller stated that he would discuss the matter with Chief Weymess and see what should be proposed for this item.

HEALTH DEPARTMENT

The Council considered and tentatively approved the budget for the Health Department, page 47 of the preliminary budget.

POLICE DEPARTMENT

The Council considered and tentatively approved the budget for the Police Department, page 49 of the preliminary budget.

PUBLIC WORKSEngineering Division

The Council considered and tentatively approved the budget for the Engineering Division, page 53 of the preliminary budget.

Inspection Division

The Council considered the budget for the Inspection Division, page 59 of the preliminary budget and tentatively approved it.

Service Division

The budget for the Service Division, page 71 and 65 of the preliminary budget, was considered and tentatively approved by the Council.

Sewage Division

The Council considered and tentatively approved the budget for the Sewage Division, page 67 of the preliminary budget.

Sewer Division

The budget for the Sewer Division, page 69 of the preliminary budget, was considered and tentatively approved by the Council.

Streets Division

Director of Public Works Ray reported that due to the fact the Council changed the rates for the oiling of alleys, there have been so many requests for the oiling that the Department will not be able to re-work 10 miles of streets this year, as had been planned.

Councilman Hammond stated that he felt the 10 miles of streets should be laid before any alleys are oiled.

Mr. Ray asked the Council to take some action so that the Public Works Department would know just what the Council wished accomplished. He stated that alley oiling fees had been accepted and that people expect the work to be completed quickly.

Councilman Hammond moved, seconded by Mayor Marks, that the Public Works Department lay nine miles of streets before taking any action on the oiling of alleys, which motion was unanimously carried.

The Director of Public Works asked that the Council concur with the principle that as many alleys as possible will be oiled this year. The Council concurred in this matter.

It was agreed by the Council to hold over any further discussion on the Streets until the next Council meeting.

LIBRARY

Librarian Hamilton stated that he was proposing a public address system for Council use now, and for public meetings after the Council moves to new quarters. He said that the Library was planning full use of the room for public meetings and that a public address system would be needed.

The Council approved \$1,000 for a public address system to be used in the Council Chamber.


Mr. Hamilton pointed out that a proposed billboard for use outside the Library, would have movable letters, and that it would be used to give notice of Council meetings, hearings, and other public affairs.

Councilman Merrill moved, seconded by Councilman Hammond, that the \$450 proposed for the billboard be deleted from the budget, which motion was unanimously carried.

ADJOURNMENT

Councilman Robinson moved, seconded by Councilman Adams, and it was unanimously carried that the meeting now in session be adjourned until 3:00 P.M., Tuesday, July 19, 1955. The meeting was adjourned at 11:30 P.M.

ATTEST:


 REX E. GAILFUS, CITY CLERK

The Council of the City of Modesto met in adjourned session this date at 3:00 P.M. in the Council Chamber at the McHenry Public Library, 14th and I Streets, as provided by Section 2-1.01 of the Modesto Municipal Code, the meeting having been adjourned from the regular session held on July 13, Mayor Marks presiding.

The City Clerk called the roll and there were

Present: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson
and Mayor Marks
Absent: Councilmen: None

CONSIDER LIBRARY BUDGET

Councilman Merrill questioned whether the purchase of the outside bulletin board for \$450, Public Address System for \$1,000, and 16mm Projector for \$500, for the Library was advisable. Mayor Marks reminded him that at a previous meeting, the outside bulletin board had been eliminated and the public address system had been approved since it could be left in the library after the Council moved to its new quarters in the proposed city hall, to be used for other public meetings.

Councilman Merrill pointed out that the library already owned one 16mm projector and that the rental of projectors would be in competition to private industry. It was agreed by the Council that due to Librarian Hamilton's absence, that before the purchase of the projector was made, it should be approved by the Council.

POLICY OF PUBLIC UTILITIES COMMISSION ON SHARING COST OF RAILROAD GRADE SIGNAL IMPROVEMENTS EXPLAINED

C. J. Astrue, Senior Transportation Engineer of the Public Utilities Commission, was introduced by City Manager Miller, who reported that Mr. Astrue had met during the day with members of the administrative staff and discussed the policy of the Commission on sharing in the cost for railroad grade crossing signal improvements. Mr. Astrue stated that of the \$500,000 allocated for assistance in this work, that in one year's time about \$250,000 had been used and it was more than likely that the balance would be used or ear-marked during this year. Modesto should file its application within that period to be certain of participation in the program, he stated.

Traffic Engineer Carmody stated that the total amount of the city's share for all grade crossings would be approximately \$34,000. He stated that the most important crossings to consider would be H and I Streets where railroad gates should be installed.

Public Works - Streets

Director of Public Works Ray reported that when the budget was prepared an estimate of \$1800 was included for oiling new streets and alleys but since that time due to the many applications filed for oiling alleys, (before the new rates would be effective July 1) he would recommend that the amount be increased by \$5,000 making a total of \$6,800. He reported that the amount paid by property owners for oiling alleys was \$2,000.

Councilman Anderson asked whether the Public Works Department was processing the applications for alley oiling---on the first come first served basis, or on the basis of the worst alleys first.

Director of Public Works Ray reported that it had been planned to do the work on the first come, first served basis, but whenever the equipment was in a certain neighborhood, usually the alleys in that immediate

vicinity were oiled. In view of the discussion held last week at the Council meeting, he stated, it is now planned to take the alleys in the older portion of the city for which funds have been received and pick those up to the limit of capacity during this season. The Council has decided that the street oiling program is to come first, he stated, and the alleys second.

Councilman Hammond moved, seconded by Councilman Adams, and it was unanimously carried, that \$5,000 be removed from the General Reserve Fund and added to the Public Works-Streets budget for "oiling new streets and alleys".

MUSIC AND PROMOTION BUDGET

The City Manager reported receipt of a request from the Chamber of Commerce for an additional allocation of \$1000 to be used in recruiting industries so that new jobs will be created in the city. Councilman Merrill moved, seconded by Councilman Anderson, that the allocation in the Music and Promotion Budget--"Industry, Business and Jobs", be increased to \$5000 and the General Reserve Fund be reduced \$1,000.

Councilman Hammond suggested that the authorization for the additional appropriation be delayed until the results of the promotion drive for memberships now underway by the Chamber, were known. Secretary-Manager Brandt of the Chamber, and Joe Nessier, President, outlined the plans and proposed operations of the Chamber for the coming year.

Mayor Marks called for the vote and the motion was unanimously carried.

(Councilman Arata arrived at 3:40 P.M.)

Councilman Adams moved, seconded by Councilman Robinson, and it was unanimously carried, that the sum of \$750 be budgeted in the Music and Promotion Budget for the Modesto Relays and that the General Reserve be reduced by this amount.

Councilman Anderson urged that this activity be supported to the maximum as it was of great benefit to the local merchants. Mayor Marks suggested that a program be considered by the Modesto Relays organization of selling membership--for example, a fee of \$5.00 could be charged and a decal be furnished by them which could be pasted on a car windshield.

The City Manager pointed out that the General Reserve was already low and that provisions should be made to increase it.

PUBLIC WORKS - WATER

The City Manager called attention to the fact that it had been impossible to include the following desirable items in the Water Department budget:

- (a) Survey of Water Systems within the City \$10,000
- (b) Water Well and Pump Station No. 18 Downey Area \$18,000

He pointed out that the Council had adopted a policy of extending water services to the Downey High School area but that if a well and well site were to be budgeted it probably would have to be done out of the capital outlay funds.

Mayor Marks expressed a desire to also have included in the budget the item of \$10,000 for a survey of water systems within the city. A program for the purchase of the private companies, he stated, financed by

revenue bonds would be desirable, so that the same fire rate could be in effect throughout the city. The people can be best served by one water company instead of a number of small companies, he stated.

Councilman Hammond asked if an outside firm would be hired to make the survey. The City Manager pointed out that a great deal of the work could be done by the city staff but that special help would be needed on the evaluation and appraisal of the private systems.

There was some discussion on whether this item could be considered as a capital improvement project. Councilman Arata suggested that the estimated revenues could be increased.

Councilman Merrill pointed out that due to the large influx of people into the area, a long range study should be made on the water situation. The cooperation of the Modesto Irrigation District, Department of Public Works and a citizens committee should work out a long range program to determine if the city could obtain some of the Hetch Hetchy water for home consumption.

Councilman Robinson recommended that the proposed Citizen Committee for studying industries should consider this as a part of its study.

Director of Public Works Ray pointed out that in the survey conducted in this area by the University of Stanford, which is getting underway this summer and will continue for a 2 year period, information will be secured which will determine the further direction of obtaining our water supply.

Councilman Adams recommended that the budget include funds for the purchase of sand traps for wells. He pointed out that there were complaints on sand in the water. He suggested that each year the wells, which gave the most trouble, should have sand traps installed, and in this manner most of the sand problems could be eliminated.

The Director of Public Works stated that the wells gave trouble at times with or without sand traps and that it was impossible to trap all the sand out of the water. He stated that the new type traps were better than the older traps but that sand was a constant source of trouble throughout the valley. The City Manager explained the method now being used under which dead end lines were eliminated.

Councilman Adams recommended, to which the Council concurred, that an item for purchase of sand traps of \$3500 be included in the list of "Other items for consideration".

Director of Public Works Ray reported that the Finance Office had requests for 70 new services last month and that the last fiscal year 7½ miles of pipe had been laid, as compared to 1 1/3 miles in 1945.

The City Manager pointed out that the city was expanding rapidly and many of the proposed expenditures in this budget would be in new areas now under consideration for annexation.

The functions and set up of the city's utility crew and the equipment rental pool were explained by the City Manager and Director of Public Works.

Councilman Anderson moved, seconded by Councilman Arata, and it was unanimously carried that the item of \$18,000 for "water well and pump station No. 18, Downey Area", be removed from the list of "Other Items for Consideration", and included in the Public Works-Water budget, and the General Reserve fund be decreased in this amount.

TRAFFIC ENGINEERING AND PUBLIC WORKS-PARKING METERS

Since the abolishment of the Parking Authority, the Director of Finance stated, it was necessary to revise page 75, Traffic Engineering, of the preliminary budget, and to add a new page (99) Traffic Engineering-Parking Fund. He outlined the minor changes and pointed out that it would be necessary to reduce the Traffic Engineering budget by \$1,260 and increase the General Reserve in this amount.

Councilman Hammond questioned the proposed purchase of a "printing calculator". Traffic Engineer Carmody pointed out that there would be a great savings of time and personnel in calculating traffic data with the machine and that it also served as an adding machine.

The City Manager stated that the preliminary budget did not allocate funds for traffic signals nor grade crossing protection. The improvements proposed at the 7th and B Street intersection, which the state has already approved, he stated, will be paid for with gas tax funds.

Councilman Robinson suggested that funds be included for grade crossing gates so that the city could take advantage of the available P.U.C. funds.

Mayor Marks suggested that since the development of additional parking areas in the down-town area would be held in abeyance for a period of one year, that \$25/35,000 of the money now in the parking fund be used to "catch up with the back log of traffic signals and lights." "The signalization of these intersections, he stated, would not be a "repeat performance" and by this time next year, due to the income from the parking meters, there would still be approximately \$60,000 in the parking fund which could be used for lots. "It is as important that traffic signals and lights be installed," he stated, "as it is to provide parking lots."

The City Manager reported that if the city were to install signals at intersections involving only city streets (no state highways), that the traffic engineer would recommend the following priority:

- 1- 19th and H Streets
- 2- LaLoma at Wilson School (\$1500-half to be by schools)
- 3- 11th and H Streets
- 4- 5th and H Streets
- 5- 11th and K Streets
- 6- 11th and L Streets
- 7- 10th and D Streets

and if the list were to include State Highway intersections with city streets, that he would insert the following in the above list:

- 1- 14th and J Streets
- 2- Tully and 99 Highway
- 3- Kansas and 99 Highway
- 4- Needham and 99 Highway
- 5- Yosemite and LaLoma
- 6- Yosemite and South Santa Cruz
- 7- 14th and Grand Streets

Mayor Marks suggested that the City Manager furnish a copy of the list of signal locations to each Council member for consideration at a later date.

Councilman Hammond suggested that the parking fund be left "status quo" for a year and at the end of this year, new arrangements be made.

Councilman Merrill stated that the Council had an obligation to leave the fund "as is" until the end of the year.

Mayor Marks proposed that at the end of the year the Council consider changing the 75% allocation of the on-street revenue to the parking fund to 50% allocation and that 25% be used for traffic lights and signals, if the district is not formed.

To a question from Councilman Adams, the City Manager stated that the signalization of Orangeburg-McHenry intersection should be considered in connection with the proposed widening.

Mayor Marks pointed out the importance of signalization of the Santa Cruz-Yosemite Boulevard intersection.

Councilman Arata moved, seconded by Councilman Adams, and it was unanimously carried, that the revised sheet for "Traffic Engineering" (page 75) and page 99 for "Traffic Engineering, Parking Fund" be inserted in the preliminary budget in lieu of the original pages and that the necessary adjustment in the general reserve be authorized.

POLICE CHIEF NEEL REPORT ON REQUEST FOR ADDITIONAL PERSONNEL

Police Chief Neel explained that one of the two typist-clerks which he had requested in his budget would assist in the detective bureau and the other would type reports and records and replace a girl who is to be assigned to the radio desk to release a patrolman who is presently handling this work.

PARKS & RECREATION - PARKS (Page 79)

The preliminary budget for Parks & Recreation-Parks, was tentatively approved by the Council.

PARKS & RECREATION - GOLF COURSE (Page 81)

The preliminary budget for the golf course was tentatively approved by the Council.

FRED CURTIS REQUESTS INFORMATION ON NUMBER OF TRAFFIC SIGNALS PROPOSED TO BE INSTALLED DURING THE 1955-56 FISCAL YEAR

Fred Curtis asked how many traffic signals the City proposed to install during the next fiscal year. Mayor Marks stated that some would be provided. The City Manager was asked to send Mr. Curtis a copy of Mr. Carmody's report on installation priority and location of traffic signals.

PARKS & RECREATION - Recreation and Maddux Youth Center

The City Manager reported that the city's request to the county for \$39,253 for support of the recreation program for the Modesto community outside the city limits, was not approved by the Board of Supervisors and that the county allocation for this year, would be the same as last year, \$15,942. Revised pages for the preliminary budget for recreation which reduced the total amount by \$23,311 were distributed by Director of Finance Lawrence.

The City Manager stated that he had written to the Board, and also discussed with some of the members, the possibility of increasing the allocation by at least \$4,000 so that the city could continue without cutting its programs which had already been established. If this is not granted, he stated, it will be necessary to further reduce the budget \$4,067. However, if the Council wishes, he stated, this can be decided when the final answer is received from the county.

Director of Parks and Recreation gave a brief report on the daily attendance and the activities conducted at the Youth Center. Councilman Hammond contended that the center should be self-supporting and that the organizations using the center should voluntarily participate in the supervision so that the city's operation cost would be kept at a minimum.

Mary Grogan, Recreation Superintendent, pointed out that the problem with voluntary supervisors was that in handling large groups of youngsters it is vitally necessary to have at least one trained person in charge. Many times volunteer supervisors failed to show up, she stated. Mr. Lowrey stated that it had been the practice of the department to have at least one city employee on hand whenever the center was in use, who was responsible for closing the center and for the protection of city property.

Councilman Anderson stated that he still believed that a citizen committee of some sort would be of great assistance. Other cities have successfully used this type of committee and volunteer supervisors, he stated. "Lots of people would be willing to help supervise on a volunteer basis," he continued. A number of other cities throughout the state, he stated, use the volunteer supervisor plan entirely. The City Manager stated he would contact some of these cities.

Mr. Lowrey stated that the budget had been set up to provide for a full time person to help organize and run the youth center program. The program, as proposed, would start at noon and run until 10:00 P.M., six days a week and for special events until midnight. It would be possible to reduce the budgeted amount by opening the center at 3:00 P.M., instead of noon. In order to keep the budget in balance, it was agreed by the Council to reduce the recreation budget at this time and not wait for the final answer of the County. If the request for \$4,000 additional was approved by the County, it was pointed out, the recreation program could then be increased. Councilman Adams moved, seconded by Councilman Merrill and it was unanimously carried, that the revised preliminary budget presented by the Director of Finance be approved with the additional decrease for salaries and wages for extra help of \$4,067 and the other necessary adjustments in the budget to conform with this action, be authorized.

MISCELLANEOUS UNCLASSIFIED

The Director of Finance outlined the changes which would be necessary to revise the "Miscellaneous Unclassified" budget to conform with the change over of the duties of the Parking Authority to the Council, which were approved by the Council.

CITY MANAGER AUTHORIZE TO PRESENT NECESSARY DOCUMENTS FOR COUNCIL CONSIDERATION TO ADOPT THE OPERATING SIDE OF THE BUDGET

The City Manager was asked to bring back the necessary documents for the Council to consider which would provide for the approval of the operating budget.

CLOSE PUBLIC HEARING ON BUDGET

Mayor Marks declared the public hearing on the preliminary budget for the fiscal year 1955-56 for the City of Modesto closed.

ADJOURNMENT

Councilman Anderson moved, seconded by Councilman Adams, and it was unanimously carried, that the meeting now in session be adjourned. The meeting was adjourned at 6:00 P.M.

ATTEST:


REX E. GAILFUS, CITY CLERK

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The Council of the City of Modesto met in regular session this date at 4:00 P.M., as provided by Section 2-1.01 of the Modesto Municipal Code in the Council Chamber at the McHenry Public Library, 14th and I Streets, Mayor Marks presiding.

The City Clerk called the roll and there were

Present: Councilmen: Anderson, Adams, Arata, Hammond, Merrill, Robinson
and Mayor Marks

Absent: Councilmen: None

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

A few moments of silent prayer were observed.

APPROVAL OF MINUTES

Council members having received copies of the minutes of the adjourned Council meeting of June 29, 1955, and the same being available for public inspection, and there being no objections, the minutes were approved.

Mayor Pro Tempore Adams opened the meeting due to the temporary absence of Mayor Marks.

FINAL ADOPTION OF ORDINANCE NO. 33-C.S. AMEND CODE RELATING TO PEDDLING OF FOOD STUFFS

Ordinance No. 33-C.S. entitled: "AN ORDINANCE AMENDING SECTION 6-1.232 OF ARTICLE 2 OF CHAPTER 1 OF TITLE VI OF THE MODESTO MUNICIPAL CODE REGULATING THE PEDDLING OF FOOD STUFFS", (adding Farm Produce provision) having been heretofore introduced and ordered printed and published at the regular meeting of July 6, 1955, Councilman Merrill moved, seconded by Councilman Arata, that the ordinance be finally adopted, which motion was upon roll call carried by the following vote:

Ayes: Councilmen: Anderson, Arata, Hammond, Merrill, and Mayor Pro Tempore Adams

Noes: Councilmen: None

Absent: Councilmen: Robinson and Mayor Marks

Mayor Marks and Councilman Robinson arrived at 4:10 P.M.

DISCUSSION ON LOCATION OF ASBILL'S BUILDING - JENNIE STREET AT D STREET

Director of Public Works Ray reported that the building now under construction by R. B. Asbill in Block 215, located at the intersection of D, Jennie and Burney Streets, was projected into the city's set back line established by Ord. No. 768-N.S. The building permit had been issued by the city in error on plans submitted by Mr. Asbill. A survey of the building has been completed by the city, he stated, to determine alternatives which could be considered, which are as follows: 1) cut back the building to the lawful set back line established by Ord. No. 768-N.S.; or 2) cut the building back to the first column, which would mean it would then only project three feet beyond the set back line. Mr. Ray stated that Mr. Asbill had agreed to cut the building back to the first column in order to clear the situation and that he had not been aware of the set back line at the time he purchased the property. Mr. Asbill, who was present, indicated willingness to conform with the suggestion to cut the building back as recommended.

City Manager Miller suggested that alternative #2 would be the most fair and equitable and pointed out that the sidewalk width would still be five feet at this location instead of the required 8 feet but would not affect the street traffic.

Councilman Merrill moved, seconded by Councilman Arata, and it was unanimously carried that the Council approve the recommended alternative #2 outlined by the Director of Public Works and directing the City Manager to present the necessary documents for Council consideration at a later date.

FINAL ADOPTION OF ORDINANCE NO. 36-C.S. "TRANSFER OF TAX COLLECTION FUNCTION"

~~ORDINANCE NO. 36-C.S. ENTITLED "AN ORDINANCE AMENDING SECTIONS 8-2-301 AND 8-2-304 OF ARTICLE 3 OF CHAPTER 2 OF TITLE VIII OF THE MODESTO MUNICIPAL CODE RELATING TO PROPERTY TAXES", HAVING BEEN HERETOFORE INTRODUCED AND ORDERED PRINTED AND PUBLISHED AT THE REGULAR MEETING OF JULY 13, 1955, COUNCILMAN ADAMS MOVED, SECONDED BY COUNCILMAN ROBINSON, THAT THE ORDINANCE BE FINALLY ADOPTED, WHICH MOTION WAS UPON ROLL CALL CARRIED BY THE FOLLOWING VOTE:~~

~~Ayes: Councilmen Adams, Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks~~

~~Noes: Councilmen: None~~

~~Absent: Councilmen: None~~

Expunged from the Records by order of the Council, July 27, 1955.

[Signature] City Clerk

AUTHORIZE PAYMENT OF CLAIM TO SECURITY TITLE INSURANCE COMPANY ON REPORT ON ASSESSED VALUATION OF PROPERTY TO BE INCLUDED IN PROPOSED PARKING DISTRICT IN DOWN-TOWN AREA

The City Manager stated that a claim of \$125 had been filed by the Security Title Insurance Company for preparation of the assessment and ownership list for the down-town area for a proposed parking district. He pointed out that if the City is to pay the cost, it would require certification as to the accuracy of the list, and the number of copies required. Although the Council Parking Committee had recommended that this work be done by this company, no formal action had been taken by the Council, he stated. Councilman Hammond moved, seconded by Councilman Arata, and it was unanimously carried, approving the procedure in obtaining the assessment and ownership list for the proposed district and authorizing payment of the claim of \$125 to the Security Title Insurance Company when properly cleared.

APPOINTMENT OF MEMBERS TO BOARD OF ZONING ADJUSTMENT

Mayor Marks reported that James E. O'Keefe, member of the Planning Commission, John E. Gorman and Trevor Griffith had agreed to serve as members of the Board of Zoning Adjustment which was established in the new Zoning Ordinance No. 29-C.S.

Councilman Robinson introduced

RESOLUTION NO. 55-310A

seconded by Councilman Anderson, appointing the following persons on the Board of Zoning Adjustment for the following terms:

James E. O'Keefe	term expiring Jan. 1, 1957
John E. Gorman	term expiring Jan. 1, 1958
Trevor J. Griffith	term expiring Jan. 1, 1959

which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: None

NEW APPOINTMENT ON PERSONNEL COMMISSION DISCUSSED

Mayor Marks stated that as soon as the oral resignation of Frank Damrell from the Personnel Commission had been confirmed by a letter from Mr. Damrell, that a new appointment would be made. He reported that Attorney Robert D. Carter had agreed to serve.

DISCUSSION ON TREE PROGRAM IN CITY

Mayor Marks pointed out that one of the most valuable assets inherited by the present citizens of the community was the city's beautiful trees. He asked the City Manager to investigate and report on whether the City force was sufficiently large enough to carry out the necessary program to maintain the trees in the proper condition.

The City Manager pointed out that some of the trees were being damaged by mistletoe and that Director of Parks and Recreation had proposed a removal program and would discuss it at a later date.

Councilman Arata urged the Council members to visit the area on Morris Avenue to inspect the old Sycamore trees which had been beautifully topped by the Parks Department.

APPROVE ANNEXATION OF LA VILLA ROSE ADDITION TO CITY

This being the time set for the public hearing on the proposed annexation of La Villa Rose Addition to the city, Mayor Marks declared the hearing open for the consideration of protests at 4:30 P.M.

The City Clerk filed an affidavit that Resolution No. 55-255, giving notice of the proposed annexation, had been published as provided by the "Annexation of Uninhabited Territory Act of 1939"; that written notice had been mailed to persons specified in this Act; and that no written protests to the proposed annexation had been filed.

Mayor Marks called for any oral protests to the proposed annexation, but none were made. He declared the hearing closed.

Councilman Arata moved the adoption and passage to print of
ORDINANCE NO. 37-C.S.

entitled: "AN ORDINANCE ANNEXING UNINHABITED TERRITORY KNOWN AS THE LA VILLA ROSE ADDITION TO THE CITY OF MODESTO", which motion being duly seconded by Councilman Anderson, was upon roll call carried and ordered printed and published by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson
and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

APPROVE GRANTING OF LICENSES TO COLLECT GARBAGE AND SWILL

Based on previous information presented to the Council, Councilman Hammond introduced

RESOLUTION NO. 55-311

seconded by Councilman Adams, granting a license to Sanders Salvage Co. for the collection of garbage in the City of Modesto, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Robinson, Merrill
and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

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Councilman Adams introduced

RESOLUTION NO. 55-312

seconded by Councilman Arata, granting a license to the Modesto Garbage Company for the collection of garbage in the City of Modesto, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson, and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

Councilman Arata introduced

RESOLUTION NO. 55-313

seconded by Councilman Anderson, granting a license to T. F. Gilton and Maggie S. Gilton, doing business as the Airport Garbage Service, for the collection of garbage in the City of Modesto, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

Councilman Robinson introduced

RESOLUTION NO. 55-314

seconded by Councilman Anderson, granting a license to American Hog Farm for the collection of swill in the City of Modesto, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

Councilman Anderson introduced

RESOLUTION NO. 55-315

seconded by Councilman Robinson, granting a license to Rudy Bonzi for the collection of swill in the City of Modesto, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

Councilman Anderson asked that it be made clear to the various operators that they were responsible to collect the fees from the tenants in multiple dwellings and the owner of the property was held responsible only when the tenant had departed without paying the necessary fees. Director of Finance Lawrence reported that the matter had been discussed with the operators but that he would check with all of them again to make certain that they clearly understood the ordinance provision.

Councilman Arata asked whether individuals or companies had the right to haul the garbage produced on their own premises to a public dump and was advised by the City Attorney that the ordinance would permit this

at a public dump, but not at the present city disposal area. Upon the recommendation of the City Manager, the members of the Council Garbage Committee, Councilmen: Merrill Adams, Lyndall Merrill, and Larry Robinson, were given a vote of thanks for their work on the committee.

RESOLUTION ESTABLISHING SPECIAL PARKING ZONE IN FRONT OF MORTUARY ON TWELFTH STREET

The City Manager reported that pursuant to the directions of the Council, meetings had been held with Attorney Tom Conway, representing the Franklin-Downs Mortuary, located on the northwest corner of 12th and G Streets, to work out arrangements for a special parking area on 12th Street in front of the mortuary. He read a report prepared by Traffic Engineer Carmody relating to the occupancy of the parking spaces adjacent to the mortuary.

In the discussion on the problem, the following matters were considered:

1. That since the company had parking facilities across the street which could be used during the period funeral services were held that the reserving of two parking spaces for clients to make arrangements for funerals and for use during funerals would not present any special problem;
2. That the meters could be installed and caps be put over them during the period services were being held;
3. That a precedent would be established if the Council granted the request and that other business concerns, such as hospitals and also churches would file similar requests;
4. That this action would not be for the interest of the community as a whole;
5. That the people who would be visiting the mortuary to arrange funeral services were under a severe mental strain and that type of operation was not a commercial type of business and that it would be a good gesture to grant the request.

Councilman Merrill introduced

RESOLUTION NO. 55-316

seconded by Councilman Hammond, establishing a special 62' parking zone, restricted for use solely for the parking of vehicles operated by persons making advance arrangements for funerals or attending funerals on the north-easterly side of 12th Street at G Street, in front of the Franklin-Downs Mortuary, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: None

REPORT ON USE OF ADDITIONAL AREA ADJOINING SOUTHERN PACIFIC RAILROAD FOR PARKING PURPOSES

The City Manager reported that the Southern Pacific Company officials had been contacted, as suggested by the Council, regarding the use of additional area along the railroad between K and L Streets by the city for parking facilities. The Company's reply had been "we find that this property will be required for future railroad use, hence we are not in a position to give favorable consideration to your request".

Mayor Marks asked that the City Attorney check the records to determine the original arrangements and agreement with the company for park and parking facilities along the railroad.

The City Manager suggested that another check could be made with the company to determine if its plan for the development of the area was in the immediate future and if not whether arrangements could be made for interim use.

AUTHORIZE INSTALLATION OF STREET LIGHT AT INTERSECTION OF TUOLUMNE AND NEECE DRIVE

The City Manager reported that Dave Arata had offered to share in the expense of installing a street light at the intersection of Tuolumne Boulevard at Neece Drive, adjacent to the Municipal Golf Course and his property on Neece Drive.

A report prepared by the Traffic Engineer recommending the installation was read. Director of Public Works Ray outlined the alternatives which could be considered if the installation was approved: 1) run overhead line from the existing light at Merced Avenue and install on M.I.D. pole, which would cost approximately \$126, or 2) install required ornamental street light standard, at a cost of approximately \$416. He recommended that the light be installed on the M.I.D. pole twenty feet from the corner of Neece Drive on Tuolumne. It was pointed out that this light would tie in with additional lights which would be erected when the 18 hole golf course was developed.

Councilman Hammond moved, seconded by Councilman Merrill, and it was unanimously carried, that the light be installed as recommended by the Director of Public Works.

DISCUSS PROTESTING ORDER OF STATE BOARD OF EQUALIZATION TO INCREASE ASSESSED VALUATIONS IN COUNTY

Supervisor Robert W. Adams appeared before the Council to discuss the proposal of the State Board of Equalization to increase the assessed valuation of all property in Stanislaus County 4.5%. Members of the Board of Supervisors together with the County Counsel and Assessor planned to file a protest at the public hearing to be held in Sacramento at 10:00 A.M., July 28th, he stated.

He pointed out that the increase in assessed valuation would mean a material increase in both county and school tax rates. He stated that the only possibility of forestalling the order of the Board of Equalization would be for as many people as possible to contact James H. Quinn, member of the Board of Equalization for this area and Robert C. Kirkwood, State Controller.

Mr. Adams stated that the county representatives planned to attend the public hearing for other counties being held on July 27, to obtain additional information to prepare Stanislaus County's protest which will be heard on July 28th.

Mayor Marks agreed that the city would contact these officials and suggested that representatives of the administrative staff and council attend the meeting on July 28th in Sacramento. He asked that the City Attorney attend, along with Councilmen Merrill, Robinson, and Anderson. Councilman Robinson recommended that representatives from the Chamber of Commerce also appear at the hearing. It was agreed by the Council that no formal action be taken on the position of the City of Modesto until the next meeting on July 27.

REPORT ON BUS BENCHES

The City Manager reviewed a report from Traffic Engineer Carmody on the request of two companies, California Bench Co. of Los Angeles and the Tomson Company of Modesto, to place benches with advertising at 40-60 bus stops in the commercial and residential areas both inside and outside the city. He pointed out that the questions to be considered by the Council were: 1) do you want benches, 2) do you want them with advertising, 3) do you want advertising of a limited, reserved type, 4) should the type of advertising be left up to the person putting in benches.

Benches with advertising scattered throughout the residential areas, Councilman Robinson stated, would not be in keeping with the character of these areas.

Mayor Marks believed that locating benches on sidewalks in the down-town area might present a problem where the sidewalks were narrow,

Mr. Armstrong, of the Pacific Bench Company, stated that there was a definite need for benches in the community.

Attorney Price, representing The Tomson Company, stated that as soon as the Council had agreed whether there was to be benches in the city that an ordinance similar to the one in effect in Santa Cruz, a copy of which has been furnished Mr. Carmody, should be adopted by the Council which would provide for the location of the benches to be approved either by the Traffic Engineer or Police Chief and a compensating fee charged for this service.

Mayor Marks pointed out one question to be decided by the Council was "are we or are we not going to use the city streets for advertising".

Councilman Hammond pointed out that the primary consideration was whether there was an actual need and if so the city could consider whether they could be installed by the city without advertising.

Mayor Marks stated that they would help the bus company, and Mr. Carmody stated there was a need for them. The City Manager reviewed the survey which had been made by Mr. Carmody on the bench which had been temporarily installed at 10th and H Streets.

Councilman Hammond suggested that a further investigation could be made on the use of a bench by the public. A discussion was held on the recommendations of the Forward Modesto Committee. Councilman Arata pointed out the printing of the bus schedule on the benches would be a public service.

Mr. Armstrong stated that whenever they could interest the advertiser, the schedule would be placed on the bench. It was pointed out that this could be made a mandatory requirement by the Council in granting permits.

The City Manager suggested that the installation of a limited number of benches for a limited period of time could be considered by the Council to determine the public reaction.

Mayor Marks stated that his opposition to the installation was not in the commercial area but it might be a violation of an ordinance to place "billboards" in the residential areas.

Mr. Armstrong stated that the usual procedure was to install benches on a request basis and that they were needed at the end of a bus line more than in a commercial area. He stated that it was his opinion that more than 60 benches were needed.

The City Attorney stated that a number of sections of the code might have to be amended in order to permit the installation of benches.

Mr. Carmody pointed out that Mr. Kleinenbroich, operator of the Modesto Bus Company, wanted benches.

A proposal that the city subsidize the company by installing benches with only the schedule and the wording "RIDE THE BUSES" painted on them, was discussed.

Councilman Merrill moved that the Council take the matter under further consideration and a committee be appointed to study the problem. Before the motion was seconded a further discussion was held and Councilman Anderson suggested the alternative that the benches installed in the commercial area could have advertisements and those in the residential area have the bus schedule and that it was placed there by the courtesy of a company.

The City Manager suggested that the bench companies consider furnishing benches in the residential area with no advertising for the privilege of serving in the commercial area with advertising. He pointed out that some merchants had indicated willingness to install benches in front of their own place of business. A suggestion was made by Councilman Robinson that some agreement could be worked out with the companies to install benches on a percentage basis, so many with advertising and so many without advertising. Both Mr. Armstrong and Mr. Price agreed to work with the city on any type of program it wished to undertake. Mr. Armstrong stated his company would be willing to remove any benches where objections were made. Councilman Anderson seconded Councilman Merrill's motion and recommended that the Council as a whole consider the different suggestions discussed. Mayor Marks pointed out the possibility of additional use of the bus by the citizens if the schedule was printed on an available bench. Councilman Robinson asked the representatives of the companies if a 30 day waiting period for the Council's decision would be agreeable, to which they concurred. The motion was unanimously carried.

ALLOW REFUND OF OVERPAYMENT OF BUSINESS LICENSE TAX BY CENTRAL AUTO PARTS

Upon the recommendation of the City Manager, Councilman Hammond introduced

RESOLUTION NO. 55-317

seconded by Councilman Adams, approving the refund of \$151.40 to Central Auto Parts, overpayment of business license tax, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson
and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

ACCEPT RIGHT OF WAY AGREEMENTS

The City Attorney presented for Council consideration seven right-of-way utility agreements. Councilman Adams introduced

RESOLUTION NO. 55-318

seconded by Councilman Merrill, approving right of way agreement with George G. Simvoulakis, et ux, authorizing its execution by the city's designated officials and recordation with the County Recorder, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson
and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

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Councilman Robinson introduced

RESOLUTION NO. 55-319

seconded by Councilman Hammond, approving right of way agreement with George W. Hook, et ux, authorizing its execution by the city's designated officials and directing the City Clerk to record said agreement with the Recorder of Stanislaus County, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson
and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

Councilmen Anderson introduced

RESOLUTION NO. 55-320

seconded by Councilman Arata, approving right of way agreement with Jennie E. Shea, authorizing its execution by the city's designated officials and directing the City Clerk to record said agreement with the Recorder of Stanislaus County, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson
and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

Councilman Robinson introduced

RESOLUTION NO. 55-321

seconded by Councilman Anderson, approving right of way agreement with Amerlio Garretto, et ux, authorizing its execution by the city's designated officials and directing the City Clerk to record said agreement with the Recorder of Stanislaus County, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson
and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

Councilman Adams introduced

RESOLUTION NO. 55-322

seconded by Councilman Robinson, approving right of way agreement with Ignazio Grimaldi, et ux, authorizing its execution by the city's designated officials and directing the City Clerk to record said agreement with the Recorder of Stanislaus County, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson
and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

Councilman Merrill introduced

RESOLUTION NO. 55-323

seconded by Councilman Anderson, approving right of way agreement with

James L. Drake, et ux, authorizing its execution by the city's designated officials and directing the City Clerk to record said agreement with the Recorder of Stanislaus County, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson
and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

Councilman Arata introduced

RESOLUTION NO. 55-324

seconded by Councilman Adams, approving right of way agreement with Ray Gada, authorizing its execution by the city's designated officials and directing the City Clerk to record said agreement with the Recorder of Stanislaus County, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson
and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

REPORT ON COUNCIL COMMITTEES

Mayor Marks stated that the following Council committees concerned with pending problems would remain active but all others would be dismissed:

Sewer

Adams, Merrill, Robinson

Garbage

Adams, Merrill, Robinson

Old John Muir School

Arata, Merrill, Hammond

Dennett Dam

Adams, Arata

County Funds for Recreation Program

Merrill, Hammond, Robinson

Civic Center-City Hall

Anderson, Merrill, Robinson

Drainage on Tully (Use of M.I.D. laterals for storm sewer)

Adams, Hammond, Merrill

Teresa Street School Park

Merrill, Adams

The City Manager report on the action taken by the County on the rebuilding of Dennett Dam and asked for Council approval for the engineering staff to work jointly with the County and State so that plans and specifications could be completed and bids be called for at an appropriate time so that the work could be completed next summer.

Mayor Marks moved, seconded by Councilman Anderson, and it was unanimously carried, that the city's administrative and engineering staff be authorized to work in conjunction with the county and state to proceed as rapidly as possible to rebuild Dennett Dam.

Upon the suggestion of the City Manager, Mayor Marks designated Councilman Arata to work with the city's administrative staff and City Appraiser on the acquisition of property at the airport.

Mayor Marks pointed out the urgent need for a new Police Department building. The Council Civic Center Committee was asked to assume this study along with its study on the City Hall.

County Supervisor Adams asked that the Council Garbage Committee meet with the County committee as soon as possible to consider a proposal which the County had received from a property owner for a county franchise to conduct a disposal area on his property located on the west side of Tuolumne River approximately $4\frac{1}{2}$ miles from Modesto which was large enough to serve all the Modesto and Ceres area.

REPORT ON MUNICIPAL INSURANCE

Copies of a report on purchase of municipal insurance were distributed to Council members for their study. The City Manager suggested that the matter be placed on the agenda for the next meeting so that the Director of Finance could answer any questions.

PROGRESS REPORT ON CITY HALL & CIVIC CENTER STATUS

Councilman Anderson reported that the Council Committee, jointly with the Planning Commission Committee and staff and Architect Milton P. Pflueger had resolved as a whole, at a meeting held this date, on the area to be chosen for a civic center. He stated that a final report would be filed with the Council in 3-4 weeks.

Planning Director Smeath exhibited sketches and maps of the five sites which had been under consideration.

1. Area between F and H and from west side of 11th Street up to 17th Street
2. Area between LaLoma, Scenic Drive and bounded by the county hospital
3. Area south of LaLoma extending down to Jennie Street east of Burney Street
4. Area including the M.I.D. building as far north as Needham Avenue
5. Area around the present nine-hole golf course

The joint committees had unanimously approved area No. 2, which contains approximately 27 acres, with 8 acres in streets for the following reasons:

1. The area is zoned primarily for residential uses and is immediately adjacent to the business area;
2. It is more or less a natural unit and has real design possibilities with the present street system;
3. The assessed valuation of the property is lower, and no major commercial structures are located in the area;
4. Possible expansion to the south would be a factor since the cost would be considerably lower than in other areas considered.

Councilman Anderson pointed out that the development of the area as a civic center might provide an opportunity to correct the traffic situation at 19th and H Streets.

Mr. Smeath outlined the plans discussed by the committee on the location of the city hall in the area and the types of structures which could be included.

Councilman Anderson asked for Council authority for the committee to make a study on the construction of a police department building, which he stated was equally as important as the City Hall. This study, he stated, could include the estimated cost and the possible sites for the building.

The City Manager pointed out that if the Council authorized this study that the staff and committee could proceed without detriment to the study of the City Hall.

Councilman Anderson moved, seconded by Mayor Marks, that the City Hall Committee and administrative staff be authorized to proceed with the study of the police department building and site but not to the detriment of the City Hall study, so that the construction of the Police Department building might be financed concurrently with the City Hall.

The City Manager read a letter from Chief Building Inspector Hermida to Director of Public Works Ray advising that large cracks had developed in the dividing wall on the ground floor of the present police station and it appeared that the wall was over stressed either from loading above or failure beneath. He recommended that a structural analysis be made by a competent structural engineer.

The City Manager suggested, to which the Council concurred, that an independent structural engineer be employed to make an investigation of the police station and make a recommendation to the Council.

REPORT BY CITY MANAGER ON POSSIBLE JOINT DEVELOPMENT OF AUDITORIUM FACILITY WITH CITY SCHOOLS

The City Manager reported on meetings which had been held with school officials regarding the possible joint development of auditorium facility, which the schools are already proposing at the Junior College. He suggested, to which the Council concurred, that a report be submitted for Council consideration giving a rough estimate of the possible costs to the city for joining in with the schools so that the proposed auditorium could be a community auditorium.

REPORT ON MEETING WITH SOUTHERN PACIFIC, TIDEWATER SOUTHERN AND PUBLIC UTILITIES COMMISSION OFFICIALS ON RELOCATION OF TIDEWATER SOUTHERN RAILROAD TRACKS

The City Manager reported that meetings had been held with representatives from the Southern Pacific Company, Tidewater Southern Railway Co., and the Public Utilities Commission to determine if there was any reasonable way for the Tidewater Southern Railway Company to make joint use of the Southern Pacific Tracks through the city. The answer, he stated, was that it would not be feasible. The S. P. representatives advised that there were presently 45 trains using these tracks daily and this number would soon be increased.

He briefly reported on the survey and plans made by the Tidewater Southern Company for the relocation of its tracks. Moving of the tracks west of the S.P. tracks near 8th Street would involve two additional crossings of the S.P. tracks in order for the company to serve the eastern area it now serves in the city, he stated. He pointed out that the relocation of the tracks was tied in with the overpasses or underpasses to the proposed freeway.

The City Manager reported that it was proposed that "we join in a joint analysis of this whole problem in connection with our advance planning operation and in connection with our study to be made on overpasses to permit access to the freeway". He reported that the railroad companies and the Public Utilities Commission had agreed to join in the study.

Councilman Anderson moved, seconded by Councilman Robinson, and it was unanimously carried, that the City Manager and Traffic Engineer be authorized to work jointly with the Southern Pacific Company, Tidewater Southern Railway, Public Utilities Commission, State Division of Highways, County officials, and advance planning staff to make an analysis of the removal of the tracks from Ninth Street and overpass and underpass structures permitting access to the freeway.

APPROVE AMENDMENT TO LEASE WITH CARL LEWIS ON PARKING LOT ON NINTH STREET

Pursuant to Council direction, the City Attorney presented for consideration, an amendment to the lease agreement between the City and Carl Lewis for the rental of real property on Ninth Street to be used for parking lot facilities. He outlined the changes which related to the construction by the city of the improvements on the lot.

Councilman Adams introduced

RESOLUTION NO. 55-325

seconded by Councilman Hammond, approving amendment to the lease agreement dated May 16, 1955, between the City of Modesto Parking Authority and Carl W. and Edyth A. Lewis, relating to rental of property on Ninth Street to be used for parking facilities, and authorizing its recordation with the County Recorder, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson
and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

MAKE ARRANGEMENTS FOR COUNCIL TOUR OF SEWAGE TREATMENT PLANT

Arrangements for the Council tour of the sewage treatment plant scheduled for Tuesday noon, July 26, were approved. Director of Public Works Ray was placed in charge and was authorized to issue invitations to members of the Board of Directors of the Modesto Irrigation District, Board of Supervisors, former Council members and members of the press.

REMIND COUNCIL OF LEAGUE MEETING IN NEWMAN

Members of the Council were reminded of the quarterly meeting of the Central Valley Division of League of California Cities which is to be held in Newman, July 21, at 7:00 p.m.

ADOPTION OF BUDGET FOR FISCAL YEAR 1955-56

Director of Finance Lawrence summarized the changes in the preliminary budget which had been approved by the Council as follows:

1. Decrease Recreation Department Budget	\$23,657
2. Increase Maddux Youth Center Budget	346
3. Decrease County Recreation Contribution (\$23,311)	
4. Decrease Traffic Engineer Budget	1,260
5. Decrease City Manager Budget (extra help)	3,000
6. Increase Street----oil alleys	5,000

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7.	Increase Water----for new well #18	\$18,000
8.	Increase Music and Promotion Chamber of Commerce Modesto Relays	1,000 750
9.	Decrease Parking Authority Allocation Misc. Unclassified	2,250
10.	Transfer domestic sewer service	30,000
11.	Interfund Traffic Parking Fund	2,000
12.	Adjust Secured Tax Revenue	9,675

Resulting in a net increase in the General Reserve of \$4,085

The City Manager pointed out that the Council could at this time clear the operating budget and appropriate the funds for major capital outlay which items could be specified by the Council at a later date.

The City Attorney cautioned the Council in approving the operating items in the budget at this time unless they were satisfied with all proposed items.

Councilman Anderson raised two items which he wished considered before the Council approved the budget: 1) that the salary of the City Clerk should be increased, and 2) that sufficient funds be included in the budget to send the Chief Building Inspector to the annual conference of the Building Officials.

The City Manager pointed out that the budget had been prepared with all salary rates based on the present schedule and provided for a reserve of \$70,000 for salary increases. The adjustment of both classified and unclassified salaries should be changed by separate Council action.

Councilman Anderson moved that the City Clerk's salary be increased but later withdrew his motion after the legal procedure to increase salaries of Council appointed officials was explained.

Councilman Anderson pointed out the importance of sending the Chief Building Inspector to the national convention for Building Inspectors. He recommended that the allocations in the budget for convention expenses be equal for all inspectors.

The City Manager explained the policy for sending city employees to various conventions. He stated that employees had been encouraged to go to the state meetings but not to out of state conventions. He pointed out if funds were made available for one person, it should be considered in all departments. It had been the procedure to try to keep this type of activity on a reasonable basis throughout all the departments, he stated.

The Director of Public Works pointed out that the Building Inspector attended monthly state meetings.

Councilman Hammond questioned the value of national conferences but agreed to abide by the wishes of the Council. He recommended that where questions arose in the future on this matter that it be presented for Council consideration.

Councilman Anderson moved, seconded by Councilman Arata, and it was unanimously carried, that the changes in the preliminary budget, as previously outlined by the Director of Finance, be approved.

The City Attorney read the proposed ordinance adopting the budget to the Council members and Councilman Robinson moved the adoption and passage to print of

ORDINANCE NO. 38-C.S.

entitled: "AN ORDINANCE ADOPTING BUDGET FOR THE CITY OF MODESTO FOR THE FISCAL YEAR ENDING JUNE 30, 1956, AND PROVIDING FOR CERTAIN TRANSFERS OF FUNDS", which motion being duly seconded by Councilman Hammond, was upon roll call carried and ordered printed and published by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson
and Mayor Marks
Nones: Councilmen: None
Absent: Councilmen: None

The City Manager explained that if the proposed salary increase of 5% was approved by the Council at the next meeting that it could be made retroactive to July 16.

ADJOURNMENT

Councilman Merrill moved, seconded by Councilman Anderson, and it was unanimously carried, that the meeting now in session adjourn. The meeting was adjourned at 7:30 P.M.

ATTEST:



 REX E. GAILFUS, CITY CLERK

The Council of the City of Modesto met in regular session this date at 7:30 P.M., as provided by Section 2-1.01 of the Modesto Municipal Code, in the Council Chamber at the McHenry Public Library, 14th and I Streets, Mayor Marks presiding.

The City Clerk called the roll and there were

Present: Councilmen: Arata, Adams, Anderson, Hammond, Robinson, Mayor Marks
Absent: Councilmen: Merrill

Councilman Merrill arrived at 7:43 P.M.

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

A few moments of silent prayer were observed.

City Manager Miller being absent on vacation, Assistant City Manager Masonheimer acted in his place.

APPROVAL OF MINUTES

Council members having received copies of the minutes of the Council meeting of June 22, and the same being available for public inspection, and there being no objections, the minutes were approved.

LETTER OF RESIGNATION FROM FRANK CADMUS DAMRELL FROM THE PERSONNEL COMMISSION

Mayor Marks read a letter from Judge Frank Cadmus Damrell tendering his resignation from the Modesto Personnel Commission. Councilman Arata moved, seconded by Councilman Anderson, and it was unanimously carried, that the resignation be accepted and that the preparation of a certificate of merit be authorized.

Councilman Anderson introduced

RESOLUTION NO. 55-326

appointing Robert D. Carter to the Personnel Commission to serve the unexpired term of Frank C. Damrell, which expires on January 1, 1956, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Arata, Anderson, Hammond, Robinson and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: Merrill

LETTER FROM CHESTER D. NATTINGER & CO. ADVISING APPOINTMENT OF DIRECTOR OF FINANCE LAWRENCE AS CHAIRMAN OF THE MUNICIPAL ACCOUNTING COMMITTEE BY THE CALIFORNIA SOCIETY OF CERTIFIED PUBLIC ACCOUNTANTS

A letter was read from Chester D. Nattinger & Co., signed by Frank H. Lowry, notifying of the appointment of Director of Finance Lawrence as Chairman of the Municipal Accounting Committee by the California Society of Certified Public Accountants for the ensuing year. Mayor Marks congratulated Mr. Lawrence, who was present at the meeting.

LETTER FROM NATHAN LONG RE: ADVERTISING IN THE PUBLIC RELATION CRUSADER

Copies of letters received from Nathan Long relating to advertising in his publication, Public Relation Crusader, were distributed to the Council members. Councilman Hammond moved, seconded by Councilman Arata, and it was unanimously carried, that the letters be tabled.

LETTER FROM SCIOTS REQUESTING PERMISSION TO USE DEL WEBB FIELD

A letter from the Ancient Egyptian Order of Sciots to hold a Barnyard Circus in Del Webb Field on September 24, 1955, was read. Councilman Arata moved, seconded by Councilman Adams, and it was unanimously carried, that the request be referred to the City Manager for investigation and report.

(Councilman Merrill arrived at 7:43 P.M.)

REPORT BY COUNCIL COMMITTEE ON REQUEST OF MODESTO BAND FOR ADDITIONAL FUNDS

Councilman Robinson, chairman of the Council Committee to investigate the request of the Modesto Band for additional contributions, reported on meetings held with representatives of the organization. He reported that the request for \$150 additional to the usual \$1200 annual contribution, had been referred to the Fourth of July Committee, the request being based upon the Band's participation in that celebration.

An additional request for \$350, to be used to send the band to the State Fair in Sacramento, had been made. It was the opinion of the Council Committee, he stated, that this request should be considered along with other requests for funds; that it was a decision to be made by the Council as a whole.

Oliver Deatsch appeared before the Council on behalf of the Band. He outlined the expenses which would be incurred in sending the band to the Fair and the long range advantages to be gained by both the children and the community. He agreed with Mayor Marks that the granting of this request would establish a precedent, but that he understood that next year the Council would decide upon any request for funds in the light of then existing conditions. Mr. Deatsch stated, "I would not say that we would not be back next year." He reported that a request for funds had been filed with the County but no final answer had been received. After a general discussion, Councilman Hammond introduced

RESOLUTION NO. 55-327

seconded by Councilman Merrill, approving an additional contribution to the Modesto Band of \$350 and authorizing an appropriation transfer in this amount from the General Reserve to Music & Promotion - Modesto Band, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: None

APPROVE PLANS AND SPECIFICATIONS FOR IMPROVEMENTS TO PARKING LOT ON NINTH AND J STREETS

Plans and specifications for the improvement of the Ninth Street parking lot were presented for Council consideration by Traffic Engineer Carmody. He stated that the plans for the sign to be erected on the lot would be presented later and would be under a separate contract. These plans and specifications, he stated, have been approved by the City Manager, various departments of the city, and the public utility companies. The parking stalls are to be 8' 6" wide at a 90 degree angle and waste space will be reduced to a minimum. The new portion of the lot will be drained through openings under the sidewalk area; the existing lot will continue to drain across the sidewalk for the present.

Councilman Hammond questioned whether the parking facility would be available during the construction. Mr. Carmody advised that it was

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planned to work out arrangements with the contractor to finish the new portion of the lot before starting the reconstruction of the other, so that loss of parking could be kept at a minimum. Completion of the lot is scheduled for September 12, but it might be possible, Mr. Carmody stated, to complete the improvements by the first week in September. He pointed out that the present time limit for parking on the lot is 3 hours, which should be reconsidered by the Council after completion of the improvements.

Councilman Adams introduced

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RESOLUTION NO. 55-~~309~~

seconded by Councilman Robinson, approving the plans and specifications, with a completion date of September 12, and authorizing the calling for bids to be filed on or before 11:00 P.M., August 9, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson,
and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

DISCUSS FINANCING OF TRAFFIC SIGNALS, PURCHASE OF PROPERTY ON NINTH STREET
LEASED FROM CARL LEWIS

Mayor Marks offered for Council consideration, the possibility that it might be economical to purchase the Carl Lewis property, by condemnation if necessary, especially if the down-town parking improvement district did not develop. He pointed out that the value of the property would be increasing each year and that it would save the city money if it was purchased as soon as it could be financed by funds from the parking meter revenue.

Mr. Carmody, agreeing that the rent was expensive, pointed out that the lot would be more than self-supporting.

Councilman Arata suggested that signs be installed on the various parking lots notifying the public that all day parking was available on the 11th and G Streets lot. He also suggested that parking meters be installed on the present all day parking lots located on the S.P. right of way and on 15th Street, between H and I Streets. A general discussion was held on the possibility of metering the lots for all day parking, charging a nominal fee, such as 15¢ per day and the placing of signs, advising the location of lots throughout the City. Councilman Arata moved (but later withdrew his motion) that signs be installed and that the Council indicate its policy to meter the all-day parking lots.

Councilman Adams moved that before this action was taken, that Mr. Carmody submit a program for installing the signs for Council consideration, outlining the approximate cost, wording to be placed on the signs, and locations. The motion was seconded by Councilman Anderson and unanimously carried.

Mayor Marks asked the members of the Council if they approved the proposed location of the civic center in principle. It was generally agreed by the members that the location was satisfactory but they wished additional information as to the cost of the land for the city hall, etc. Mayor Marks stated that if the recommendation of the City Hall-Civic Center Committee indicated that it was economically feasible to locate the city hall in the area suggested by the joint committees, that the Council consider using the 15th Street property for a parking lot and to transfer the value of the land from the Parking Fund to the General Fund. He pointed out that the property had originally been purchased from the General Fund for a city hall site, but indications are that it would not be used for this purpose. If the lot is used for parking, the general fund should be reimbursed, and the money used to purchase traffic signals. He pointed out that presently the lot was

being used by 150-200 cars daily which afforded parking facilities for merchants along J Street, as well as downtown merchants. He reminded the members that it appears to be impossible to finance the signals in this year's budget and leave a sufficient reserve fund.

Councilman Arata stated that it would also be necessary to buy parking meters for the lot from the parking fund. He suggested that an additional number of used meters be purchased from the City of Fresno for \$7.50 each.

The Traffic Engineer recommended the purchase of used reconditioned Miller meters, from the Duncan Company direct, at a purchase price of about \$10.00. He stated that the city spent less time in keeping these meters in repair. He was directed to report on the matter next week with his recommendations.

Mayor Marks recommended that the Parking Committee come up with recommendations on both the proposal to condemn the Lewis property and to designate the 15th Street lot for parking, and reimburse the general fund so that traffic signals could be purchased.

RESCIND ACTION AND EXPUNGE RECORDS OF COUNCIL MEETING OF JULY 20 IN REGARD TO FINAL ADOPTION OF ORDINANCE NO. 36-C.S.

Upon the recommendation of the City Attorney, who advised that Ordinance No. 36-C.S. had been finally adopted in error at the Council meeting of July 20 before its publication, Councilman Adams moved, seconded by Councilman Anderson, and it was unanimously carried, that the action of the Council finally adopting the ordinance, be rescinded and that the final reading of Ordinance No. 36-C.S. on July 20, 1955, be expunged from the record. It was reported that Ordinance No. 36-C.S. had been published in the official newspaper as required by the Charter, and was now ready for Council consideration.

Ordinance No. 36-C.S. entitled: "AN ORDINANCE AMENDING SECTIONS 8-2.301 and 8-2.304 OF ARTICLE 3 OF CHAPTER 2 OF TITLE VIII OF THE MODESTO MUNICIPAL CODE RELATING TO PROPERTY TAXES", having been heretofore introduced and ordered printed and published at the regular meeting of July 13, 1955, Councilman Adams moved, seconded by Councilman Robinson, that the ordinance be finally adopted, which motion was upon roll call carried by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: None

FURTHER CONSIDERATION OF INSURANCE MATTERS

Further consideration was given to the report prepared by Director of Finance Lawrence on purchase of municipal insurance. Councilman Hammond reported that all the questions which he raised had been satisfactorily answered. Councilman Anderson also indicated he was satisfied with the customary procedures for obtaining insurance coverage.

Mr. Lawrence reported that he would present a claim for fire insurance premiums for the Council's approval at a later date, and that he would proceed to obtain coverage through the Modesto Insurance Agents Association.

DISCUSSION ON SALARY RECOMMENDATIONS AND PAY PLAN

The Council considered the recommendation of the City Manager that a blanket 5% increase in salary be allowed all city employees with certain exceptions which were described in a previously submitted report.

Councilman Hammond suggested that the Council approve the 5% increase but delay its consideration of the 14 exceptions recommended by the City Manager until his return.

The City Attorney pointed out that the two recommendations were tied in together; that it involved the establishing of step ranges and pay scales. He stated that if the Council wished it could approve in principle and order the necessary documents be brought back for its consideration.

Mayor Marks pointed out that considerable thought had been put into the recommendation made by the City Manager and suggested that the Council could approve the 5% increase in principle and that the city employees be notified to this effect and that the final decisions on all the recommendations be considered jointly upon the Manager's return. The Council concurred in this recommendation.

Acting City Manager Masonheimer reported that the estimated cost of the proposed 5% blanket increase would be \$62,750 while the cost of the exceptions recommended would be only \$4,850. He reported that the Personnel Department had a problem in recruitment which could be solved if the Council would authorize the department to recruit on a basis of the 5% increase.

Councilman Merrill moved, seconded by Councilman Adams, and it was unanimously carried, that the City Manager be authorized to recruit personnel on the basis of a 5% increase in all classes.

FURTHER CONSIDERATION OF ACTION OF STATE BOARD OF EQUALIZATION RELATIVE TO THE RE-ASSESSMENT OF PROPERTY IN STANISLAUS COUNTY

Pursuant to request of the Council, Director of Finance Lawrence filed the following reports:

- (a) "Decrease in Personal Property Assessments--1955"
- (b) "Report on Proposed Assessment Increase-State Board of Equalization"

Mayor Marks asked the Director of Finance if there was complete intra-county equity as far as Stanislaus County was concerned in assessments.

The Director of Finance replied that he did not know this to be the basic fact as there was always some inequity. A continuing program of reassessing is conducted by the Assessor's office. Stanislaus County is always striving for intra-county equity as most other counties throughout the state. He stated that Stanislaus County's staff in the Assessor's Office was well qualified and since the completion of the re-assessment program last year there was a greater intra-county equity. In most urban areas throughout the state, he pointed out, there is a constant reassessment program due to the rapid turn-over of the property, while in rural areas the volume of turn-over is very low. Rural values change at a slower rate and improvements are made less frequently and reassessing is therefore not as frequent as in the urban areas.

There was a general discussion of the basis on which the city could protest the proposed 45% increase in assessed valuation. Councilmen Robinson and Anderson stated they would be unable to attend the public hearing and Mayor Marks asked Councilman Merrill, City Attorney Grimes and Director of Finance Lawrence to attend.

Councilman Merrill moved, seconded by Councilman Anderson, and it was unanimously carried that the City of Modesto protest the proposed 45% increase of the assessment roll by the State Board of Equalization and authorized Councilman Merrill, Fred Lawrence and Allen Grimes to appear before the State Board of Equalization at its hearing scheduled for 10 A.M. July 28, in Sacramento and state the position of the City.

REPORT ON RIGHTS OF WAY TO BE DEDICATED BY THE MODESTO CITY SCHOOLS FOR STREET PURPOSES

The City Attorney reported that the Modesto City Schools had expressed willingness to dedicate rights of way for street widening purposes at various schools on the condition that the city assume the cost of removing and replacing equipment, fences, etc. Councilman Anderson moved, seconded by Councilman Robinson, and it was unanimously carried, that the Council indicate its willingness to accept the dedications on these conditions.

ESTABLISH COMBINED DIAGONAL AND PARALLEL PARKING ON STREETS ADJACENT TO BETHEL CHURCH--15th AND G STREETS

The City Attorney reported that since the adoption of Ordinance No. 27-C.S. it would be in order to consider the request of Rev. Donald Weston for combination angle-parallel parking adjoining the Bethel Church at 15th and G Streets.

The Traffic Engineer recommended that if the Council approved the request that it be done so on the understanding that it was on a trial basis and that similar requests would not be considered for a 30-60 day period. The Council concurred in this recommendation. Councilman Anderson introduced

RESOLUTION NO. 55-329

seconded by Councilman Robinson, establishing combination parallel and angle parking on Fifteenth Street between F and H Streets and on G Street between Fourteenth Street and Sixteenth Street in the City of Modesto, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill Robinson, and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: None

ACCEPT DEED FROM ROBERT CRABB FOR UTILITY PURPOSES

The City Attorney presented for Council consideration a grant deed from Robert Crabb and Aileen E. Crabb of property along Orangeburg Avenue between Tidewater Southern Railway Co. tracks and McHenry Avenue, to be used for utility purposes in the Improvement District No. 3. Councilman Arata introduced

RESOLUTION NO. 55-330

seconded by Councilman Merrill, accepting the grant deed and authorizing its recordation with the recorder of Stanislaus County, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Merrill, Hammond, Robinson and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: None

ACCEPT DONATION FROM MAVIS DELL TO YOUTH CENTER FURNISHING FUND

Director of Parks and Recreation Lowrey reported that Miss Mavis Dell had donated \$213.69 to the Youth Center Furnishing Fund, which represented one-half of the proceeds from a dance, co-sponsored by the Youth Center and the Industrial Fire Department. The balance of the proceeds was donated to the Industrial Fire Department to purchase communication equipment for fire apparatus. Mayor Marks was authorized by the Council to write a letter of appreciation to Miss Dell.

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REPORT ON STREET TREE SURVEY AND MISTLETOE CLEARING PROGRAM

Director of Parks and Recreation Lowrey filed a report on "Street Trees Program and Proposed Mistletoe Eradication".

REPORT CONCERNING THE AVAILABILITY OF INFORMATION CONCERNING POLICE DEPARTMENT OPERATIONS

Police Chief Neel stated that upon the suggestion of Mayor Marks, he wished to point out that it was possible for the Council members or any citizen of the community to verify rumors relating to the Police Department at any time by contacting him or by making arrangements with him for a discussion of the problem at their own convenience. He stated, "In this type of work it is very important that we do explain our program."

He reported that he was considering a plan to develop a citizens advisory committee to work with the department in order that informational and educational programs could be brought to the attention of the public. He suggested that representatives from various groups and clubs in the city which were interested in civic affairs, be represented on the committee. He pointed out that this would bring closer relationship between the police department and the public. He stated this group would not act in any way as a "pressure group", but as an advisory agency. "We have many problems of interest to merchants and citizens, such as cases with checks and shop lifting, and such a group can aid us in seeing that the right type of educational program is carried on and the problems are explained so that we reach an understanding and we get cooperation from citizens. If we do not have this cooperation, our job is much more difficult. Unfortunately, we are confronted with the problem of some people who are insincere, criticizing the Police Department. These people misinform other people who are really sincere and interested in getting facts. If any of you have any questions at all, I want you to feel free to come to the department at any time. We will get the problem straightened on the basis of the facts."

Mayor Marks stated that the privilege extended to the Council is extended in like degree to every citizen of the entire community. There is no necessity for any judgment which is based on anything other than facts.

Acting City Manager Masonheimer pointed out that the city was not concerned in answering anonymous complaints but is concerned with the citizen who has a question brought to his mind by such an occurrence. The Police Department is the place to check the facts.

APPROVE CHANGE OF CERTAIN BLOCK NOS. IN THE CITY

Upon the recommendation of the Modesto City Planning Commission, Councilman Merrill introduced

RESOLUTION NO. 55-331

seconded by Councilman Robinson, renumbering the following block numbers:

- (a) That block 2061 in the E. H. Gum Subdivision be renumbered as 2061A;
- (b) That block 2088 in the E. H. Gum Subdivision be renumbered as 2088A;
- (c) That block 6181 in the Woodman Tract be renumbered as 6181A; and
- (d) That block 6182 in the Woodman Tract be renumbered as 6182A

which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson
and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

REPORT ON OLD JOHN MUIR SCHOOL BUILDING

Councilman Arata reported that he had heard indirectly that the United Crusade organization did not wish to manage the old John Muir School Building. The Acting City Manager reported that a letter to this effect, which had been promised two weeks ago from the United Crusade, had not been forthcoming.

It was suggested that other groups who might be interested in using the building be polled. The Acting City Manager reported that several requests were on file and a report would be submitted to the Council later. Councilman Arata urged prompt action in getting started on some type of program for the building.

REPORT ON SIGNS PLACED ON REAR OF BUILDINGS BACK OF NEW PARKING LOT ON ELEVENTH STREET

Councilman Arata suggested, to which the Council concurred, that the Mayor write a letter to the Carnation Bakery commending them on the type of sign they had placed on the rear of their store in back of the Eleventh Street Parking lot.

C. C. SPEARING INQUIRES WHEN COUNCIL ACTION WILL BE TAKEN ON HIS PROPERTY LOCATED ON MILLER AVENUE

C. C. Spearing, owner of property on Miller Avenue, appeared before the Council to determine when action would be taken on widening of Miller Avenue and rezoning his property. Mayor Marks advised that it was being checked by the Planning Department and an answer would be available in due course.

FURTHER DISCUSSION ON JOHN MUIR SCHOOL BUILDING

Mayor Marks suggested that publicity be given to the fact that the City of Modesto owns a building (John Muir School Building) located in the center of a park area and to determine if there are any groups interested in taking it over for the general welfare of the city, and to see what the public reaction would be.

ADJOURNMENT

Councilman Adams moved, seconded by Councilman Anderson, which was unanimously carried, that the Council meeting now in session adjourn. The meeting was adjourned at 9:25 P.M.

ATTEST: REX E. GAILFUS, CITY CLERK

BY: Anne M. Collins
ANNE M. COLLINS, ASSISTANT 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 Chamber at the McHenry Public Library, 14th and I Streets, Mayor Pro Tempore Adams presiding.

The City Clerk called the roll and there were

Present: Councilmen: Arata, Anderson, Hammond, Merrill and Mayor Pro Tempore Adams

Absent: Councilmen: Robinson and Mayor Marks

Councilman Robinson arrived at 4:20 P.M.

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

A few moments of silent prayer were observed.

City Manager Miller being absent on vacation, Assistant City Manager Masonheimer acted in his place.

APPROVAL OF MINUTES

Council members having received copies of the minutes of the Council meeting of July 6, and the same being available for public inspection, and there being no objections, the minutes were approved.

LETTER FROM MRS. D. S. REED RE: LOCATION OF NEW CITY HALL

A letter from Mrs. D. S. Reed suggesting that the new city hall be constructed on the old Modesto Hotel location, 11th and H Streets, was read. Councilman Merrill moved, seconded by Councilman Arata, and it was unanimsly carried, that the letter be referred to the Chairman of the joint Council-Planning Commission Civic Center Committee for appropriate answer.

LETTER FROM NATHAN LONG RE: PURCHASE OF COPIES OF "PUBLIC RELATIONS CRUSADER"

By consent of the Council, a proposal by Nathan Long, publisher of the Public Relations Crusader, for the purchase, by the City, of copies of the publication for distribution to eastern industrialist was held over for further study.

REQUEST BY CONTINENTAL WESTERN LINES TO DISPLAY NEW "VISTA LINER" BUS

A letter from the Continental Western Lines requesting permission to display its new Vista Liner bus, Saturday, August 6, between the hours of 2 P.M. and 9 P.M. at the southeast corner of 11th and I Streets, was read.

Mr. C. L. Smith, representing the company, appeared before the Council and asked that the permit be granted for some day next week, upon two days notice by the company instead of Saturday, August 6th. He stated that all the parking meter fees will be paid by the company, if necessary.

The Acting City Manager reported that Police Chief Neel considered that this display would not present an insurmountable traffic problem.

A general discussion was held on whether approving this request would be in violation of the Council's policy against using the city's streets for advertising. It was agreed that since the display would be for the public convenience and education, that favorable consideration be given.

Councilman Merrill moved, seconded by Councilman Arata, and it was unanimously carried, that the request of the Continental Western Lines to display its new Vista Line bus on the southeast corner of 11th and I Streets during the week of August 8-14, for one day only, between the hours of 2 P.M. and 9 P.M., be approved, subject to the approval of Chief Neel as to the specific date.

COMMUNICATION FROM H. A. JONES RE: SEWAGE DISPOSAL SYSTEM OF SCHENECTADY, N.Y.

An article entitled, "Compost Ends One City Problem", clipped from an unknown magazine, relating to sewage problems solved by the City of Schenectady, N.Y., sent to the Council by H. A. Jones, 1640 Teresa Street, City, was briefly outlined by Acting City Manager Masonheimer. The article was referred to the Director of Public Works.

(Councilman Robinson arrived at this time.)

REPORT ON REQUEST OF MODESTO CITY SCHOOLS FOR PERMIT TO CONSTRUCT FRAME BUILDING IN FIRE ZONE #2 - LINCOLN SCHOOL

At the request of Mayor Pro Tempore Adams, Director of Public Works Ray reported that the Modesto City Schools had recently secured building permits from the city for 28 wood exterior classrooms of a portable type construction. One of these buildings, he stated, is now under construction at the Lincoln School, 17th and I Streets, which is in Fire Zone #2. This type of structure is prohibited in this zone. The plans, prepared by a licensed architect, were checked by the State, as well as Chief Building Inspector Hermida. This is a case, he stated, where the fire zone is definitely established and applies to all buildings erected therein. It is not possible to issue a variance to the code. It would require an amendment to the code. It is unfortunate, he stated, but it is not of major monetary concern, so far as the schools are involved, but they had thought that this structure would be movable. He pointed out that the present structure could be moved to another fire zone. The cheapest and best way to have the building conform to the fire zone, he stated, would be to put a plaster coat over the building. He further explained that the location of the building was inadvertently overlooked in the process of checking nine sets of plans.

Superintendent of Schools Corson, who was present, stated that there was no criticism "real or implied" against Mr. Hermida. He pointed out that with 28 buildings having the same plan, that it could easily have been overlooked. The schools, he stated, do not want to spend approximately \$500 to plastercoat the building if it is not necessary and if a variance is legal. He requested that the Council investigate and take action if anything can be done; but if not, then the schools will make the best of it and spend the \$493.12. He pointed out that the buildings were not temporary, but were portable. He pointed out that plans for the abandonment of Lincoln School were indefinite and that the structure now under construction might be used for one, or many years. A week's consideration of the request, Mr. Corson stated, would not unduly hold up the schools' construction schedule.

Councilman Arata asked Mr. Corson to assure the School Board that the Council is trying to work with them and not against them.

Councilman Merrill moved, seconded by Councilman Anderson, and it was unanimously carried, that the City Manager and City Attorney determine the city's legal responsibility and what can be done and report back to the Council next week.

DISCUSS ACCEPTANCE OF QUIT CLAIM DEED ON PROPERTY TO BE USED FOR WIDENING BOWEN AVENUE

The City Attorney presented for Council consideration quit claim

deeds from Eleanor Nelson and Hazelle M. Gerdon on property along Bowen Avenue right of way to be used for street purposes. The deeds, he stated, cover a 30 foot strip, north of the center line of Bowen Avenue between Tully and College Avenue. The Bel-Air Subdivision, north of the property, he stated, is being developed under the county subdivision regulations but the owners have indicated a desire to annex to the City of Modesto. In acquiring the property the subdividers learned that there was a question about the ownership of this strip of land and that the ownership was outstanding to some other people. These owners, the City Attorney reported, are unwilling to dedicate or give the 30 feet to the subdivider but are willing to dedicate it to the city for street purposes without compensation. The problem facing the city, he stated, is that the city only needs 20 feet north from the center line of Bowen to get the right of way it desires for street purposes. If 30 feet were deeded to the city, as is proposed, there would be an excess right of way of 10 feet. The owners are not able to give a deed to 20 feet only and leave 10 feet outstanding. The question involved is whether the city is willing to accept the dedication of 30 feet. From the legal point of view, he stated, there is no difficulty, but from the planning angle there would be a number of problems, such as set back lines for curbs and buildings and having 10 feet of publicly owned land show up in the front yards of the adjoining property owners.

Planning Director Smeath, who had just returned from his vacation, asked that the Planning Department and Commission be given an opportunity to check the matter. He reported that the Planning Commission had withheld approval of the annexation of the subdivision, at its meeting of August 2, until the right of way could be cleared. He stated that from the Planning Department's standpoint, it was questionable whether the city should acquire parcels of land over a period of years which are in excess of the needs of the purposes for which they are acquired. He pointed out that the city lost the revenue in taxes when the property was removed from the tax roll, and that planning problems may be created which could be avoided by careful consideration.

Councilman Arata recommended that the acceptance of the deeds be held over for a week.

Elliott I. Navon, subdivider of the Bel-Air Subdivision, objected to further delay in the development of the area. He stated that the plans and map for the addition had already been prepared and they did not take the 10 foot strip into consideration and did not need the land.

Mayor Pro Tempore Adams pointed out that the city had the legal problem to consider and that it had been the recommendation of the Director of Planning that the matter be held up for one week for Planning Commission study. City Attorney Grimes stated that there seemed to be no legal question involved.

Councilman Arata recommended that the Council should not go over the Planning Commission's head and asked that the matter be delayed.

Councilman Hammond asked why the property owners did not deed the 30 foot strip to the subdividers, who in turn could deed the necessary 20 foot strip to the city. He objected to the city being involved in a personal conflict.

City Attorney Grimes stated that the city should not be a party to any agreement to obtain a dedication from the owners of the easement under any misrepresentation.

Mr. Navon contended that if the city turned over the 10 foot strip of land to the adjoining owners without compensation that it would not be "misrepresentation".

The City Attorney stated that the city could not dispose of its 10 foot grates but it could be established into a street and later abandoned

Councilman Hammond moved, seconded by Councilman Merrill, and it was unanimously carried, that the acceptance of the deeds be tabled until next week, and that the Planning Commission be requested to hold a special meeting and to furnish a report by the next meeting of the Council.

APPROVE CLAIM OF MODESTO INSURANCE AGENTS' ASSOCIATION

Councilmen stating they had no further questions concerning the policy followed in procuring insurance coverage, and that their questions had been satisfactorily answered by a previous report, and upon the recommendation of the Director of Finance, Councilman Arata introduced

RESOLUTION NO. 55-332

seconded by Councilman Merrill, approving the claim of the Modesto Insurance Agents' Association of \$1415.52 for premiums on fire insurance policies, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Anderson, Arata, Hammond, Merrill, Robinson and Mayor
Pro Tempore Adams
Noes: Councilmen: None
Absent: Mayor Marks

PRESENTATION OF AMENDED OPERATING BUDGET FOR FISCAL YEAR 1955-56

Copies of the final budget for fiscal year 1955-56, as adopted by the City Council at its meeting of July 27, were presented to the Council members by the Acting City Manager.

APPROVE FINAL MAP AND IMPROVEMENT AGREEMENT FOR DOWNEY MANOR SUBDIVISION

Assistant Director of Public Works Fredricksen reported that the map of the Downey Manor Subdivision, as filed by Joe Mineni, Jr., Nina Mineni and Retha Fukui, meets all of the provisions of the California Subdivision Map Act and the provision of the Modesto Municipal Code relating to subdivisions and that the map is technically correct.

The City Attorney reported that the necessary fees of \$695.60 and a satisfactory bond had been filed with him.

Councilman Merrill introduced

RESOLUTION NO. 55-333

seconded by Councilman Arata, approving the final map of the Downey Manor Subdivision, authorizing the execution of an agreement with subdividers as required by Section 4-4.604 (c) of the Modesto Municipal Code, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Anderson, Arata, Hammond, Merrill, Robinson and Mayor
Pro Tempore Adams
Noes: Councilmen: None
Absent: Mayor Marks

LETTER FROM MODESTO MOTOR BUS SERVICE URGING INSTALLATION OF BENCHES AT BUS STOPS

A letter from Willis M. Kleinenbroich, operating the Modesto Motor Bus Service, urging the placement of benches at bus stops, was read. It was agreed by the Council that this letter be considered along with the study underway on this matter.

The City Attorney reported that he had written to various cities requesting information on their experience with bus benches, which would be available, if needed by the Council.

ESTABLISH PASSENGER LOADING ZONE 14th AND I STREETS FRONT OF PRESBYTERIAN CHURCH

Upon the recommendation of the Traffic Engineer, Councilman Merrill introduced

RESOLUTION NO. 55-334

seconded by Councilman Robinson, designating a passenger loading zone on I Street at its intersection with Fourteenth Street (front of the Presbyterian Church), which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Anderson, Arata, Hammond, Merrill, Robinson and Mayor
Pro Tempore Adams
Noes: Councilmen: None
Absent: Mayor Marks

The Traffic Engineer reported that he had contacted 35 churches to determine if loading zones would be desired. More than one-half indicated they did not need a loading zone, he stated. The loading problems are being worked out individually.

REPORT ON DIRECTIONAL SIGNS FOR PARKING LOTS

As requested by the Council, the Traffic Engineer filed a report on "Directional Signs for Parking Lots". He recommended that signs directing persons to the City's municipal parking lots be installed in 18 locations, as shown in the report.

A general discussion was held on the wording to be used on the signs and it was agreed that the word "Parking" with an arrow, be used and that the letters should be six inches in size. The project cost was estimated to be \$250 by the Traffic Engineer. He reported that traffic signal and street light standards would be used to install the signs wherever possible. Councilman Arata introduced

RESOLUTION NO. 55-335

seconded by Councilman Merrill, approving the installation of 18, 6 inch directional signs with the wording "Parking" and an arrow at locations recommended by the Traffic Engineer and authorizing appropriation transfer of \$250 from the Parking Reserve to Traffic Engineering, (Parking Fund) Budget for Capital Outlay, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Anderson, Arata, Hammond, Merrill, Robinson and Mayor
Pro Tempore Adams
Noes: Councilmen: None
Absent: Mayor Marks

It was suggested that two types of signs be installed, and that the ones installed on 99 highway show the location of the municipal parking lots, which would indicate to the traveling public that a lesser fee would be charged. Traffic Engineer Carmody contended that this might be considered unfair competition with private lot operators and would be taking an unfair advantage of private enterprise. It was agreed by the Council that the one type of sign with the word "parking" with an arrow indicating direction, would fulfill the need.

REPORT ON PURCHASE OF USED PARKING METERS

Pursuant to the request of the Council at its meeting of July 27, Traffic Engineer Carmody filed a detailed report, which is on file with the records of this meeting, concerning the purchase of used parking meters. He recommended the purchase of used Miller meters, manufactured by the Duncan Company. He estimated the maximum number needed to be 471, if meters were installed on the 9th Street lot, railroad parking lot, lot south of the Fire Station; 15th Street parking lot, 12th Street between H and G Streets, and 9th Street between J and K Streets. He recommended that at least 300 parking meters be bought to take advantage of the bargains now available in the used meter market. He pointed out that the total cost of procurement and conversion of the used Miller meters, and the City of Fresno's used Mi-Co Meters, would be almost identical, the Mi-Co Meter being cheaper but Miller conversion being more economical for three hour meters. He stated that the city's experience indicated that it would be more economical in the end if Miller meters were purchased, because of lower maintenance costs. He stated that the city owned 1150 Mi-Co meters and 166 Miller meters.

Councilman Merrill stated that in order to maintain uniformity in parking meters throughout the city, that he would move that the purchase of 300 used Mi-Co meters be approved and that the necessary transfer of funds be authorized. This motion died for a lack of a second.

The Traffic Engineer pointed out that it was proving more difficult to obtain certain parts for the Mi-Co meter, though the City has a good supply of parts on hand, and intimated that there was a possibility of this type of meter becoming obsolete.

A general discussion was held on 1) estimated cost of conversion of the various types of meters to the desired time limit; 2) the funds from which the money could be allocated since part of the meters would be used on "on-street" facilities and part on "off-street" facilities.

Councilman Arata introduced

RESOLUTION NO. 55-336

approving the purchase of 300 used Miller meters from the Duncan Meter Company at a cost of \$12.50, plus freight, and authorizing the appropriation transfer of \$4000 from the General Reserve to Traffic Engineering (General Fund) Budget for Capital Outlay, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Anderson, Arata, Hammond, Merrill, Robinson and Mayor
Pro Tempore Adams
Noes: Councilmen: None
Absent: Mayor Marks

ACCEPT DEED AUTHORIZE RECORDATION FROM MOLLY KELLER - WIDEN BURNEY AVENUE

The City Attorney presented for Council consideration, grant deed from Molly A. Keller for portion of lots 19 and 20 in Block M to be used in the widening of Burney Avenue project.

Councilman Anderson introduced

RESOLUTION NO. 55-337

seconded by Councilman Hammond, accepting the grant deed from Molly A. Keller and authorizing its recordation with the Stanislaus County Recorder, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Anderson, Arata, Hammond Merrill, Robinson and Mayor
Pro Tempore Adams
Noes: Councilmen: None
Absent: Mayor Marks

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MAYOR PRO TEMPORE ADAMS ASKS AUDIENCE FOR COMMENTS

Mayor Pro Tempore Adams asked members of the audience if anyone wished to present any matter to the Council. No matters were presented.

ESTABLISH TWO HOUR PARKING LIMIT ON EAST SIDE OF 14th STREET BETWEEN D AND E STREETS

After receiving a report and upon the recommendation of the Traffic Engineer, Councilman Robinson introduced

RESOLUTION NO. 55-338

seconded by Councilman Hammond, establishing a two hour parking zone on the northeasterly side of Fourteenth Street between D and E Streets, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Anderson, Arata, Hammond, Merrill, Robinson and Mayor Pro Tempore Adams
 Noes: Councilmen: None
 Absent: Mayor Marks

Councilman Merrill was excused and left the Council meeting at 5:16 P.M.

AUTHORIZE REMOVAL OF STOP SIGNS ON ROSEBURG AVENUE AT SYCAMORE AVENUE

After receiving a report and upon the recommendation of the Traffic Engineer, Councilman Robinson introduced

RESOLUTION NO. 55-339

seconded by Councilman Hammond, authorizing the removal of stop signs from Roseburg Avenue at its intersection with Sycamore Avenue, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Anderson, Arata, Hammond, Merrill, Robinson and Mayor Pro Tempore Adams
 Noes: Councilmen: None
 Absent: Mayor Marks

E. W. DUCKART EXPRESS APPROVAL OF COUNCIL ACTION IN REMOVING STOP SIGNS CORNER SYCAMORE AND ROSEBURG

E. W. Duckart, residing at 1201 Sycamore, expressed approval of the action taken by the Council in removing the stop signs from Roseburg Avenue at Sycamore Avenue.

AUTHORIZE ESTABLISHMENT OF "NO PARKING" ZONE IN ALLEY IN REAR OF MUNICIPAL PARKING LOT ON 11TH STREET, BETWEEN H AND I STREETS

The Traffic Engineer reported that experience had proved that it was difficult for cars to move from one aisle to another through the alley in the rear of the new parking lot on 11th Street. He recommended that a "No Parking" zone be established in alley back of the lot. He reported that he had contacted the merchants in the surrounding area and they had indicated that the proposed zone would not present any loading and/or unloading problems.

Councilman Arata introduced

RESOLUTION NO. 55-340

seconded by Councilman Anderson, prohibiting parking and loading in the alley between H and I Streets and between 10th and 11th Streets in the rear of the new 11th Street Parking Lot, which resolution was regularly adopted

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by the following vote:

Ayes: Councilmen: Anderson, Arata, Hammond, Robinson and Mayor Pro Tempore Adams
 Noes: Councilmen: None
 Absent: Councilmen: Merrill and Mayor Marks

HOLD OVER CLAIM OF SPEARS CONSTRUCTION COMPANY

Upon the request of Acting City Manager Masonheimer, the claim of Spears Construction Company for \$165.70 for replacing lenses at Del Webb Field, was held over.

GRANT PERMIT TO ORDER OF SCIOTS TO USE DEL WEBB FIELD FOR CHARITY SHOW ON SEPTEMBER 24

Acting City Manager Masonheimer reported receipt of a letter from the Modesto Community Athletic Association granting permit to the Ancient Egyptian Order of Sciots to use Del Webb Field September 24, for a Barnyard Circus under certain conditions: 1) The Sciots will be responsible for clean-up details, 2) expenses such as lights, etc. should be assumed by Sciots, and 3) that the baseball club's concessioners be permitted to use the concessions and to pay the Sciots 25% of the gross sold during the show.

Councilman Robinson introduced

RESOLUTION NO. 55-341

seconded by Councilman Arata, approving request of the Sciots to use Del Webb Field, September 24, for a Barnyard Circus under the conditions approved by the lessee, Modesto Community Athletic Association and further providing that the City is held harmless from and against any and all costs, damages and liability arising out of the use of the Field by the Sciots, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Anderson, Arata, Hammond, Robinson and Mayor Pro Tempore Adams
 Noes: Councilmen: None
 Absent: Councilmen: Merrill and Mayor Marks

REPORT BY CITY ATTORNEY ON PUBLIC HEARING BEFORE STATE BOARD OF EQUALIZATION ON PROPOSED INCREASE IN COUNTY ASSESSMENTS

A verbal report was submitted by the City Attorney on the public hearing held by the State Board of Equalization, which he had attended, along with Councilman Merrill and Director of Finance Lawrence, in Sacramento, July 28, on the Board's proposal to increase the assessments in Stanislaus County 45%.

The representatives made known to the Board, as instructed by the Council, the city's opposition to the proposed increase. The protest was based upon the premise that the sampling taken by the Board was inadequate in number and in kind. He stated that it was brought out at the hearing that the Board had made an error in the matter of determining several appraisals. Evidence presented indicated that six parcels were over-valued by the Board as compared with opinion of the County Assessor. Assemblyman Brown, he stated, had appeared before the Board and pointed out that the proposed increase did not appear to be justified on the basis of the sampling and of the facts of the situation.

As a result of the hearing, the county officials requested additional time to submit further evidence in support of their position, which was granted. The Board, he stated, did not indicate its decision in the matter.

GRANT PERMISSION TO CITY CLERK TO TAKE VACATION WEEK BEGINNING AUGUST 15

Upon the request of City Clerk Gailfus, Councilman Arata moved, seconded by Councilman Anderson, and it was unanimously carried, that permission be granted for him to take one week vacation beginning August 15th.


ANNOUNCEMENT FROM CHAMBER OF COMMERCE RE: ANNUAL DINNER

An announcement from the Chamber of Commerce that its annual dinner would be held at the Fable Room in Hotel Covell, August 9, was read.

ADJOURNMENT

Councilman Anderson moved, seconded by Councilman Robinson, and it was unanimously carried, that the meeting now in session adjourn. The meeting was adjourned at 6:00 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 Chamber at the McHenry Public Library, 14th and I Streets, Mayor Marks presiding.

The City Clerk called the roll and there were

Present: Councilmen: Adams, Anderson, Arata, Hammond, Merrill and Mayor Marks
Absent: Councilmen: Robinson

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

Rev. Richard Lee, pastor of the First Baptist Church, gave the invocation.

FURTHER CONSIDERATION OF REQUEST OF MODESTO CITY SCHOOLS FOR MODIFICATION OF BUILDING REQUIREMENTS ON PORTABLE SCHOOL BUILDING UNDER CONSTRUCTION AT THE LINCOLN SCHOOL

Further consideration was given to the request of the Modesto City Schools for an exception from the requirements of the building code relating to fire zones in connection with the construction of a new portable school room at Lincoln School, 17th and I Streets.

City Manager Miller reported that the City Attorney had reported 1) that there was no provision in the Building Code for the granting of a variance as requested by the schools; 2) that the code does provide that the building official may approve certain methods of construction which would meet the same standards, and 3) that the removal of the school site from Fire Zone No. 2 and placing it in a zone where the nature of the construction is authorized could be considered. It is the belief of the administrative staff, he stated, that the building should comply with the requirements of the fire zone in which it is located. He pointed out that the Board of Fire Underwriters was very strict and precise in its standards and that the No. 2 fire rate had afforded the community (including the school district) substantial savings. It is the administrative staff's recommendation that the building be brought up to the standard requirements for that fire zone.

In the Council discussion the following facts were brought out: 1) that if this exception was granted that there would be similar requests filed; 2) that it would be unwise to jeopardize the city's fire rating; 3) that the city desired in every way possible to cooperate with the schools but that this request could not be granted.

The City Manager reported that the present method of granting free building permits to governmental agencies on the basis that they do their own inspection, should be reviewed in order to prevent similar incidents of this nature.

Superintendent of Schools Corson, who was present, expressed appreciation for the consideration given to the request by the city and assured the Council that appropriate action would be taken by the Schools.

Councilman Arata moved, seconded by Councilman Merrill, and it was unanimously carried, that the request of the Modesto City Schools for an exception from the requirements of the building code relating to fire zones in connection with the construction of a portable school room at Lincoln School be denied and that a letter be written to the School Board expressing the city's desire to cooperate with the schools but that in order to maintain the city's fire rate standards, this request had to be denied.

Mayor Marks asked Mr. Corson to convey the Council's regrets to the Board of Education.

LETTER FROM A. M. TELL RE: CONDITION OF MILLER AVENUE

A letter from A. M. Tell, 333 Fortuna Avenue, dated August 2, urging that Miller Avenue be improved and that the city take under consideration the matter of making Encina Avenue a "through street", was read.

Director of Public Works Ray reported that parts of Miller Avenue had been repaired last week.

The letter was referred to the City Manager for reply.

LETTER FROM HENRY FORD REGARDING WATER AND SEWER SERVICE CHARGES

A letter was read from Henry Ford, who operates a hospital equipment rental business in his residence located at 519 McHenry Avenue, complaining of his water and sewer service statement.

The City Manager pointed out that the Code required that the location be metered since this was a commercial operation, and that the sewer service rate was based on water used. The bills will be larger, he stated, during the summer months and lower during the winter.

Director of Finance Lawrence stated that a number of similar complaints were filed where residential property is being converted and used for commercial activities, such as real estate office, accounting offices, etc. He reported that the Code requirements had been explained to Mr. Ford, and that the city had no other recourse except to abide by these requirements.

After a discussion by the Council, it was generally agreed that no action be taken to change the requirements since it was generally understood at the time the sewer bond financial arrangements were made that commercial and industrial operations should be required to assume a fair share of the cost.

Councilman Hammond moved, seconded by Councilman Arata, and it was unanimously carried that a letter of explanation be written to Mr. Ford explaining the city's position in the matter and the reasons for the commercial rate.

REQUEST OF CHAMBER OF COMMERCE TO TAKE PICTURES OF CITY COUNCIL

The City Manager reported that the Chamber of Commerce was presently making a movie of the city and its "assets", and had requested permission to take pictures of the Council in action at its next meeting. The Council indicated its approval of the request.

LETTER FROM STATE CONTROLLER'S OFFICE RE: REPORT ON REGISTERED VOTERS IN THE HUDSON-UCCELLO ADDITION

The City Manager reported that a letter, addressed to the Council, had been received from the State Controller's Office requesting information regarding the number of registered voters residing in the Hudson-Uccello Addition, which was annexed to the city August 19, 1953. This information is required by state law two years after annexation so that a city will become eligible for population credit in forthcoming apportionments. He asked for Council approval on the handling of these routine requests by the administrative staff so that it would not be necessary to place them on the Council agenda.

Councilman Anderson moved, seconded by Councilman Hammond, and it was unanimously carried, that the administrative staff be authorized to furnish the State Controller with the necessary information on registered

voters in an annexed area two years after annexation and that the Council does not wish to have this type of request brought to its attention.

It was agreed by the Council that "nothing that is not a policy matter needs to be brought to its attention."

REQUEST OF CODDING CONSTRUCTION COMPANY TO ASSIGN ITS INTERESTS IN SEWER AND WATER AGREEMENT WITH THE CITY

A letter requesting approval of the Council to the assigning of its rights in the sewer and water agreement, dated July 7, 1954, for the McHenry Village Subdivision to Workman Development Company, was received from Coddling Construction Company. Mr. D. S. St. John, officer of the company, who was present, stated that the Workman Development Company had purchased 99 lots in this subdivision.

The City Attorney stated that there appeared to be no objections for the company to assign its rights and obligations under the agreement as it relates to that part of the subdivision which they are selling.

Councilman Hammond introduced

RESOLUTION NO. 55-342

seconded by Councilman Adams, approving assignment of portion of agreement insofar as it relates to the 99 lots sold to the Workman Development Company and authorizing the City Manager to execute the consent to the assignment, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Robinson

ACCEPT BID OF M. J. RUDDY AND SON FOR CONSTRUCTION OF NINTH STREET PARKING LOT

Tabulation of bids received for the construction of the Ninth Street parking lot, which had been opened August 9, were distributed to Council members for their consideration by Traffic Engineer Carmody. He recommended that the low bid of \$13,610, submitted by M. J. Ruddy and Son, be accepted. Councilman Adams introduced

RESOLUTION NO. 55-343

seconded by Councilman Anderson, accepting the bid of \$13,610 submitted by M. J. Ruddy and Son for the construction of the Ninth Street Parking lot, as the lowest responsible bid and authorizing the execution of a contract, for the completion of the work, by the city's designated officials, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Robinson

Mr. Carmody outlined the scope of the work to be done in the project for the Council's information, advising that this contract did not include the sign, plastering of the wall or the painting of the stall markers.

ACCEPT DEEDS FOR WIDENING OF BOWEN AVENUE

A letter received from the City Planning Commission, recommending that the Council accept the deeds to the thirty-foot strip on the north side of Bowen Avenue between College and Tully Avenues for street purposes.

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offered by Eleanor Nelson and Hazelle M. Gerdau, was read. The City Manager reported that the administrative staff also recommended acceptance of the deeds. Councilman Anderson introduced

RESOLUTION NO. 55-344

seconded by Councilman Arata, accepting the quit claim deeds from Eleanor Nelson and Hazell M. Gerdau on land to be used in the widening of Bowen Avenue and authorizing their recordation with the Stanislaus County Recorder, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, and Mayor
Marks
Noes: Councilmen: None
Absent: Councilmen: Robinson

RESCIND RESOLUTION 55-48 GRANTING TEMPORARY FINANCIAL RELIEF TO THE MODESTO GARBAGE COMPANY

The City Manager reported that since the adoption of Ordinance No. 30-C.S., regulating the collection and disposal of swill, that the temporary financial relief granted to the Modesto Garbage Company covering payment of fees for use of disposal area as set forth in Resolution No. 55-48 could be discontinued. Councilman Arata introduced

RESOLUTION NO. 55-345

seconded by Councilman Adams, rescinding Resolution No. 55-48 entitled: "A RESOLUTION RELATING TO THE OPERATION OF THE MUNICIPAL DISPOSAL AREA AND CHARGES FOR THE USE THEREOF", adopted by the Council February 2, 1955, effective July 1, 1955, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, and Mayor
Marks
Noes: Councilmen: None
Absent: Councilmen: Robinson

APPROVE FINAL MAP AND IMPROVEMENT AGREEMENT FOR LUNDQUIST SUBDIVISION

The Assistant Director of Public Works reported that the final map of the Lundquist Subdivision met all of the provisions of the State Subdivision Map Act and of the Modesto Municipal Code relating to subdivisions and was technically correct. The City Attorney reported that required fees of \$1,143.60 had been paid and that application for the necessary \$38,000 bond had been made by the subdivider, A. G. J. Lundquist, but the bond had not arrived. He recommended approval of the map subject to the filing of the bond. Councilman Arata introduced

RESOLUTION NO. 55-346

seconded by Councilman Anderson, approving the final map of the Lundquist Subdivision, authorizing its execution by the city's designated officials, subject to the filing of the necessary bond of \$38,000 by the subdivider, Anthony G. J. Lundquist and Augusta Lundquist, to guarantee improvements in the subdivision, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill and Mayor
Marks
Noes: Councilmen: None
Absent: Councilmen: Robinson

OFFER OF MOOSE LODGE TO SELL PROPERTY TO CITY

Bill Shimmer appeared before the Council on behalf of the Moose Lodge and reported that the Lodge's offer to sell its property located in the rear of the County Hospital, adjoining Harriet Avenue and Beard Brook, for \$12,800, to the County had been declined by the Board of Supervisors yesterday. He stated that the property had to be sold and asked if the city would have any interest in acquiring it since the joint committees had recommended this area for a civic center. Councilman Anderson, Chairman of the Civic Center Committee recommended, to which the Council concurred, that the matter be referred to the administrative staff, who would confer with the Civic Center Committee.

APPROVE COMMENCEMENT OF ANNEXATION PROCEEDINGS FOR ANNEXING THE BEL-AIR ADDITION TO THE CITY OF MODESTO

As requested by the Council, the Modesto City Planning Commission filed a report recommending approval of the request of Robert Hemminger, Mrs. Etta Hemminger, George W. Hemminger, William M. Hill and Dorothy M. Hill to annex the Bel-Air Addition to the City, and indicating its approval of the commencement of proceedings for the annexation of said uninhabited territory to the City of Modesto.

Councilman Anderson introduced

RESOLUTION NO. 55-347

seconded by Councilman Hammond, setting the date of September 21, 1955, at the hour of 4:30 P.M. in the Council Chambers as the time and place for considering protests to the proposed annexation and directing the City Clerk to publish a copy of this resolution in the official newspaper of the city and in the Turlock Daily Journal, as provided by law, which resolution was regularly adopted by the following vote:

Ayes:	Councilmen:	Adams, Anderson, Arata, Hammond, Merrill and Mayor Marks
Noes:	Councilmen:	None
Absent:	Councilmen:	Robinson

FURTHER CONSIDERATION OF PROPOSED SALARY ADJUSTMENTS

Mayor Marks reviewed the action taken by the Council at its meeting of July 27, approving in principle the proposed 5% salary increase for city employees. Consideration of certain exceptions, proposed by the Personnel Commission and the City Manager, he stated, had been delayed until the City Manager returned from his vacation so that he could answer any questions.

The City Manager reviewed the method used by the Personnel Office in collecting data upon which to base proposed salary ranges. The purpose was to accomplish equity within the city as well as with other groups, both public agencies and private industries, and to make adjustments for situations and conditions which have come to the attention of the department during the years, relating to particular classes. This information has indicated, he stated, in some individual cases that the salary range is improper, sometimes higher than necessary or that a general increase is justified, but not in specific cases. He pointed out that in certain classes, recruitment of new personnel had proved that the salary range was inadequate. He stated that there were three types of exceptions which were being presented for Council consideration: 1) where no increase is proposed, for example, the Construction Inspector. The present range 19 is in good keeping with what is required. 2) The classes where there were special problems of recruitment, for example, Building Inspector who must be trained in all aspects of construction so that he can determine conformance to all sections of the code during any inspection; and 3) some of the present classes have been broken in two, and entirely new classifications have been recommended. There is

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no proposal to fill some of these positions at this time, he stated. He outlined the proposal for dividing the class of Accountant into a series of 3 classes, Accountant I, II, and III, and the position of Tree Trimmer into 2 classes. To assist in the problem of recruitment and in order to retain good men in the Police Department, it has been agreed that the creation of a #2 class should be proposed. It is proposed to fill such Grade 2 positions through promotional examination, taking into account superior performance as a Patrolman.

Councilman Hammond stated that he approved the one step increase proposed and that if individual exceptions were made that it would open the door to many other exceptions and would break down the present system. He questioned the advisability of not adhering to the present progressive policy already established by the Council.

Councilman Merrill also approved the "one-step" program as a "good policy basis". He contended that when a person applied for a position that he knew what his salary was going to be and that he would be entitled to a one step increase at certain times if his work was satisfactory. That the granting of these exceptions would be creating more problems that the city had inequities.

The City Manager pointed out that the Personnel Commission and staff had been working on the proposal for four months, that the exceptions would not create inequities but would remove those that had been found. He reported on the difficulty incurred in recruiting nurses and sanitarians, and that a system is good only as long as it fits conditions.

Councilman Hammond suggested that at the time certain problems in recruitment and salary ranges were presented that the City Manager could come to the Council for changes. The City Manager pointed out that studies made which resulted in the proposed exceptions were to meet present situations and to avoid future problems of recruitment and assure the retention of qualified personnel in key positions.

Councilman Arata objected to a two step increase for Planning Director Smeath, who had not completed his first year service with the city. The City Manager stated that he had not personally discussed the proposed increase with Mr. Smeath but he was recommending it on the basis of performance.

The City Manager reported that Director of Finance Lawrence had received a number of offers at a higher salary. He reviewed the work done by Mr. Lawrence in establishing the new finance system for the city. Councilman Merrill pointed out that Modesto was a "stepping-stone" to a larger city, which was also true of key positions in private industries in the city. The City Manager pointed out that this was a Council decision and that the administration recognized this situation. The question is whether the city should extend itself to keep really top flight men in key positions. He pointed out that some of the exceptions under consideration were individuals rather than classes.

Councilman Hammond questioned if the Capital Improvement program would suffer if the additional increases were allowed for the exceptions, since the budget was "tight".

The City Manager outlined the sources of funds for the Capital Improvement Program. He pointed out the possibility of cutting down on the level of activities as a means of reducing expenditures.

of
 Mayor Marks pointed out that the city was unique in California since it had doubled its population by annexation in three years. He pointed out that the easiest thing for the Council to do would be to cut its activities and reduce the work load but this was a decision for the Council to consider at this time.

Councilman Adams pointed out that at the time the personnel system was adopted three years ago, it was agreed that changes would be necessary from time to time. Conditions beyond the Council's control, such as the labor market, will make it mandatory to constantly change the system. He contended that the city could not have a static salary schedule.

Councilman Hammond contended that the city must have a definite policy on salary increases and that if exceptions were made that it would be unfair to the personnel who were hired.

After further discussion, it was agreed that each exception should be considered individually by the Council instead of as a group.

Merle Sayers, President of the City Employee's Association, pointed out that since the adoption of the system three years ago, a number of changes had been made to correct inequities and he asked that this program be continued. He pointed out that the changes proposed for this year were justified on the basis of duties and responsibilities assumed by the individual persons in the positions. He cited as an example, the proposed change in the Tree Trimmer classification.

Councilman Hammond contended that this would be a deviation from policy. The City Manager stated that it was not a deviation from policy since each year inequities had been considered and changes made.

Mayor Marks polled the Council on the following recommended exceptions:

Parking Enforcement Officers from Range 8 to Range 10

The City Manager pointed out that the salary range had originally been low but the duties and responsibilities had been increased. Assistant City Manager Masonheimer pointed out that the proposed change would not only be correcting inequities but would be assisting in the problem of recruiting. He cited the salaries paid by various other cities for this type of position, which were much higher.

Councilman Hammond pointed out that he was opposed to the recommended increase but that if it was necessary to make changes in the job classification that "would be something else."

A poll of the Council by Mayor Marks resulted in a rejection of the recommendation for a change in the range by the Council.

Legal Secretary from Range 10 to Range 12

The City Attorney pointed out that a survey indicated that many local attorneys are paying their secretaries in excess of the salary paid by the city. The City Manager asked that the Council take into consideration the fact that when salaries are not adjusted to compensate for the responsibilities, that employees leave the employ of the city and in order to fill the position the salary range has to be increased before the person with the necessary qualifications is recruited.

Mayor Marks polled the Council and the recommendation failed to receive the approval of the Council.

Secretary to the City Manager from Range 12 to Range 14

The City Manager pointed out that the reason for the proposed changes was due to the type of responsibility in this job and the way it has been handled. Mayor Marks recommended the change on the basis of ability and responsibility both as the Secretary to the City Manager and as his Secretary for city matters. Mayor Marks polled the Council but the

recommendation failed to receive a majority vote of the Council.

Councilman Adams pointed out that if the Council intended to abide by the schedule at all times without approving recommended exceptions, that inequities would never be corrected. He stated that the staff and Personnel Commission had spent a lot of time studying the conditions before these recommendations had been made and for that reason he wanted to go along with the recommendations and correct these inequities as they were brought to light.

Assistant City Clerk from Range 13 to Range 15

Councilman Arata recommended that the change in range be approved. The poll of the Council approved the proposed change unanimously.

Greenskeeper from Range 13 to Range 15

Director of Parks and Recreation briefly explained the reason for the proposed change. Mayor Marks polled the Council and declared the recommended change in range had been approved by a unanimous vote.

Parks Foreman from Range 13 to Range 15

Mr. Masonheimer pointed out that both the Greenskeeper and the Parks Foreman were supervisory position and by changing the range for one position without approving the other would create a disparity handicap. Mr. Lowrey pointed out the difficulty in getting a qualified man to replace men in this field. Mayor Marks polled the Council and declared the recommended change in range had been approved by a unanimous vote:

Purchasing Assistant from Range 14 to Range 16

The City Manager stated that more and more responsibility was being assumed by the person in this position, who is accepting and carrying these responsibilities through in a satisfactory manner. Mayor Marks polled the Council and declared that the recommended change received the approval of the majority of the Council.

Building Inspector from Range 14 to Range 16

Mayor Marks polled the Council on the recommended range change and declared that it had been approved by a majority vote.

Construction Inspector to remain at Range 19

Mayor Marks polled the Council on the recommendation that the range for Construction Inspector remain at Range 19 and declared that it had been approved unanimously.

Personnel Technician from Range 14 to Range 16

The City Manager urged the Council members to give this recommendation sober thought. Mrs. Bernice Mitchell was doing a fine job.

Mayor Marks polled the Council which resulted in a tie vote.

Mr. Masonheimer and Mayor Marks pointed out the valuable work Mrs. Mitchell was doing in the Personnel Department and the fact that it would be very difficult to replace her at any salary. Mayor Marks asked that the Council be polled again on the recommendation. No dissent was offered to the suggestion by the members but a second poll resulted in a tie vote.

Assistant to Public Works Director from Range 19 to Range 21

Director of Public Works Ray outlined the duties and responsibilities

assumed by the incumbent employee and recommended that the change be approved. Mayor Marks polled the Council which resulted in approval by a majority vote.

Stores and Equipment Clerk from Range 10 to Range 12

The Director of Public Works stated that at the time this position was established, the duties and responsibilities of the person in the job was uncertain. He recommended the change in order to accomplish a more equitable distribution of salary as compared to the work. Mayor Marks polled the Council and declared that approval of the recommendation failed to carry by a majority vote of the Council.

Finance Director from Range 27 to Range 29

This proposed change was unanimously approved by the Council on a poll by Mayor Marks.

Planning Director from Range 27 to Range 29

Due to the fact that Mr. Smeath had not been employed by the City for a year, a poll of the Council, called by Mayor Marks, failed to approve the recommended change in rate.

Traffic Engineer remain at present Y rate

The proposal that the salary of the Traffic Engineer remain at the present Y rate was approved by the Council.

DISCUSS PROPOSED NEW CLASSIFICATIONS

The City Manager presented for Council consideration the salaries for proposed new classifications. He stated that the salaries had been cleared with the Personnel Commission. These positions included Clerk I; Administrative Aide I, II; Personnel Clerk; Tree Trimmer I, II; Accountant I, II, III; Recreation Supervisor; Patrolman I, II; Jr. Sanitarian; Supervising Public Health Nurse; Health Counselor; Librarian I.

The Council indicated its approval of this action.

Councilman Adams introduced

RESOLUTION NO. 55-348

seconded by Councilman Merrill, establishing salary schedules and fixing the compensation for classes of positions in the city service, effective August 1, 1955, and rescinding Resolution No. 54-230 and all amendments thereto and all resolutions or portions of resolution in conflict herewith; which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Robinson

Councilman Anderson introduced

RESOLUTION NO. 55-349

seconded by Councilman Arata, increasing the salary of City Clerk Rex E. Gailfus 5% retroactive to August 1, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Robinson

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Mr. Sayers stated that the request of the employees had been that the raise be effective as of July 1, the beginning of the fiscal year.

The City Attorney pointed out that it would not be legally possible to make the raise retroactive any farther than the present pay period which would be August 1, in this case. He read the section of the state law which prohibited this type of pay increase proposed by the city employees.

MAYOR MARKS DECLARES A RECESS

Mayor Marks declared a 5 minute recess at 10:15 P.M. The Council reconvened at 10:25 P.M.

The City Manager recommended that the salary increase allowed the City Clerk be clarified since it would create a computation problem. His present rate of \$556.50 and with the approved 5% increase would result in a rate of \$584.32½. After consultation with the City Clerk, he recommended that the City Clerk be placed in Range 23, which provided for a maximum salary of \$584. Councilman Anderson introduced

RESOLUTION NO. 55-350

seconded by Councilman Adams, establishing a range of 23 for the City Clerk and that a salary of \$584 be paid Rex E. Gailfus, effective August 1, 1955, and rescinding Resolution No. 55-349, which resolution was regularly adopted by the following vote:

Ayes:	Councilmen:	Adams, Anderson, Arata, Hammond, Merrill and Mayor Marks
Noes:	Councilmen:	None
Absent:	Councilmen:	Robinson

REPORT ON PROPOSED FREEWAY AGREEMENT

A report was submitted by the City Manager relating to the "Proposed Freeway Agreement - 99 Highway", a copy of which is on file in the office of the City Clerk with the records of this meeting.

Mayor Marks pointed out that the proposed Freeway Agreement, which has been revised to include certain changes that the city and county officials considered essential, was not a "bargaining agreement" on the part of the city. The route was chosen by the state, he stated, and the freeway is to be located there---whether it is in 5-6 years or 10-12 years depends upon the speed with which both the county and the city act on signing the agreement. The purpose of the agreement is solely to set the traffic pattern. The state gives us an opportunity to determine if the proposed arrangement fits in with our master street plan. He pointed out that during the past six months the Traffic Engineer and administrative staff had been working with the county and State Division of Highways to determine if the proposed arrangement was satisfactory, as far as the master street plan was concerned.

The City Manager reviewed briefly a letter from J. G. Meyer, District Engineer of the Division of Highways, in which Mr. Meyer advised that:

"Considerable discussion has taken place relative to the railroad crossing situation on streets running at right angles to the Freeway.

The Division of Highways appreciates the importance of this rail crossing problem. One of the reasons for locating the freeway between 5th and 6th Streets was so that streets could be separated from the railroad and return to grade before entering the freeway area.

"Two other state highway routes will connect with the freeway.-----No change over existing routing for these two highways is contemplated until the permanent routings are selected.

A solution to the railroad problem is dependent on the status of the Tidewater Southern Railroad on 9th Street. Until a decision is made with respect to relocation of this facility, effort spent in engineering studies of the rail crossing problem will be generally wasted. In other words, the railroad separation problem is so involved and costly it will take considerable time to obtain the data and funds for solution.

At the present time, design and acquisition of r/w for the freeway projects has been limited due to lack of a freeway agreement. As you know many people in your city are in a state of confusion due to our inability to advise them whether their property will be required for the freeway. We, in turn, are unable to make a firm plan for the project until an agreement is reached as to the location of interchange separation, and frontage road facilities."

Mr. Meyer suggested that:

"(1) The council by resolution request that a cooperative study of the street-railroad crossing problem be made by the city, Division of Highways, the Southern Pacific Railroad and Tidewater Southern Railroad.

(2) Execute the freeway agreement immediately with such changes as are necessary.

(3) The Division of Highways will then be in a position to proceed with the orderly acquisition of right of way and design of the freeway project while the railroad separation problem is being resolved for future consideration."

Councilman Hammond stated that it was his opinion that the agreement merely established a traffic pattern. The problem, he stated, was that many property owners "do not know whether they are coming or going" and will not know until the state goes to work and determines the exact property it will need for the project. These people, he stated, want action one way or the other.

Mr. Miller stated that he had talked with Mr. Meyer by phone this date, and had asked him, "How precise are the State plans?" Mr. Meyer had advised that in most of the areas the plan would be exactly as indicated on the map and possibly only vary a few feet, unless special circumstances arose, which they could not know about; i.e., they might run into a problem on the foundation of bridges. He had asked Mr. Meyer if it was possible that the plans might vary 200 feet or more, and Mr. Meyer had stated "No".

Councilman Hammond asked why the state could not inform the city of the exact location.

Mr. Carmody pointed out that until the agreement was executed, this would be impossible, since the interchange locations must be approved by the county and city before the state could formulate its final plan.

Director of Planning Smeath pointed out that the agreement was a "tentative type of thing"; that the state had not gone into final design on interchanges. The state had advised at the recent meeting with the City and County officials, that as soon as the agreement was signed, more engineers would be put on the work of designing the freeway, and that within six months the State would have sufficiently cleared the plans so that

definite information on the interchanges could be announced.

The Traffic Engineer pointed out that the city had the right to ask for changes which would be made by mutual agreement between the city and state. He outlined the various types of interchanges which could be used, diamond or cloverleaf. This is left with the state and changes could be made if desired, on the mutual agreement basis. He pointed out that since the cloverleaf type of interchange would require approximately 4 blocks, that the state used the diamond type principally within city limits. He outlined the reasons why the state, since 1953, had adopted a policy of not completing final plans before freeway agreements were signed by cities. To a question from Councilman Hammond, the Traffic Engineer stated that the proposed interchanges seemed to be very adequate. He stated that it had been his past experience that the state worked very closely with the city and was responsive to the city's wishes.

Mr. Smeath stated that both planning and traffic departments had agreed that the locations shown for interchanges and closures on the freeway map were clear and that it was merely a matter of type of design. He stated that the Planning Commission at its meeting of August 9, had discussed the possibility of recommending to the Council that the agreement be signed, but had agreed that since a quorum was not present, that action be taken at its meeting next week.

Mayor Marks pointed out that the Council had the responsibility of the welfare of the people of this community. He stated that Modesto was on the top of the state's priority list and that if the funds were not used here that they could be used elsewhere. He stated that as soon as the Council feels that 1) street closures, 2) relocation of streets, 3) frontage roads, 4) grade separations, and 5) interchanges are in the right place, the agreement should be executed.

Councilman Arata contended that the State should be more specific and set forth in its agreement exact locations.

The City Manager stated that the Division of Highways, as stated in its letter, appreciates the importance of the railroad crossings and that had been one of its reasons for selecting the route. Two other highways are connected with the freeway and it is a state problem which they cannot escape. This fact should be kept in mind whatever the decision is, he stated. The problem of getting traffic across the railroads is a state problem. The railroads will also be in on the problem, and should be required to help pay for these crossings. The state has accepted the responsibility of getting people across the tracks and indicated they are going to work on it.

Mayor Marks asked if the Council members wished to delay its decision on signing the agreement until the Planning Commission had submitted its recommendation. Councilman Merrill and Arata recommended that no action be taken until a further report from the Planning Commission. Councilman Arata suggested that the state be contacted and asked to pin-point the exact location of various interchanges, etc.

Councilman Hammond stated that he considered that the traffic pattern was set and since changes could be made after the agreement was signed by mutual consent, there should be no delay in executing the document.

Mayor Marks pointed out that if the agreement was executed without delay, that it would reassure many hundreds of people who wanted to see something done so that they could know if their property would be needed in the project and they could "rest a little easier".

Mr. and Mrs. Ralph Sanders, operating a dried fruit business on Crows Landing Road urged prompt action by the Council in signing the agreement. They contended that the agreement had been hanging fire for a long time and that the longer it was delayed, the more it was costing many innocent people.

Councilman Anderson moved, seconded by Councilman Merrill, and it was unanimously carried, that action by the Council be delayed for one week until a report and recommendation was received from the Planning Commission.

Mr. Fred Kirkish, representing the Barium Products, Inc., asked that the frontage road near the plant be deleted from the plans. He was asked to check with the County since the plant was located outside of the city. The question of how the frontage road would fit in with the city's traffic pattern was brought up and it was agreed that Mr. Smeath would work with the company and the county in this regard.

COMPANY

ALLOW CLAIM OF SPEARS CONSTRUCTION/FOR REPAIRS TO LIGHTS AT DEL WEBB FIELD

Upon the recommendation of the City Manager, Councilman Anderson introduced

RESOLUTION NO. 55-351

seconded by Councilman Arata, approving claim of the Spears Construction Company for repairs to lights at Del Webb Field, authorizing its payment and approving appropriation transfer of funds from the Special Capital Improvement Fund, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Anderson, Adams, Arata, Hammond, Merrill and Mayor
Marks
Noes: Councilmen: None
Absent: Councilmen: Robinson

ALLOW PORTION OF CLAIM OF STOCKTON CONSTRUCTION COMPANY FOR ADDITIONAL
PAYMENT ON LALOMA TRUNK SEWER LINE

The Director of Public Works reported that the Stockton Construction Company, contractor on the LaLoma Trunk Sewer line project, had presented a statement in the amount of \$1,622.05 to cover additional work required in the backfilling of the section of the trunk sewer line within the confines of Yosemite Boulevard, a state highway route.

The State Highway Division, he stated, required that the back filling be done with the use of pneumatic tampers. This project was accepted by the Council on June 22 (Res. 55-271) and notice of completion ordered filed. During the time the back filling was being done, he stated, the company did not request a change order, as provided in the contract, nor a request for additional compensation for the extra work.

A meeting was held with the company, he reported, and an equitable solution of the claim was discussed. The company has agreed to discount the claim 50%. He pointed out that the Council could consider 1) payment of the full claim, 2) refuse to pay any portion, or 3) payment of an agreed discounted price. He recommended that the Council consider payment of the bill on a 50% discount basis, as this would appear to be a reasonable conclusion of the matter. Councilman Hammond introduced

RESOLUTION NO. 55-352

seconded by Councilman Arata, approving the payment of the claim of the Stockton Construction Company of \$1622.05 on a 50% discount basis and authorizing the Director of Finance to draw warrant in amount \$811.03 in

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full payment of claim, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Robinson

ESTABLISH TIME LIMIT ON NINTH STREET PARKING LOT---3 HOURS

The Traffic Engineer recommended a three hour time limit on the new portion of the parking lot under construction at 9th and J Streets, the same as on the existing portion of the lot. He stated that if this recommendation was approved by the Council that no change would be needed since Resolution No. 55-291 established time limit for all metered parking lots. The Council concurred in his recommendation for the three hour parking limit.

ESTABLISH TWO HOUR PARKING ZONE BOTH SIDES OF H STREET BETWEEN THIRTEENTH AND FOURTEENTH STREETS

Upon the recommendation of the Traffic Engineer, Councilman Arata introduced

RESOLUTION NO. 55-353

seconded by Councilman Adams, establishing a two hour parking zone on both sides of H Street, between Thirteenth Street and Fourteenth Street in the City of Modesto, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Robinson

COPIES OF BOOKLET "WHAT ABOUT SPECIAL ASSESSMENTS?" PRESENTED TO COUNCIL MEMBERS

Copies of a booklet prepared by Eugene K. Sturgis, entitled "What About Special Assessments?", were distributed to Council members.

APPROVE PLANS AND SPECIFICATIONS AND AUTHORIZE CALL FOR BIDS ON CONSTRUCTION OF CURB AND GUTTERS AT WHITMORE PARK

Upon the recommendation of the City Manager, Councilman Adams introduced

RESOLUTION NO. 55-354

seconded by Councilman Anderson, approving plans and specifications for the construction of curb and gutter at Whitmore Park and authorizing the calling for bids, said bids to be opened Tuesday, August 23, 1955, at 2:00 p.m., which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Robinson

'REPORT ON DOWN-TOWN LIGHTING DISTRICT'

Director of Public Works Ray outlined the boundaries of the proposed down-town lighting district, which had been approved by the Chamber of Commerce Lighting Committee. It is planned, he stated to use the present light standards, in some locations, to install the new type lights. He estimated

the cost of the proposed district to be \$115,000. He also outlined the basis upon which the committee had agreed to make the assessments. He stated that the district had been enlarged to include Ninth Street.

Mayor Marks recommended that the Council concur in the recommendation of the Chamber Committee and take whatever legal action was necessary.

Mr. Ray reported that the plans and specifications were being finalized by the Public Works Department and would be submitted to Eugene Sturgis, bond counsel, for checking and preparation of the resolution setting the date for the public hearing.

He outlined the plans for the installation of lights on Ninth Street, which called for fewer lights on the west side than the east side of the street and the use of existing power poles.

CITY MANAGER REPORT ON NATIONAL CONFERENCE ON GOVERNMENT AT SEATTLE

The City Manager reported that the City of Modesto exhibit on its All America Award celebration, at the National Conference on Government at Seattle, held July 25-27, was an outstanding success. He was asked to make a more complete report at a later meeting.

REPORT ON POST CARD POLL-JOHN MUIR PARK TRACT ON STREET IMPROVEMENTS

The City Manager reported that in the second poll of the John Muir Park Tract regarding street improvements, of the approximately 145 post cards sent out, 95 were returned. A tabulation of the answers received indicates 35 in favor of the proposed improvements and 60 opposed. He suggested consideration of a reduced area, but it was the position of the Council that any further proposals should come from those in the area.

The Council indicated that it was willing to cooperate with the property owners in any improvement district which they might originate and present a proposal to the Council for action.

REPORT BY CITY ATTORNEY ON PARTICIPATION BY THE CITY IN SUSANVILLE IMPROVEMENT DISTRICT LITIGATION

The City Attorney reported that the City of Susanville had inquired if the City of Modesto wished to join with them, as an interested party, in litigation relating to interpretation of the Improvement District Act of 1911 relating to the authority of a council to conduct those proceedings. Mr. Grimes outlined the case which was under litigation for Council information. Councilman Merrill moved, seconded by Councilman Adams, and it was unanimously carried, that the City of Modesto join with the City of Susanville in pending improvement district litigation, as an interested party, without expense to city.

APPROVE AGREEMENT WITH M.I.D. AND P.T. & T. COMPANY FOR PLANTING EASEMENT ON GRANGER AVENUE

The City Attorney presented for Council consideration, planting easement agreement between the city, Modesto Irrigation District, and the Pacific Telephone & Telegraph Company, on Granger Avenue. Councilman Merrill introduced

RESOLUTION NO. 55-355

seconded by Councilman Hammond, approving the planting easement agreement between the City of Modesto, Modesto Irrigation District, and the Pacific Telephone & Telegraph Company, authorizing its execution by the city's designated officials, and authorizing its recordation with the Recorder of Stanislaus County, which resolution was regularly adopted by the following vote:

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Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill and Mayor
Marks
Noes: Councilmen: None
Absent: Councilmen: Robinson

GRANT REQUEST OF U.S. ARMY ENGINEERS FOR SURVEY AND EXPLORATION PERMIT AT
MODESTO MUNICIPAL AIRPORT

The City Manager reported that the U.S. Army Corps of Engineers had filed a request for permission to conduct surveys at the Modesto Municipal Airport at the proposed site of the Air Force installation for radar equipment. He reported that the Corps of Engineers had requested a Survey and Exploration Permit form authorizing the government to enter this parcel of land for survey and exploration purposes and asked that the permit be executed by the city. Councilman Anderson moved, seconded by Councilman Merrill, and it was unanimously carried, that permit be granted to the United States of America (Army Corps of Engineers) to enter upon the 100' x 110' parcel of land within the Modesto Municipal Airport property, as shown on map accompanying the permit form, in order to survey and carry out certain exploratory work and that the City Manager be authorized to execute said permit on behalf of the city.

AUTHORIZE THE CITY MANAGER TO SERVE ON LEAGUE OF CALIFORNIA COMMITTEE TO
STUDY THE TELEPHONE FRANCHISE PROBLEM

The City Manager reported that Charles P. Burgess, President of the League of California Cities, had asked him to serve on a committee to study the telephone franchise problem. Councilman Adams moved, seconded by Councilman Arata, and it was unanimously carried that the City Manager be authorized to serve on this committee.

REPORT ON ALLOCATION OF AIRPORT FUNDS BY FEDERAL GOVERNMENT


The City Manager reported receipt of a telephone call from Congressman Johnson and a telegram from Senator William F. Knowland notifying that Modesto had been granted \$180,000 for the purpose of constructing and lighting the new primary runway 5200' x 150', with parallel taxiway under Federal Aid Airport program.

Councilman Arata suggested, to which the Council members concurred, that the City Manager write letters of appreciation to Senator Knowland and Congressman Johnson.

ADJOURNMENT

Councilman Adams moved, seconded by Councilman Anderson, and it was unanimously carried, that the Council meeting now in session adjourn. The meeting was adjourned at 11:50 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 Chamber at the McHenry Public Library, 14th and I Streets, Mayor Marks presiding.

The Acting City Clerk called the roll and there were

Present: Councilmen: Adams, Anderson, Hammond, Merrill, and Mayor Marks

Absent: Councilmen: Robinson and Arata

(Councilman Arata arrived at 4:25 P.M.)

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

Rev. Homer C. Price, pastor of the United Brethren Church gave the invocation.

APPROVAL OF MINUTES

Council members having received copies of the minutes of the Council meeting of July 13, 19 and 27, 1955, and the same being available for public inspection, and there being no objections, the minutes were approved.

REQUEST OF MEXICAN INDEPENDENCE FESTIVAL OF SACRAMENTO FOR CITY TO PARTICIPATE IN PARADE

Mayor Marks reported receipt of a request from the Mexican Independence Festival of Sacramento that the city participate in a parade to be held in Sacramento, Saturday, September 17, to celebrate the 145th anniversary of the independence of Mexico. The request was referred to City Manager Miller.

GRANT REQUEST OF C. BOYCE ASHFORD FOR EXTENSION OF TIME TO FILE FINAL MAP OF ASHFORD ADDITION #2

A letter was read from C. Boyce Ashford, subdivider of Ashford Subdivision #2 asking that the Council extend the time limit for the filing of the final map of the subdivision. He stated that due to the delay in completing the road work on College Avenue, which would permit ingress and egress to his subdivision, he had been unable to proceed with his project. The City Manager recommended that the extension be granted. Councilman Anderson introduced

RESOLUTION NO. 55-356

seconded by Councilman Hammond, extending the time limit for the filing of the final map of Ashford Subdivision #2 to C. Boyce Ashford for a 90 day period from this date, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Hammond, Merrill and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: Arata and Robinson

REQUEST BY MODESTO INVESTMENTS, INC. REIMBURSEMENT OF PORTION OF COST OF SEWER LINE CONSTRUCTED IN ALLEY REAR OF McHENRY MEDICAL CENTER

A request was filed by the Modesto Investments, Inc. for refund of a portion of the cost of installing sanitary sewer line in the alley in rear of the McHenry Medical Center, in line with the present city policy to share in the cost of permitter sewers.

Director of Public Works Ray pointed out that, 1) the sewer line had been installed prior to the adoption of the city's policy in sharing costs of perimeter sewers; 2) that at the time arrangements were made for sewer service the applicant had been informed that if the area east of the center was annexed, sewer service would be available, and 3) that the applicant would have to pay the fees with no provision for a rebate, which was agreeable to the Center.

He also reported that the city has expended \$8,600 to construct the trunk sewer line on Granger Avenue for the purpose of serving this particular unit and it would be sometime before that amount was amortized. Considerable money was spent by the city to provide water service to this area also.

The City Manager pointed out that if this request was granted that the Council would receive many similar requests for refunds. Councilman Merrill moved, seconded by Councilman Hammond, and it was unanimously carried, that the request of the Modesto Investment Inc. for refund of a portion of the cost of installing sewer lateral in the alley in rear of the McHenry Medical Center be denied and that the City Manager write a letter of explanation.

RESCIND RESOLUTION APPROVING FINAL MAP OF LUNDQUIST SUBDIVISION

Anthony G. F. Lundquist, subdivider of the Lundquist Tract requested that the final map of the Lundquist Subdivision, which had been approved by the Council at its meeting of August 17, but which had not yet been filed, be returned to him so that the alley paralleling Granger Avenue could be relocated in order to save a large Evergreen tree which would also increase the value of lots on Lelah Lane.

The City Manager reported that the administrative staff approved the proposed change and recommended that the request be granted. The City Attorney outlined the legal procedure necessary to accomplish the transaction. Councilman Adams introduced

RESOLUTION NO. 55-357

seconded by Councilman Hammond, rescinding Resolution No. 55-346, adopted by the Council on August 10, 1955, approving the final map of the Lundquist Subdivision and the agreement relating to the improvements in the subdivision, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Hammond, Merrill and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Arata and Robinson

ASK STANISLAUS COUNTY BAR ASSOCIATION TO SPEAR HEAD COMMEMORATIVE SERVICE IN HONOR OF JOHN MARSHALL

Upon the recommendation of Mayor Marks, the City Clerk was directed to transmit a communication received from Chief Justice Earl Warren, Chairman of the United States Commission for the celebration in 1955 of the 200th anniversary of the birth of John Marshall, to William Mitchell, Acting President of the Stanislaus County Bar Association and ask the Association to spear head the commemorative service to be held in this locality.

APPROVE TRANSFER OF FUNDS FOR SALARY ADJUSTMENTS

The City Manager presented resolutions for Council consideration providing for the transfer of the necessary funds to various departments for salary increases approved by the Council at its meeting of August 10.

City Attorney Grimes asked permission to clarify a statement which he had made at this meeting that the salary increases could not legally be

retroactive beyond the present day period. He stated that upon further investigation, he had determined that since the City of Modesto operated under a freeholder's charter that the state law would not apply. If the Council wished to make the increases retroactive to July 1 instead of August 1, he stated, there is nothing in the law which would preclude this.

It was agreed by the Council that it would abide by its prior policy decision and the effective date of August 1 for the change in rates would remain. Councilman Adams introduced

RESOLUTION NO. 55-358

seconded by Councilman Merrill, approving appropriation transfer of \$70,000 from the reserve for salary adjustment to various departments, in the amount of \$59,173, retirement contribution, \$4,004, and general reserve \$6,823, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Hammond, Merrill and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Arata and Robinson

Councilman Anderson introduced

RESOLUTION NO. 55-359

seconded by Councilman Adams, approving appropriation transfer of \$1104 from the Library Reserve to Library for salaries and wages \$1034 and retirement contribution \$70, to provide for increases authorized by the Council in accordance with Resolution No. 55-348, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Hammond, Merrill and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Arata and Robinson

GRANT PERMIT TO CARL LEWIS TO INSTALL POLE ON CITY PARKING LOT 9th & J STREETS

The City Manager reported that Carl Lewis had requested permission to install a pole, in the planting box area on the parking lot at 9th & J Streets, upon which to place a sign for the restaurant adjoining the parking lot. This request has been checked, he stated, and approval of a revokable permit on the basis that the location be approved by the Traffic Engineer and the Public Works Department, is recommended.

Councilman Merrill recommended that the applicant be required to exempt the city from liability on this installation.

Councilman Anderson introduced

RESOLUTION NO. 55-360

seconded by Councilman Hammond, granting a revokable permit to Carl Lewis to install a pole in the planter box area on the parking lot at 9th and J Streets, at a location to be approved by the Traffic Engineer and Public Works Department upon the condition that the city be held harmless from and against any and all costs, damages and liability arising out of the erection and maintenance of the pole, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Hammond, Merrill, and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Arata and Robinson

(Councilman Arata arrived at the meeting at 4:25 P.M.)

AUTHORIZE REMOVAL OF STOP SIGNS ON TUOLUMNE BOULEVARD AT ROSELAWN AVENUE

A report was submitted to the Council by the Traffic Engineer recommending the removal of two stop signs on Tuolumne Boulevard at Roselawn Avenue. Councilman Hammond introduced

RESOLUTION NO. 55-361

seconded by Councilman Merrill, authorizing the removal of stop signs located on Tuolumne Boulevard at its intersection with Roselawn Avenue, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Robinson

ESTABLISH "NO PARKING" ZONE ON WEST SIDE OF SYCAMORE AVENUE AT NEEDHAM AVENUE

The Traffic Engineer filed a report recommending the extension of the present "no parking" zone on the west side of Sycamore Avenue immediately north of Needham Avenue. Both of these streets, he reported, have fairly high volumes of traffic and the extension of the zone should produce a much smoother movement of traffic.

Councilman Merrill introduced

RESOLUTION NO. 55-362

seconded by Councilman Anderson, establishing a 30 foot "no parking" zone on the west side of Sycamore Avenue at its intersection with Needham Avenue, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Robinson

APPROVE ANNEXATION OF GREGORY GARDENS ADDITION TO THE CITY OF MODESTO

This being the time and place set for the public hearing on the proposed annexation of Gregory Gardens Addition to the City, Mayor Marks declared the hearing open.

The Acting City Clerk reported that no written protests to the proposed annexation had been filed; an affidavit was filed by the City Clerk that Resolution No. 55-300, giving notice of the proposed annexation, had been published as provided by the "Annexation of Uninhabited Territory Act of 1939"; and that written notices had been mailed to persons specified in this Act.

Mayor Marks asked for any oral protests but none were made.

He declared the hearing closed.

Councilman Arata moved the adoption and passage to print of

ORDINANCE NO. 39-C.S.

entitled: "AN ORDINANCE ANNEXING UNINHABITED TERRITORY KNOWN AS THE GREGORY GARDENS ADDITION TO THE CITY OF MODESTO", which motion being duly seconded by Councilman Hammond, was upon roll call carried and ordered printed and

published by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill and Mayor
Marks
Noes: Councilmen: None
Absent: Councilmen: Robinson

SET DATE FOR HEARING ON UNCLASSIFIED USE PERMITS

The Planning Commission referred to the Council, for appropriate action, the following three applications for unclassified use permits, which had been recommended for approval by the Commission at its meeting of August 2, 1955:

- (a) Hannah Rogers, day care of children, 402 Alturas
- (b) Rev. Arthur Brohm, construction of Grace Lutheran Church on Northwest corner of Orangeburg and Enslin Avenue
- (c) Galen Weaver, construction of Calvary Lutheran Church on Northeast corner of San Juan and Miller

The City Attorney briefly outlined the provisions of the new amendment to the Municipal Code relating to use permits and pointed out that it would be necessary for the Council to set a time and date for the public hearing on the applications at this time.

Councilman Arata introduced

RESOLUTION NO. 55-363

seconded by Councilman Adams, setting the date of September 7, in the Council Chamber at 14th and I Streets and the hour of 4:30 P.M. for the Rogers application; 4:40 P.M. for the Rev. Arthur Brohm application and 4:50 P.M. for the Galen Weaver application, as the time and place for the hearing on the applications and directing the City Clerk to mail notices to the property owners as provided by the Municipal Code, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill and Mayor
Marks
Noes: Councilmen: None
Absent: Councilmen: Robinson

The City Manager pointed out that the reason for submitting these applications to the Council was that in essence this was zoning, which is a legislative matter.

Mr. Smeath reported that a question was raised at the time of drafting the amendment whether this procedure in granting unclassified permits would be duplication of work. Other California cities, as well as Stanislaus County, he stated, use this method in processing such applications. If this procedure proves unsatisfactory, the code can be amended. He pointed out that the Commission should not be doing the zoning in the city---this is finally a decision for the Council. He pointed out that if an application was denied by the Commission it was not presented to the Council for consideration unless the applicant files an appeal to the Commission's decision.

CONSIDER CLARIFICATION OF SALARY ADJUSTMENTS FOR CERTAIN EMPLOYEES ON SPECIAL RATES

The City Manager reported that at the time the classification system for the city employees was revised, to include recommendations made by Louis J. Kroeger, that two classifications--Leaderman in the Public Works

Department and Fire Alarm Operator, were placed in a salary range which would have called for a reduction in salary for the incumbent employees. In order to avoid this the three employees in these classes were placed in a "Y" range. The salary range has not yet reached the level of the salaries paid these employees, he stated. He outlined the plan for working these employees into the regular pay schedule and asked for Council clarification on granting a one range increase. He reported that this would be the last increase given on the "Y" rate for these employees and that they will now wait until their classification over-takes them before they will receive additional pay increase. The Council concurred in this recommendation and directed that these employees be so notified. Councilman Merrill introduced

RESOLUTION NO. 55-364

seconded by Councilman Arata, approving the recommendation of the City Manager that a wage increase, not to exceed one-range, be granted to those employees on Y rates, but which rates are not included in Exhibit "B" of Salary Resolution No. 55-348 to be effective August 1, 1955, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill and Mayor
Marks
Noes: Councilmen: None
Absent: Councilmen: Robinson

DISCUSSION ON SAVINGS TO CITY ON COMBINATION OF COMMUNICATION SYSTEMS (POLICE-FIRE-PUBLIC WORKS-PUMPING OPERATIONS)

A short discussion was held on the savings to the city if all communication systems, Police-Fire-Public Works-pumping operation, were combined in one unit. The City Manager stated that a detailed report would be submitted to the Council later.

REPORT ON PROPOSED CITY HALL

Councilman Anderson reported that a report would be submitted on the proposed civic center at the next meeting.

CLARIFICATION ON INCREASE IN SALARY ALLOWED LIBRARY PERSONNEL

The City Manager pointed out that the increase in salary allowed the Library personnel was for a two step range instead of one step. The reason for this difference, he stated, was due to the fact that the county had allowed a 10% increase and that the city personnel who did the same type of work and worked side by side with these employees should be treated in the same manner. He stated that he wished to be certain that this was the understanding of the Council members. The Council members indicated that this was their understanding.

CONSIDER PROPOSED SPECIFICATIONS FOR NEW AND REVISED CLASSIFICATIONS

Specifications for the following new and revised personnel classifications for which the salary schedule had been approved, were presented for Council information: Tree Trimmer I, II; Accountant I; Accountant II; Accountant III; Clerk I; Personnel Clerk; Administrative Aide I, II; Librarian I; Recreation Supervisor; Supervising Public Health Nurse; Sanitarian; Health Counselor; Police Patrolman I, II; Police Sergeant; and Police Lieutenant. The City Manager reported that these specifications had already been cleared with the Personnel Commission and were now ready for Council consideration. Positions are included in the budget, he stated, for some of these classifications and others are proposed simply to round out a series of classes in the plan, even though no positions in these classes are presently proposed. Councilman Adams introduced

RESOLUTION NO. 55-365

seconded by Councilman Hammond, amending Resolution No. 54-229 and approving the abolishment of the following classes of positions: Accountant, Clerk, Patrolman and Tree Trimmer, and creating new classes of positions, as outlined by the City Manager, retroactive to August 1, 1955, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill and Mayor
Marks
Noes: Councilmen: None
Absent: Councilmen: Robinson

AUTHORIZE PURCHASE OF LEAF LOADER

The City Manager reported that the changes made by the Company in the leaf loader, which the city had been operating on a lease-purchase arrangement for the past year with Wayne Manufacturing Company, had proved satisfactory. Although funds have been budgeted, the City Manager reported, it is necessary for Council approval before the purchase is made.

Councilman Merrill introduced

RESOLUTION NO. 55-366

seconded by Councilman Arata, approving the purchase of the leaf loader from Wayne Manufacturing Company and authorizing the execution of an agreement, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Arata, Anderson, Hammond, Merrill and Mayor
Marks
Noes: Councilmen: None
Absent: Councilmen: Robinson

LETTER FROM R. H. McINTYRE RE: CITATION FOR RUNNING RED LIGHT

A letter from R. H. McIntyre, 426 E. Buffalo Street, Ithaca, New York, protesting to the citation given him by the Police Department for "running a red light" was read. The Council directed that this letter be handled in the routine manner.

CITY MANAGER REPORTED ON NATIONAL CONFERENCE ON GOVERNMENT HELD IN SEATTLE

The City Manager reported briefly on the 61st annual National Conference on Government which he attended in Seattle July 24-28. The panel discussion on Management in Local Government held on July 27, which he had participated in, was well received, he stated. Modesto's display on its celebration on the All America Award was the high-light of the conference as far as interest in displays was concerned. He reported that he had distributed a number of copies of the city's annual report and special edition of the Modesto Bee reporting on the award and celebration.

REPORT ON ACTION TAKEN BY STATE BOARD OF EQUALIZATION ON ASSESSMENTS

A copy of the notice sent by the State Board of Equalization to the County Auditor and Board of Supervisors ordering a 28% increase in assessed value of all taxable property contained in the local assessment roll of the county for the fiscal year 1955-56, was presented to the Council by the City Manager.

The City Manager stated that a report would be sent to the Council members prior to the next Council meeting for study. This report will give the effect this order will have on the tax rate of the city.

FURTHER CONSIDERATION OF MATTERS RELATING TO BUS SERVICE

The City Manager reported that although the city had not received a formal notice, he understood the Modesto Motor Bus Company had applied to the Public Utilities Commission for an increase in fare. He stated that a further report would be submitted at the next meeting.

Mayor Marks pointed out the importance of providing facilities for people without cars to get into the city. He stated that possibly there should be some way the City of Modesto could subsidize the bus company since the city is buying parking lots for the people who have cars.

CITY ATTORNEY REPORT ON PARK AREA ADJACENT TO SOUTHERN PACIFIC DEPOT

Pursuant to the request of the Council, the City Attorney verbally reported on his investigation relating to the park area on Ninth Street adjacent to the Southern Pacific Depot. He stated that the city records and an inspection of the area indicated that the area had been developed by the company in accordance with the map and resolution adopted by the Council October 13, 1927. A more elaborate plan for the development of the area surrounding the depot had been prepared but not approved, he stated.

DISCUSSION ON PROPOSED WIDTH OF RIGHT OF WAY ON COLLEGE AVENUE NORTH OF ORANGEBURG

The City Manager reported that after considerable study by the Planning Commission and the administrative staff, that it is the opinion that the development of College Avenue as a 4 lane, 80 foot street north of M.I.D. Lateral No. 3, cannot be justified.

The Director of Planning pointed out that until a master street plan was adopted, development of city streets to tie in with county roads would continually create problems. He presented a map of the proposed development of the street for Council consideration. He pointed out that the subdivider, Dalton Ellis had only installed curbs and gutters on the east side of the street, although he owned property on both sides of the street.

It is the thinking of the Commission, he continued, to abandon 20 feet of the street on the west side and dedicate it to the adjoining property owner. He outlined the reasons for this proposal: 1) that it would tend to discourage heavy traffic north of the canal in the residential and school area, 2) that it would fit in with the proposed neighborhood pattern for this area, since Tully was to be developed as an 80 foot street and 3) that it is the thinking of both planning and traffic departments that there would not be sufficient traffic to require four lanes on the northern portion of this street. He pointed out that if the present plan for the development of city streets is carried through that the streets along the canal would be used as a diversion point.

In the general discussion on the matter, the following points were brought out:

1. That it might be better to retain the 80 foot right of way even if it were not developed
2. That consideration be given to a center planting strip in the street

Councilman Adams moved, seconded by Councilman Hammond, and it was unanimously carried, that the city staff could proceed on the basis of a 2 lane, 60 foot street north of M.I.D. Lateral No. 3 in its plans for improvement of the street but that it was the thinking of the Council that

the ownership of the 20 feet be retained until the Council had taken a look at it.

HOLD OVER REPORT FOR ONE WEEK ON PROPOSAL BY PUBLIC UTILITIES COMMISSION TO ESTABLISH UNIFORM STANDARDS AND RULES RELATING TO PRIVATELY OWNED WATER COMPANIES

The City Manager asked, to which the Council concurred, that the report on the proposal of the Public Utilities Commission to establish uniform standards and rules relating to privately owned water companies be held over for one week.

FURTHER REPORT ON PROPOSED FREEWAY AGREEMENT

Additional reports on the proposed Freeway, prepared by the Planning Director and Traffic Engineer, copies of which had previously been delivered to the Council members for study, were discussed.

Pursuant to referring the matter of signing the Freeway Agreement to the Planning Commission for recommendation, a resolution adopted by the Commission at its meeting of August 16th was also read. The Commission recommended that the Council sign the agreement and concurrently sign an agreement for a joint study of railroad grade separation.

The City Manager suggested that in addition to the suggestions which he had listed in his letter of August 16 to the Council, he wished the members to consider, if the agreement is approved, that the state should carry the expense for railroad grade separation and that the removal of the Tidewater Southern Railway operations from Ninth Street is a matter of primary importance to the citizens of the community.

Mayor Marks raised the question of how grade separations could be built in the center of the city without affecting the highly assessed area.

The City Manager pointed out that the responsibility to carry state highway traffic onto the freeway was the state's.

Councilman Hammond asked why the state hadn't made any plans for funneling the traffic from Crows Landing Road onto the freeway.

Mayor Marks pointed out that the proposed agreement did not apply to this subject. He recommended that the revised agreement be signed and concurrently with the signing, that a resolution be adopted, not a part of the agreement, which sets forth to the state the basis upon which the agreement was executed, 1) the state recognized the need for grade separations at the state's expense, and 2) that a component part would be the removal of the Tidewater Southern Railway operations from the center of Ninth Street, and 3) that the state understand and accepts its responsibility for removing these tracks.

Councilman Arata contended that the grade separation should be tied in with the agreement and not just be in the resolution.

Councilman Hammond asked that the state recognize its responsibility in the agreement.

Councilman Merrill stated that the agreement was ambiguous that the grade separation matter should be pin-pointed as to location and just what the state intended to do.

Councilman Hammond stated that the agreement as proposed was satisfactory but that grade separation and railroad matters were indefinite. The State should be committed in the agreement to outline its plan for channeling the traffic from the highways into the freeway and to avoid

dead-ending them in the center of the city.

Councilman Anderson felt that the state should go one step farther in the agreement and set forth its plans for uniting the highways.

The Traffic Engineer outlined the State's proposed plan for funneling traffic from Route 110, Yosemite Boulevard, and Route 109, McHenry Avenue onto the freeway, which called for the establishment of certain one way streets, and the use of Ninth Street.

The Planning Director reported that the state had always considered that the grade separation was an entirely different type of study that should not be considered at the same time as the freeway agreement. He reviewed various plans considered by the state for the location of grade separations and routing the traffic from McHenry Avenue and Yosemite Boulevard to connect with the freeway.

Mayor Marks pointed out that if the Tidewater Southern tracks were left on Ninth Street when the grade separation was constructed in the center of town, that it would create an island over the high assessed area on Tenth Street.

Mr. Smeath pointed out that the state must yet make a further study on the type of separation needed and work out a solution of the railroads. How soon this could be done is uncertain. The question seemed to be, he stated, whether these things have to be solved before the freeway.

Mayor Marks questioned how much worse off the City would be in signing the freeway agreement with a concurrent resolution setting forth certain conditions than if nothing is done. "The Council is responsible for the welfare of the community," he stated.

The Traffic Engineer stated that the freeway would mean that 10,000 additional cars per day would be using L Street. He contended that the state should agree to put in grade separations to connect up the other highways.

Councilman Adams questioned if the city incorporated the points discussed in the statement whether the state would approve them. The City Manager pointed out that if these points were included in a resolution that it would not bind the state to do the work. He pointed out, however, that the state had agreed to join with the city to make this study.

Councilman Hammond questioned whether it was the state's idea to avoid the responsibility of the grade separation when they selected the 5th and 6th Street location, since it was located some distance from the railroad.

The City Manager asked that the fact be kept in mind that if the plans proposed by the state for funneling the traffic from the other highways into the freeway were inadequate that it would be the state's responsibility, not the city's, to remedy the facilities.

Mayor Marks pointed out that it was very difficult for the city to keep up with its own streets and any plan for the city to participate in a \$1,000,000 grade separation would be out of the question. He felt that the grade separation problem was different from the freeway agreement and that it should be solved at the same time as the removal of the railroad from Ninth Street. The separation and railroad problems should be separate from the freeway agreement, he stated. He pointed out that "you can make a lot of progress by working with people", and he expressed the wish that there was some way the city could sign the agreement on this basis.

Councilman Hammond questioned why the state objected to putting a definite statement into the agreement as to its plans for the railroad removal and grade separation, and stated that if the city could be reasonably certain as to what the state's financial responsibility to provide grade separation was that it would be better. He expressed concern that the state be allowed to have a separate agreement on grade separation and railroad relocation. This problem, he stated, should be recognized in the freeway agreement.

The City Manager pointed out that from a legal standpoint the state could not agree to do anything which it was not legally obligated to do. They recognize the need for grade separation but this could not be built unless it was legally obligated. He reported on a recent meeting which had been held with District X officials relating to the widening of McHenry Avenue. Investigation is being conducted on a suggestion that this project be done in stages. The state is also investigating the possibility of reconstructing Ninth Street at its expense during this fiscal year, he stated.

The Traffic Engineer explained how the City of Oakland had worked out a similar grade separation problem in its city. He also brought out the point that the railroad companies had agreed to work with the city staff in making a master plan for relocation of the routes through the city.

The Director of Planning reviewed the problems which would have to be solved before plans for grade separation and railroad relocations could be finalized.

The City Manager stated that the staff had gathered the facts and information for the Council's consideration and that the program had now reached the point where it was a question of policy.

A general discussion was held on the possibility of inserting a statement in the present freeway agreement to bind the state on the construction of grade separations. One suggestion for the wording was, "that the city believes the agreement as presented cannot work satisfactorily without the provisions of railroad grade separations".

The City Attorney pointed out that this statement did not bind the state, that it was not obligatory and suggested this statement: "That the state agrees to construct one or more overpasses between D and Kansas". A suggestion that this be changed to D to L Streets was offered by the Traffic Engineer.

Mayor Marks directed the City Manager to make arrangements with state representatives for a further meeting and inform them prior to this meeting that the general feeling of the Council was that if the state agrees to connect Highways 109 and 110 to the freeway by the construction, at the state's expense of a grade separation or separations between D and L Streets, that it is quite possible that the freeway agreement would be unanimously approved by the Council. He asked that the state representatives also be advised that the Council feels the way it does because it is a problem of handling state highway traffic. The state's investigation revealed that a very large percentage of traffic using the freeway would also be using minor highways connecting with the freeway.

ADJOURNMENT

Councilman Arata moved, seconded by Councilman Hammond, and it was unanimously carried, that the meeting now in session adjourn. The meeting was adjourned at 6:35 P.M.

ATTEST 
ANNE M. COLLINS, ACTING CITY CLERK

The Council of the City of Modesto met in regular session this date at 7:30 P.M., as provided by Section 2-1.01 of the Modesto Municipal Code, in the Council Chamber at the Mc Henry Public Library, 14th and I Streets, Mayor Marks presiding.

The City Clerk called the roll and there were

Present: Councilmen: Adams, Anderson, Arata, Merrill, Robinson and Mayor Marks
Absent: Councilmen: Hammond

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

Invocation was given by Rev. Howard L. Clark, pastor of the Second Baptist Church.

APPROVAL OF MINUTES

Council members having received copies of the minutes of the Council meeting of August 3, and the same being available for public inspection, and there being no objections, the minutes were approved.

Mayor Marks welcomed Mrs. B.V. Hawkins and Miss Nellie G. Scott, guests of the Council.

LETTER FROM ROSE MEHEGAN RE: WATER BILL ON PROPERTY AT 812 9th St.

A letter received from Rose Mehegan owner of building at 812 Ninth Street asking that she be relieved from paying the water bill incurred by Eleanor Naylor Wilber, while operating Tiny's restaurant at this location, was read. She contended that she was unaware of the provision of Section 11-1.11 (1) of the Modesto Municipal Code which holds the owners of property responsible for unpaid water bills.

Ralph L. Hollen, representing Mrs. Mehegan, stated that the restaurant had been operating at this location for over 11 years and the tenant had always paid the water bills. He pointed out that the city had filed claim in the bankruptcy court for the sum of \$132.10 but refused to turn the water on until the account was paid. He stated that plans were underway for the remodeling of the building for a new tenant which would mean additional revenue to the city.

City Attorney Grimes pointed out that should there be any recovery on the claim that payment would be made to the owner. He outlined the code regulations for the Council. He pointed out that it would be impossible for the administration to allow any deviation from the code but if it was the wish of the Council to do so, that the code could be amended to change the regulations.

City Manager Miller pointed out that the administration had consistently adhered to the code regulations in such cases. He pointed out that the code had been amended to provide for a deposit by tenants which would give some additional protection to the landlord. Councilman Adams moved, seconded by Councilman Robinson, and it was unanimously carried, that the request of Mrs. Mehegan be denied and that no change be made in the code.

LETTER FROM UNITED STATES LAWN TENNIS ASSOCIATION RE: TENNIS PROGRAM CONDUCTED BY THE CITY OF MODESTO

A copy of a letter received by A.E. Schoenfeld, supervisor of the

city's tennis program, from United States Lawn Tennis Association, commending Mr. Schoenfeld on the Junior Tennis activities conducted by the city, was read.

Councilman Merrill reported that Mr. Schoenfeld had asked that financial arrangements be made to continue the program into November for Saturday mornings only. He outlined the proposed plan which would call for the employment of 3 adults for Saturday's only and approximately \$180-200 to finance. The City Manager reported he would check the matter with the Council Committee on Recreation Funds from the County and with Director of Parks and Recreation Lowry.

LETTER FROM FRANK ANDREWS READ AND ORDERED FILED

A letter from Frank Andrews, re: "cleaning up Modesto" was read and ordered filed.

REQUEST FILED BY BOMBERGER BROTHERS ON BEHALF OF COCA COLA BOTTLING COMPANY TO DRILL A PRIVATE WATER WELL

Bomberger Brothers, as agents for the Coca Cola Bottling Co. Ltd., filed a request for permission to drill a 10 inch private water well on the 60,000 square foot parcel of land which the company had purchased on Haney Avenue and Kearney Avenue.

A report filed by Marvin Ray, recommending that permit be granted, was read. Councilman Robinson introduced

RESOLUTION NO. 55-367

seconded by Councilman Arata granting permit to the Coca Cola Bottling Co. Ltd. to drill a 10 inch private well at the above described location providing that the unit if not greater capacity than that specified and that all construction shall be approved by the City Health Department and Public Works Department, which resolution was regularly adopted by the following vote:

Ayes:	Councilmen:	Adams, Anderson, Arata, Merrill, Robinson and Mayor Marks
Noes:	Councilmen:	None
Absent:	Councilmen:	Hammond

AUTHORIZE PURCHASE OF WATER PIPE, VALVES AND FITTINGS

The City Manager reported that the specifications and bid call for water pipe, valves and fittings had been prepared for Council consideration. He asked Director of Public Works Ray to outline certain problems relating to the supply of pipe on hand and to specifications requirements.

Mr. Ray reviewed the Council's decision on the January bid call for pipe relative to the merits of cast iron and cement asbestos pipe, which had provided for no price differential on large size pipe. Since the January purchase of pipe, he stated, the Construction Foreman has kept a careful record of the amount of pipe laid comparing cement asbestos and cast iron. The records indicate that 30% more cast iron pipe can be laid in a work day. For this reason the Director of Public Works stated, he had recommended consideration of a five to ten percent differential in the price of cast iron pipe when comparing bids which could be included in the specifications. He also recommended that the present practice of providing for alternate bids on cement asbestos pipe in size of 8" or larger be retained.

City Attorney Grimes questioned the advisability of including the statement in the specifications relating to the 5-10% differential for cast iron pipe. He pointed out that the Council could consider this in awarding the bid on the basis that the city would receive the best value from this type of pipe. It was generally agreed that this procedure would be followed by the Council and the specifications as written were approved.

Mr. Ray reported that the city had been placing pipe in the ground during the past months, at an impressive rate of 6000 feet per month and now the inventory of water pipe is entirely depleted. A number of subdivisions are under development which needed water lines before the streets could be surfaced which should be done prior to the rainy season. He pointed out that the situation was critical and recommended emergency measures to find some pipe between the period of time between the call for bids and delivery. He reported on his unsuccessful endeavor to locate certain sizes of pipe from various companies and to borrow a supply from other cities. He asked that the Council authorize the purchase of water pipe without advertising for bids, in an approximate amount of \$8,000. Councilman Arata introduced

RESOLUTION NO. 55-368

seconded by Councilman Merrill, declaring that the immediate purchase of water pipe line materials, without advertising for bids, is urgently necessary for the preservation of life, health and property and authorizing the City Manager to enter into a contract on behalf of the city for the purchase of water pipe not to exceed an aggregate expenditure in excess of \$8,000, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Merrill, Robinson and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Hammond

Mr. Ray introduced Chet Watson, Construction Foreman in charge of water lines. Mayor Marks commended Mr. Watson on behalf of the Council on his long and excellent service with the city.

The City Manager reported that the Council would be presented with further information on water pipe at a later date.

Councilman Adams introduced

RESOLUTION NO. 55-369

seconded by Councilman Robinson, approving the specifications and authorizing the call for bids on water pipe, valves and fittings. Said bids to be opened at 2:00 P.M. September 12, 1955, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Merrill, Robinson and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Hammond

Councilman Merrill commended Director of Public Works Ray for his manner in handling the difficult situation on water pipe.

AWARD BID FOR CONSTRUCTION OF CURB AND GUTTER AT WHITMORE PARK

The City Manager reported that informal bids had been received for the minor necessary street work surrounding Whitmore Park. It would be necessary, he reported, at some later date for Council consideration on appropriation transfer covering an additional \$50.00 expenditure. He stated that it was the staff's recommendation that the low bid received from Tanner Construction Company for the construction of curbs and gutters, be accepted.

Councilman Anderson introduced

RESOLUTION NO. 55-370

seconded by Councilman Merrill, accepting the bid of Tanner Construction Company of \$2,041 for the construction of curb and gutter at Whitmore Park, as the lowest responsible bid, and authorizing execution of agreement by the City's designated officials, which resolution was regularly adopted by the following vote:

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Ayes: Councilmen: Adams, Anderson, Arata, Merrill, Robinson and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Hammond

ACCEPT CONSTRUCTION OF SANITARY SEWER LATERALS IN FREMONT-GRANGER ADDITIONS FROM CONTRACTOR, A.P. RASMUSSEN (CASH METHOD)

A report filed by the Director of Public Works recommending the acceptance of the sanitary sewer laterals constructed by A.P. Rasmussen on the cash method in the Fremont-Granger Addition, was considered by the Council. Councilman Arata introduced

RESOLUTION No. 55-371

seconded by Councilman Anderson, approving the acceptance of the sewer laterals constructed by contractor, A.P. Rasmussen on the cash method in the Fremont-Granger Additions; authorizing the recordation of Notice of Completion with the Stanislaus County Recorder; and authorizing payments as due as provided by the contract, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Merrill, Robinson and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Hammond

ESTABLISH TAX RATE FOR YEAR 1955-56

Director of Finance Lawrence reviewed a report on the analysis of proposed current property taxes on the secured and unsecured assessment roll for 1955-56, copies of which had previously been delivered to the Council members for their study. The City Attorney presented for Council consideration an ordinance establishing the 1955-56 tax rate. The City Manager pointed out that the State Board of Equalization in order to increase assessed valuation in the city would reduce the amount of taxes to be collected from the public utilities by \$15,000, which would have to be paid by the local taxpayers. Councilman Merrill moved the adoption and passage to print of

ORDINANCE NO. 40

entitled: "AN ORDINANCE FIXING THE RATE OF TAXATION IN AND FOR THE CITY OF MODESTO FOR THE FISCAL YEAR 1955-56", which motion being duly seconded by Councilman Anderson, was upon roll call carried by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Merrill, Robinson and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Hammond

Councilman Arata recommended that the general public should be informed that there was no increase in the city tax rate.

FURTHER REPORT ON BUS SERVICE AND APPLICATION OF MODESTO MOTOR BUS SERVICE TO INCREASE FARES

The City Manager reported that a report on the application of the Modesto Motor Bus Service to the Public Utilities Commission to increase its fares and other related bus matters would be submitted to the Council members shortly.

Mr. Willis Kleinenbroich, owner of the bus company, stated that the filing of the application with the Commission did not mean that it would be granted but it did mean that a transportation engineer would be assigned to make a study and recommendation to the Commission.

Mayor Marks asked Mr. Kleinenbroich if he could make any suggestions as to how the city could assist him in his operations. He asked him if it would help if the city bought bus benches and placed signs on them "ride the bus". He questioned the advisability of raising the rate.

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Mr. Kleinenbroich asked that the Council adopt a resolution to the effect that the Council does not necessarily approve of the proposed increase in fare but it was willing to go along on a fare that the Commission would find reasonable and just.

The City Manager suggested, to which the Council concurred, that no action be taken on this request until the full report was submitted.

FURTHER REPORT ON PROPOSED FREEWAY AGREEMENT

Mayor Marks reported on the meeting held with representatives from the State Division of Highways, District X office to further discuss grade separations as related to the proposed freeway. He stated that the State representatives had been advised that the city would present a resolution to them at a later date. Councilmen Anderson and Robinson were appointed to draft the resolution. Mayor Marks read the proposed resolution to the Council. He pointed out that the signing of the freeway agreement would be held off until a reply is received from the state office on the resolution. Councilman Anderson introduced

RESOLUTION NO. 55-372

seconded by Councilman Merrill, requesting the Department of Public Works, Division of Highways of the State of California to execute an agreement with the City of Modesto containing the following provisions:

- 1- The State agrees to the immediate institution of a joint study and analysis of the railroad grade separation problems within the City and a determination of a mutually acceptable means for its solution.
- 2- The State agrees to provide at its own expense the railroad grade separations required to handle the state highway traffic across the tracks in the central section of the city and further agrees that they will be planned and constructed concurrently with the freeway,

which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Merrill, Robinson, and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Hammond

FURTHER DISCUSSION OF COLLEGE AVENUE RIGHT OF WAY

The City Manager reviewed the discussion held at the last Council meeting on the proposed right of way of College Avenue, north of M.I.D. lateral No. 3., which resulted in a Council decision to authorize the staff to proceed on the basis of a 2 lane, 60 foot street but to further investigate the possibility of retaining the extra 20 feet which had been dedicated on the west side of College Avenue.

Mr. Dalton P. Ellis, subdivider of the land on both sides of College Avenue north of the M.I.D. lateral No. 3, objected to the development of the street as a 60 foot street unless the extra 20 feet was rededicated to him since it would require an excessive set back for houses. He stated that he did not object to a 80 foot street. He pointed out that if a curb was installed on a 60 foot street and later it would have to be removed to widen the street to 80 feet that it would be costly. Also the curve of the pavement on the street would present a problem.

The City Manager pointed out that it was the belief of the staff that there was no need for the development of College Avenue as a 80 foot street since McHenry Avenue and Tully Avenue were being developed as major streets, but that it would not present a problem if it was the decision of the Council to develop College Avenue as a 4 lane street up to Bowen Avenue.

Councilman Merrill moved, seconded by Councilman Arata, and it was unanimously carried, that the staff be authorized to proceed on the basis that College Avenue would be developed as a 4 lane, 80 foot street, as far as Bowen Avenue.

AUTHORIZE PURCHASE OF SIGN FOR NINTH STREET PARKING LOT

Designs for a large sign to be located on the city's parking lot at the corner of 9th and J Streets, submitted by three companies were viewed and discussed by the Council. Councilman Merrill introduced

RESOLUTION NO. 55-373

seconded by Councilman Arata, authorizing the purchase of the sign from Ad-Art Company for the sum of \$1,357, including sales tax, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Arata, Anderson, Merrill, Robinson and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Hammond

APPROVE AMENDMENT TO CONTRACT WITH M.J. RUDDY & SON FOR IMPROVEMENT ON PARKING LOTS AT NINTH AND J STREETS

The City Manager reported that Chief Building Inspector Hermida had recommended that the pole in the canopy at the city's parking lot on 9th and J Street, be reinforced for public safety, which would require an amendment to the contract with M.J. Ruddy & Son. Councilman Anderson introduced

RESOLUTION NO. 55-374

seconded by Councilman Arata, approving the execution of an amendment to the contract with M.J. Ruddy & Son, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Arata, Anderson, Adams, Merrill, Robinson and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Hammond

APPROVE FINAL MAP AND AGREEMENT ON LUNDQUIST SUBDIVISION

The City Manager reported that the change in alley location had been made in the Lundquist subdivision map, by Subdivider, Anthony Lundquist, that the necessary bond had been filed and fees paid and that it was now ready for Council consideration. Councilman Merrill introduced

RESOLUTION NO. 55-375

seconded by Councilman Adams, approving the final map of the Lundquist subdivision and authorizing execution of agreement for the development of the subdivision by the city's designated officials, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Merrill, Robinson and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Hammond

SET HEARING DATE ON UNCLASSIFIED USE PERMITS FOR MODESTO CITY SCHOOLS

Notices from the Modesto City Planning Commission of the applications filed by the Modesto City Schools for unclassified use permits and copies of resolutions approving the permits adopted by the Commission on August 16, 1955 for the following were reviewed by the Council:

- 1- erection of a cafeteria building and a combined auditorium and music building on the Downey High School Campus,

2- erection of an agriculture shop, girls' gymnasium, and chemistry and physics laboratory on the Modesto High School campus.

Councilman Adams introduced

RESOLUTION NO. 55-376

seconded by Councilman Robinson, setting the time of 8:00 P.M., September 14 in the Council Chambers as the time and place for the hearing on the application for unclassified use permit for the Modesto High School buildings and 8:10 P.M., September 14 on the buildings at Downey High School Campus, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Merrill, Robinson and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Hammond

CONSIDER ESTABLISHING OF LOADING ZONE ON NINTH STREET BETWEEN J AND K STREETS

Traffic Engineer Carmody reported that L.L. Poole operating Poole's Equipment and Supply Company at 1018 9th Street had requested the installation of a loading zone in front of his place of business since his only reasonable access to the alley was through his neighbors' property, and that it was impossible for a Valley Lines truck to unload through his narrow 4 feet wide right of way leading to the alley. Mr. Carmody stated that the occupants of the adjoining buildings did not object to a loading zone and that he would recommend the installation. It was agreed by the Council that the members should inspect the proposed location before any action was taken.

APPROVE FINAL MAP AND AGREEMENT ON COLLEGE VILLAGE PARK TRACT

The City Manager reported that Arthur J. Wylie, subdivider of College Village Park Tract (park site sold by City) had filed the final map of the tract for Council approval.

The City Attorney reported that the required bond had been filed and necessary fees had been paid. Councilman Adams introduced

RESOLUTION NO. 55-377

seconded by Councilman Robinson, approving the final map and authorizing the execution of agreement relating to improvements in the subdivision by the city's designated officials which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Merrill, Robinson and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Hammond

ACCEPT DEEDS OF DEDICATION FOR STREET PURPOSES FROM MODESTO CITY SCHOOLS

The City Attorney reported that the Modesto City School District and the Modesto High School District had transmitted deeds of dedication of property at various schools to be used for street purposes. He stated that the land was transferred to the city without cost, except that the city agree to relocation at no cost to the school district any fence, and related equipment onto the remaining portion of the school property. Councilman Adams introduced

RESOLUTION NO. 55-378

seconded by Councilman Arata, accepting deed of dedication from the Modesto High School District for city street purposes on property at Downey High School and agreeing to relocate at no cost to school district any chain link fence, irrigation pipeline and related equipment onto the remaining portion of the school property if and when it becomes a nuisance to the city, and

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authorizing the recordation of the deed with the Recorder of Stanislaus County, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Merrill, Robinson and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Hammond

Councilman Adams introduced

RESOLUTION NO. 55-379

seconded by Councilman Arata, accepting deed of dedication from the Modesto City School District on property adjoining John Fremont, John Muir, James Marshall, Roosevelt and Lincoln Schools, for city street purposes upon the same conditions set forth in Resolution No. 55-378, and authorizing its recordation with the County Recorder, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Merrill, Robinson and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Hammond

REPORT ON PROPOSED ADOPTION OF UNIFORM STANDARDS AND RULES BY THE PUBLIC UTILITIES COMMISSION FOR WATER UTILITIES UNDER ITS JURISDICTION

The City Manager reported that the proposed rules governing water utilities under the jurisdiction of the Public Utilities Commission were generally satisfactory. He read a letter which he had drafted to the P.U.C., subject to Council approval, expressing the general approval of the city and calling the commission's attention to a special problem of fire protection facilities as related to private water companies. The Council expressed approval of the contents of the letter and authorized the City Manager to transmit it to the Commission.

SUBMISSION OF CIVIC CENTER REPORT BY JOINT COMMITTEES

Councilman Anderson, chairman of the joint committee on the civic center, filed a report entitled "A CIVIC CENTER FOR MODESTO, a study of function and location". He asked that the Council members study the report until the next Council meeting to familiarize themselves with all the facts and background of the problem.

The City Manager stated as soon as the decision on the location is made by the Council, design of the City Hall will be started immediately. He pointed out that certain studies had already been made on various methods of financing the city hall.

In the general discussion it was brought out that only that portion needed for a city hall of a designated area need be purchased.

Councilman Merrill pointed out that there was some confusion and misunderstanding among the members of the citizen group who assisted the joint committee in its study on the civic center. He suggested that this be cleared. It was generally agreed by the Council that Councilman Anderson should handle the situation and clear up any misunderstanding by inviting the citizen committee to a Council meeting or to a separate meeting, and that copies of the report be furnished the members. It was also agreed that the matter of the report be placed on the agenda of the Council meeting of September 7.

GRANT PERMIT TO CITY ATTORNEY TO LEAVE CITY ON VACATION

Upon the request of the City Attorney, Councilman Arata moved, seconded by Councilman Adams, and it was unanimously carried, that he be permitted to leave the city on vacation for the period August 29, through September 2.

INVITATION FROM CALIFORNIA STATE CHAMBER OF COMMERCE TO ATTEND MEETING IN OAKDALE

An invitation from the California State Chamber of Commerce to send a representative from the city to a joint conference sponsored by the Sacramento Valley, San Joaquin Valley and Central Valley Council Highway Committees on Saturday night, September 17 in Oakdale was read, to discuss a proposal to develop a through highway on the east side of the Valley extending from Roseville to a point near Bakersfield.

ADJOURNMENT

Councilman Arata moved, seconded by Councilman Merrill, adjourning the Council meeting now in session, which was unanimously carried. The meeting was adjourned at 6:30 P.M.

ATTEST:

REX E. GAILFUS, CITY CLERK

Anne M. Collins
ANNE M. COLLINS, ASSISTANT

September 7, 1955

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 Chamber at the McHenry Public Library, 14th and I Streets, Mayor Pro Tempore Adams presiding.

The City Clerk called the roll and there were

Present: Councilmen: Anderson, Hammond, Robinson and Mayor Pro Tempore Adams

Absent: Councilmen: Arata, Merrill and Mayor Marks

Councilman Merrill arrived at 4:04 P.M.

Councilman Anderson was excused from the meeting at 6:30 P.M.

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

Rev. Michael Markam, pastor of the South Modesto Baptist Church gave the invocation.

APPROVAL OF MINUTES

Council members having received copies of the minutes of the Council meetings of July 20, and August 17, 1955, and the same being available for public inspection, and there being no objections, the minutes were approved.

REQUEST TO CLOSE CAMELLIA WAY BETWEEN MILLER AND YOSEMITE FOR "DRIVER SAFETY CLINIC" ON SEPTEMBER 26, 1955.

A letter received from A.W. Baudler, Chairman of committee of the Liquefied Petroleum Gas Dealers of the Modesto area was read. Mr. Baudler requested that Camellia Way between Miller Avenue and Yosemite Boulevard be closed on September 26, 1955 from 4 P.M. to 6:30 P.M. for the purpose of conducting a Driver's Safety Clinic in cooperation with the California State Highway Patrol, Modesto Police and the Pacific Telephone and Telegraph Company. City Manager Miller reported that the request had been checked and traffic on this street was not heavy. Councilman Hammond moved, seconded by Councilman Anderson, and it was unanimously carried, that permit be granted to applicant to hold the Driver's Safety Clinic as requested.

Councilman Merrill arrived at 4:04 P.M.

ACCEPT AUDIT REPORT FROM C.D. NATTINGER & COMPANY ON PARKING AUTHORITY AND AUTHORIZE PAYMENT FOR AUDIT

Upon the recommendation of the City Manager, Councilman Hammond introduced

RESOLUTION NO. 55-380

seconded by Councilman Robinson, accepting the audit report on the Parking Authority for the period July 1, 1952 to June 30, 1955 prepared by C.D. Nattinger & Company and authorizing payment of claim of \$125.00, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Anderson, Hammond, Merrill, Robinson and Mayor Pro Tempore Adams

Noes: Councilmen: None

Absent: Councilmen: Arata and Mayor Marks

ORDINANCE ESTABLISHING CASH BASIS FUND FOR McHENRY PUBLIC LIBRARY

The City Attorney presented for Council consideration an ordinance which would create a revolving fund to be known as the "Library Cash-Basis Fund" which would be maintained for the purpose of providing funds for the operation of the McHenry Public Library and its branches, during the period of each fiscal year pending receipt of ad valorem taxes. Councilman Robinson moved the introduction and passage to print of

ORDINANCE NO. 41-C.S.

entitled: "AN ORDINANCE ADDING ARTICLE 4 OF TITLE VIII OF THE MODESTO MUNICIPAL CODE RELATING TO THE LIBRARY CASH-BASIS FUND", which motion being duly seconded by Councilman Merrill, was upon roll call carried and ordered printed and published by the following vote:

Ayes: Councilmen: Anderson, Hammond, Merrill, Robinson, Mayor Pro Tempore Adams
 Noes: Councilmen: None
 Absent: Councilmen: Arata and Mayor Marks

AUTHORIZE RELEASE OF DEPOSIT TO VINCENT RODRIQUES

The City Manager reported that contractor Vincent Rodriques had fulfilled his obligation relating to soft spots in the pavement on Roseburg and Mensinger Avenues and the construction of the sanitary sewer laterals in the North Central Addition. It is now in order to release the \$200 deposit which was filed with the city by Mr. Rodriques when the construction was accepted by the Council on March 9. Councilman Anderson moved, seconded by Councilman Robinson, and it was unanimously carried, that the release of the \$200 deposit to Vincent Rodriques be authorized.

REPORT ON DECREASE OF COUNTY ALLOCATION FOR RECREATION AND CONSIDERATION OF READJUSTMENT OF RECREATION PROGRAM

The City Manager reported that the County had advised that its final allocation for the support of the city's recreation program had been established as \$14,595.47. Since the city's budget had been approved on the preliminary county budget allocation of \$15,942 this means that the city must now make a readjustment of about \$1400 in its program he stated. The Council committee, he stated, has met to discuss the problem and have agreed that the county should first be contacted to determine if this allocation could be increased to the original amount of \$15,942 but if this was not possible the county should be asked to suggest areas where the program should be reduced.

Councilman Hammond stated that until the county had had an opportunity to indicate its intention on the allocation that the readjustment of the recreation program should be held in abeyance. The committee had discussed the possibility of reducing the adult program by making certain programs more self supporting particularly that of soft ball and basket ball.

The City Manager read a report on the cost of softball and basketball programs for the season.

The City Manager reported that the committee had also indicated that it wished to consider the suggestion offered by Councilman Merrill that the tennis program be continued into November on Saturday mornings only, along with the other problems, after the County had been approached on the readjustment of its contribution. He submitted a report for the Council's information on an analysis of City support to past and proposed recreation programs, which indicated that the City's contribution for operating the recreation programs for 1955-56 had increased about 50% over last year. He read an excerpt from the State Recreation Commission's report on "Recreation for Handicapped People in California" which commended the program conducted by the City of Modesto Parks and Recreation Department to provide summer recreation for physically handicapped children.

PUBLIC HEARING ON UNCLASSIFIED USE PERMITS - MRS. IRL ROGERS

This being the time and place established by the Council in its Resolution No. 55-363 for a public hearing on the application of Mrs. Irl Rogers for an unclassified use permit to operate a day-care nursery for 4 children at 402 Alturas Avenue, Mayor Pro Tempore Adams declared the hearing open.

The City Clerk filed an affidavit that written notice had been mailed to each property owner within 300 feet radius of the exterior boundaries of the property affected, at least ten days prior to this date, as provided by Sec. 10-2.2206 of the Municipal Code and that no written protests had been filed.

Mayor Pro Tempore Adams asked for oral protests. No oral protests were filed.

Resolution No. 230 adopted on August 2, 1955, by the Modesto City Planning Commission recommending the granting of an unclassified use permit to Mrs. Rogers, under certain conditions, was read by the City Attorney. The hearing was declared closed. Councilman Merrill introduced

RESOLUTION NO. 55-381

seconded by Councilman Anderson, approving the granting of an unclassified use permit to Mrs. Irl Rogers to conduct a day-care nursery for four children at 402 Alturas Avenue, in accordance with the findings and conditions made by the Planning Commission, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Anderson, Hammond, Merrill, Robinson and Mayor Pro Tempore Adams
 Noes: Councilmen: None
 Absent: Councilmen: Arata and Mayor Marks

The City Attorney reported that the matter of making a study on amendments to the zoning ordinance was brought up at the recent Commission meeting. The planning staff was instructed to study the matter and bring back some recommendations. The matter of additional hearing in the granting of unclassified use permits was to be one of the things to be given some attention as to whether or not it is essential for the protection of the public to have these matters come before the Council.

RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN ONE YEAR EXTENSION OF LEASE WITH THE STANDARD OIL COMPANY AT THE MODESTO MUNICIPAL AIRPORT

Councilman Robinson introduced

RESOLUTION NO. 55-382

seconded by Councilman Anderson, approving the extension of the existing lease between the City of Modesto and Standard Oil Company relating to facilities at the Municipal Airport for a term of one year, commencing May 12, 1955, and authorizing the City Manager to execute the extension on behalf of the City, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Anderson, Hammond, Merrill, Robinson and Mayor Pro Tempore Adams
 Noes: Councilmen: None
 Absent: Councilmen: Arata and Mayor Marks

The City Attorney pointed out that the company had suggested that the lease be amended to provide that the terms and provisions of the agreement be extended for a further period of one year commencing May 12, 1955

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and ending May 11, 1956 and thereafter until 30 days written notice shall have been given by either party to the other of intention to terminate said agreement. The extension granted, he stated, is only for one year period.

APPROVE AGREEMENT WITH MODESTO CITY SCHOOL DISTRICT FOR AFTER-SCHOOL RECREATION PROGRAM

Councilman Merrill introduced

RESOLUTION NO. 55-383

seconded by Councilman Robinson, approving agreement with the Modesto School District of Stanislaus County for after-school recreation program for period commencing September 26, 1955 and extending to June 2, 1956 and authorizing its execution by the City's designated officials, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Anderson, Hammond, Merrill, Robinson and Mayor Pro Tempore Adams
 Noes: Councilmen: None
 Absent: Councilmen: Arata and Mayor Marks

RESOLUTION DEFINING LOCATION OF LOADING ZONE IN FRONT OF MADDUX HOTEL ON TWELFTH STREET

The City Attorney reported that the existing resolution which established the loading zone in front of the Maddux Hotel on 12th Street between H and G Streets failed to define the exact size and location of the zone. Since parking meters are to be installed on this street, it is necessary that the zone be definitely located. Councilman Hammond introduced

RESOLUTION NO. 55-384

seconded by Councilman Anderson, establishing a loading zone on the southwesterly curblin of 12th Street 168' northwesterly from the intersection of said curblin with the northwesterly property line of G Street and continuing along said curblin a distance of 28 feet, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Anderson, Hammond, Merrill, Robinson and Mayor Pro Tempore Adams
 Noes: Councilmen: None
 Absent: Councilmen: Arata and Mayor Marks

Councilman Hammond introduced

RESOLUTION NO. 55-385

seconded by Councilman Anderson establishing a parking meter zone on both sides of Twelfth Street between G and H Streets except in front of the Maddux Hotel and Franklin-Downs Mortuary, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Anderson, Hammond, Merrill, Robinson and Mayor Pro Tempore Adams
 Noes: Councilmen: None
 Absent: Councilmen: Arata and Mayor Marks

PUBLIC HEARING ON UNCLASSIFIED USE PERMIT GRACE LUTHERAN CHURCH

This being the time and place set by the Council for a public hearing on the application of Rev. Arthur Brohm, Jr., on behalf of the Grace Lutheran Church for an unclassified use permit to erect a church building on the Northwest corner of Orangeburg and Enslin Avenue, Mayor Pro Tempore Adams declared the hearing open.

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The City Clerk filed an affidavit that written notice had been mailed to each property owner within 300 feet radius of the exterior boundaries of the property affected, on August 25, as provided by Sec. 10-2.2206 of the Municipal Code and that no written protests had been filed.

Mayor Pro Tempore Adams asked for oral protests. No oral protests were filed.

Resolution No. 228 adopted by the Commission on August 2 recommending to the Council the granting of the permit was read by the City Attorney. Mayor Pro Tempore Adams declared the hearing closed. Councilman Merrill introduced

RESOLUTION NO. 55-386

seconded by Councilman Anderson, approving the granting of an unclassified use permit to Rev. Arthur Brohm, Jr., on behalf of the Grace Lutheran Church at the northwest corner of Orangeburg and Enslin Avenue, in accordance with the findings and conditions established by the Planning Commission, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Anderson, Hammond, Merrill, Robinson and Mayor Pro Tempore Adams
 Noes: Councilmen: None
 Absent: Councilmen: Arata and Mayor Marks

REPORT BY TRAFFIC ENGINEER ON PARKING LOT SIGNS

As requested by the Council, Traffic Engineer Carmody submitted a report on the cost of additional signs to be installed on metered parking lots directing those people who desire to find all day parking. He estimated the cost per sign at \$25.00 and recommended the purchase of six signs to be installed; 3 signs on the 9th Street parking lot, 1 on the 11th Street, between H and I Streets, and 2 on the 12th and I Street lot.

The City Manager pointed out that it would be necessary for an appropriation transfer of funds for this purchase. He listed other items of expenditure on the parking lots which he stated could be included in the appropriation transfer. Councilman Anderson introduced

RESOLUTION NO. 55-387

seconded by Councilman Hammond, approving appropriation transfer of \$1,005 from the Parking Fund Reserve to Traffic Engineering Parking Fund for the following purposes: \$120 for utilities; \$100 for maintenance and repairs Building and grounds; \$125 for services, professional and others; garden and horticultural supplies \$100; landscape 9th Street lot \$400, directional signs \$160, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Anderson, Hammond, Merrill, Robinson, Mayor Pro Tempore Adams
 Noes: Councilmen: None
 Absent: Councilmen: Arata and Mayor Marks

PUBLIC HEARING ON UNCLASSIFIED USE PERMIT - CALVARY LUTHERAN CHURCH

This being the time and place set by the Council for the public hearing on the application of Rev. Galen R. Weaver, pastor of the Calvary Lutheran Church for an unclassified use permit to construct a church building on Northeast corner of Miller Avenue and San Juan Drive, Mayor Pro Tempore Adams declared the hearing open.

The City Clerk filed an affidavit that written notice had been mailed to each property owner within 300 feet radius of the exterior boundaries of the property affected on August 25, as provided by Sec. 10-2.2206 of the Municipal Code and that no written protests had been filed.

Mayor Pro Tempore Adams asked for oral protests. No oral protests were filed.

Resolution No. 229 adopted by the Commission on August 2, was presented recommending to the Council that the permit be granted on the condition that the final site plan for development of the church facilities be reviewed and approved by the staff of the City Planning Commission prior to the issuance of building permit. The hearing was declared closed. Councilman Anderson introduced

RESOLUTION NO. 55-388

seconded by Councilman Robinson, approving the granting of an unclassified use permit to Rev. Galen R. Weaver, pastor of the Calvary Lutheran Church to construct a church building on the northeast corner of Miller Avenue and San Juan Drive, in accordance with the findings and conditions established by the Planning Commission in its Resolution No. 229, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Anderson, Merrill, Hammond, Robinson and Mayor Pro Tempore Adams
 Noes: Councilmen: None
 Absent: Councilmen: Arata and Mayor Marks

ESTABLISHING LOADING ZONE ON NINTH STREET BETWEEN J AND K STREETS

Pursuant to decision of Council to delay the establishing of a loading zone on the east side of Ninth Street between J and K Streets, recommended by the Traffic Engineer, until the Council members had had an opportunity to inspect the location, Councilman Robinson introduced

RESOLUTION NO. 55-389

seconded by Councilman Anderson, designating a loading zone on the Northeastly side of Ninth Street between J and K Streets, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Anderson, Hammond, Merrill, Robinson and Mayor Pro Tempore Adams
 Noes: Councilmen: None
 Absent: Councilmen: Arata and Mayor Marks

Councilman Anderson stated that there were a number of alleys which were being blocked for a long period of time by large trucks loading and unloading furniture. He pointed out this created a fire and police protection problem.

The City Manager stated that this was a continual problem and that it would be necessary to have the help and cooperation of the merchants to enforce the regulations.

REQUEST FOR REPLACING OF STOP SIGNS ON VIRGINIA AVENUE AT COLDWELL

Mrs. Bud David, 400 Myrtle Avenue, of the Enslin P.T.A., asked that the Council consider replacing the stop signs, which had been removed from Virginia Avenue at Coldwell Avenue, as a safety measure to protect small children on their way to and from Enslin School. She stated that due to the distance of the intersection from the school that it was legally impossible to post Junior Traffic Officers. She reported that Traffic Engineer Carmody had advised the organization that it would be possible to install a "push button traffic light" at the intersection and that the cost might be assumed by the parents.

The City Manager pointed out that a thorough study of the intersection had been made by the Traffic Engineer before the signs had been removed. The problem is "how best to protect the children at this intersection and how best to get everyone else where they want to go".

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Councilman Hammond recommended that a further study be made of the intersection. He pointed out that there were many other intersections throughout the city where there was a vision problem and that stop signs could not be installed at every one.

Councilman Anderson recommended that action be taken at this time since school would be starting soon. He pointed out that the trees and shrubs created a "side barrier" at the intersection. He stated that he had personally received complaints from citizens in the area.

Various suggestions on ways and means to protect the children until the Council could take action were discussed. It was agreed that a large "SLOW" sign should be painted on the paving surface on both sides of Virginia Avenue at this intersection and that a report on the entire problem of intersections on Virginia Avenue be submitted by the Traffic Engineer at the next meeting. Mrs. David was asked to report this action to the Enslin P.T.A.

LETTER FROM CITY EMPLOYEE'S ASSOCIATION, POLICE AND FIRE DEPARTMENT ASSOCIATIONS RE: EFFECTIVE DATE OF SALARY INCREASE

A letter signed by officers of the City Employee's Association, Police Association and Firemen Association, addressed to the City Manager was read. The Associations requested that the salary adjustments granted the city employees be effective as of July 1, 1955 instead of August 1, 1955 as approved by Resolution No. 55-348, adopted by the Council August 10. The letter pointed out that the request for salary increases and adjustment of inequities had been presented to the City Manager, the Personnel Department and Council members prior to the final drafting of the budget. Since the City Attorney has ruled that payment may be made for salary increases prior to the pay period, reconsideration of the effective date is requested, the letter stated.

The City Manager reported that the cost of making the salary adjustments retroactive to July 1, 1955 would be approximately \$5,626.82.

Leland Murphy, who was present, asked for Council consideration of the request due to the ruling of the City Attorney.

Councilman Hammond stated it was his opinion that the Council had not based its decision on the first ruling of the City Attorney. Councilmen Anderson and Robinson pointed out that the budget adopted by the Council had not based its decision on the first ruling of the City Attorney. Councilmen Anderson and Robinson pointed out that the budget adopted by the Council was for the year beginning July 1 and the salaries should be made effective as of that date. Councilman Anderson moved, seconded by Councilman Merrill that the City Manager be authorized to present the necessary legal documents for Council consideration at its next meeting, making the salary adjustments effective July 1 instead of August 1. Mayor Pro Tempore Adams declared that the motion received a majority vote.

RESOLUTION DESIGNATING SUTTER AVENUE AN ARTERIAL STREET AND AUTHORIZING INSTALLATION OF BOULEVARD STOP SIGNS

Council consideration was given to a recommendation submitted by the Traffic Engineer that Sutter Avenue be arterIALIZED for its entire length. Councilman Merrill introduced

RESOLUTION NO. 55-390

seconded by Councilman Robinson, designating Sutter Avenue from the southerly right of way of Nian Way northerly to the southeasterly right of way of Paradise Road as an arterial street and authorizing the installation of boulevard stop signs where required to effect the purposes of this resolution on all streets entering or crossing said street within the city limits, which resolution was regularly adopted by the following vote:

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Ayes: Councilmen: Anderson, Hammond, Merrill, Robinson and Mayor Pro
Tempore Adams
Noes: Councilmen: None
Absent: Councilmen: Arata and Mayor Marks

ESTABLISH "NO PARKING" ZONE AT H STREET AND DOWNEY AVENUE

Consideration was given to a recommendation of the Traffic Engineer that a "no parking" zone be established at the southeast corner of the intersection of H Street and Downey Avenue, which would have the effect of widening the street so that eastbound traffic on Downey Avenue, proceeding on Scenic Drive would not be cramped in its turn. Property owners are in favor of this installation, he reported. Councilman Robinson introduced

RESOLUTION NO. 55-391

seconded by Councilman Anderson, establishing a "no parking" zone on the southeast corner of the intersection of H Street and Downey Avenue, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Anderson, Hammond, Merrill, Robinson and Mayor Pro
Tempore Adams
Noes: Councilmen: None
Absent: Councilmen: Arata and Mayor Marks

RESOLUTION WITHDRAWING LAVILLA ROSE ADDITION FROM McHENRY DRY CREEK FIRE DISTRICT

The City Attorney presented for Council consideration resolution providing for the withdrawing of the LaVilla Rose Addition from the McHenry Dry Creek Fire Protection District by reason of its annexation to the City of Modesto. Councilman Anderson introduced

RESOLUTION NO. 55-392

seconded by Councilman Merrill, declaring the LaVilla Rose Addition withdrawn from the boundaries of the McHenry-Dry Creek Fire Protection District and authorizing the City Clerk to file a certified copy of the resolution with the State Board of Equalization, the governing body of the District, and the Assessor of Stanislaus County, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Anderson, Hammond, Merrill, Robinson and Mayor Pro
Tempore Adams
Noes: Councilmen: None
Absent: Councilmen: Arata and Mayor Marks

FURTHER DISCUSSION ON CIVIC CENTER LOCATION

Councilman Anderson reported on a recent meeting on the Civic Center. He stated that invitations had been issued to members of the Planning Commission, city staff, Council Civic Center Committee, Planning Commission Civic Center Committee and Citizen Committee, which had been appointed by the Planning Commission. All phases of the Civic Center were discussed. The joint committees of the Council and Planning Commission agreed that study area #2 should be recommended to the Council for favorable consideration. Nine of the 22 members of the Citizen Committee, who were present expressed approval as individuals of the area recommended. They also recommended that the Council purchase, in addition to the land needed for the City Hall, as much land as was economically feasible, particularly that which is vacant. At the request of Councilman Anderson, Director of Planning Smeath gave a brief resume of the five study areas considered by the joint committee. He stated the reasons for the final recommendation were as follows:

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- 1- It is on the edge of what is believed will be the downtown development in the foreseeable future;
- 2- It is zoned primarily for residential with some light commercial uses;
- 3- It is well located geographically and in relation to the community's population;
- 4- Adequate traffic circulation is possible;
- 5- Land costs are felt to be less than other areas;
- 6- The land will lend itself to eye pleasing development.

The City Manager read Resolution No. 243 adopted by the Planning Commission on September 6, recommending to the City Council the official selection of the Scenic Drive-LaLoma area as the site for a civic center (study area #2).

Sam Moran member of the Citizen's Committee asked who had selected the site for the civic center? He contended that this committee was asked two questions, 1) should we have a civic center and 2) what should go in it? According to a recent newspaper article, he stated, the Citizen's Committee had gone on record as approving study area #2. He considered it unfair to the committee to make this implication when it had never officially acted or been asked to act on the location of the site.

Councilman Anderson stated that the Citizen's Committee had not acted in an official capacity at the recent meeting but the members who were present, 9 of the 22, had individually approved the recommendation of the joint committees. The invitation had been issued to the Citizen's Committee to clear any questions they might have to the proposed location, Councilman Anderson stated. They offered no objections and unanimously backed up the decision of the Planning Commission and joint committee.

Mr. Moran contended that his question, who selected the site? had not been answered.

The City Manager pointed out that the site had not been selected by anyone. Recommendations have been made by the joint committee, city staff, and Planning Commission to the Council but the site has not been selected by the Council yet. He pointed out that he had attended most of the meetings on the civic center and that there had been no statement made at any of the meetings that the Citizen's Committee had selected a site. He pointed out however that certain members had approved the recommendation individually.

The City Manager recommended that the following program for the civic center be considered by the Council:

- 1- Designation by the City Council of an area in which the Civic Center is to be located;
- 2- Preparation of preliminary layouts by the staff and architect showing alternative developments for a civic center within the designated area, including particularly a site for the city hall;
- 3- Approval by City Council of a preliminary civic center arrangement, including a city hall site;
- 4- Proceed with:
 - a- Plans for city hall
 - b- Plans for financing
 - c- Acquisition of land
- 5- Proceed concurrently on proposal for new police building in vicinity of present fire station.

Mr. Moran stated that he did not agree with the recommendation of the joint committees and the individual recommendation of members of the citizen's committee. He favored the study area which included the 15th Street

property originally purchased by the city for a city hall site because it was within walking distance of the down town banks, title offices and public buildings.

W.R. Mitchell, member of the Citizen's Committee, stated that there was a broad representation of this committee at the last meeting when they had individually unanimously approved the recommendation for study area #2 as first choice and alternate choice study area #3. He pointed out that if Mr. Moran, who had been unable to attend a number of the meetings, would study the reports made on the program that he would be of the same opinion. He urged the Council to reach an early decision on some area so that the city could proceed on building a city hall. Much discussion was held on a suggestion by the committee, he stated, that the Council be urged to purchase as much land in a selected area as was economically feasible 1) to prevent inflation; and 2) to prevent large improvement in the area which would later require expensive condemnation suits and 3) prevent speculation.

Mr. and Mrs. Tod Campbell, owners of property in study area No. 2 asked if their property would be needed in the city hall project, or if their property would be needed in the city hall project, or if they would be allowed to continue operations and improve their property. The City Manager pointed out that many questions would be raised by property owners in the area but that the program had not progressed sufficiently far enough to give all the answers. Mr. Smeath pointed out that it was not planned to change the present zoning and that the present operations would be able to continue.

A letter from Frank Andrews was read. He stated that any attempt to build a civic center, without putting the question of the site to a vote of the people, would be met with a referendum. The letter was ordered filed.

Councilman Anderson, chairman of the Council Civic Center Committee, reported for the record that the recommendation of this committee to the Council was that study area #2 be the first choice for a civic center and that the alternate choice be study area #3.

It was generally agreed by the Council that no formal action be taken on the selection of a site until next week due to the absence of Mayor Marks and Councilman Arata.

The City Manager pointed out that all the City's information on the civic center was available to anybody who had any questions.

APPROVE FINAL MAP AND AGREEMENT ON ARBOR VILLA SUBDIVISION

The City Attorney presented for Council consideration agreement between the City and Amedio and Guidith Loretta relating to the development of Arbor Villa Tract #2. He stated that the necessary fees had been paid and acceptable bond furnished.

The City Engineer reported that the final map of the tract had been approved by the City Planning Commission and he certified that it met all of the legal provisions relating to subdivisions and was technically correct. Councilman Merrill introduced

RESOLUTION NO. 55-393

seconded by Councilman Hammond, accepting the final map of Arbor Villa Tract #2 from Amedio and Guidith Loretelli and authorizing the execution of agreement by the city's designated officials, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Anderson, Hammond, Merrill, Robinson and Mayor Pro
Tempore Adams
Noes: Councilmen: None
Absent: Councilmen: Arata and Mayor Marks

Councilman Anderson was excused from the meeting at 6:30 P.M.

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ACCEPT STORM SEWER AND PUMP STATION ON COLLEGE AVENUE FROM CONTRACTOR
A.P. RASMUSSEN

The Director of Public Works reported that A.P. Rasmussen, contractor, had completed the construction of the storm sewer and pump station on College Avenue to his satisfaction and recommended that the Council accept the project, authorize payments as due and the filing of Notice of Completion with the County Recorder. Councilman Hammond introduced

RESOLUTION NO. 55-394

seconded by Councilman Robinson, accepting the storm sewer and pump station on College Avenue from contractor A.P. Rasmussen, as recommended by the Director of Public Works; authorize payments to Mr. Rasmussen, as due; and authorizing the City Clerk to file Notice of Completion with the Stanislaus County Recorder, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Hammond, Merrill, Robinson and Mayor Pro Tempore Adams
Noes: Councilmen: None
Absent: Councilmen: Anderson, Arata and Mayor Marks

REPORT ON PROPOSALS FOR SEWER SERVICE TO GARRISON SCHOOL

The City Manager reported that the Modesto City Schools estimated that the Garrison School under construction on Teresa Avenue would be ready for use by November 1. At a recent meeting held with school officials, he stated, tentative agreement had been worked out for presentation to the Council and Board for approval relating to sewer service for this school, which is located outside the city.

The Director of Public Works outlined the proposed terms of the agreement which provided that the city prepare the plans and specifications and call for bids as soon as possible with the school paying a portion of the cost. He outlined the proposal for the sharing of the costs for the construction of the sewer line by the school and the city which called for the construction of a line which would serve areas to be annexed to the city at a later date. It would mean, he stated, on the estimated figures, that the city would be paying less than one third of the total cost at this time and that this expenditure by the city would be recovered at a future date when the areas are annexed to the city.

A letter from James H. Corson, Superintendent of Schools advised that the Board had agreed to the proposed terms of the agreement and had asked that the sewer pipe be 8 inches in size and that the city prepare plans and specifications and call for bids as soon as possible. Councilman Merrill moved, seconded by Councilman Robinson which was unanimously carried that the City Manager be authorized to proceed on the program as outlined for the construction of the sewer line to serve the Garrison school. Councilman Hammond introduced

RESOLUTION NO. 55-395

seconded by Councilman Merrill, approving the plans and specifications and authorizing the call for bids for the construction of a sewer line to Garrison School, said bids to be opened at 2 P.M. September 26, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Hammond, Merrill, Robinson, Mayor Pro Tempore Adams
Noes: Councilmen: None
Absent: Councilmen: Anderson, Arata and Mayor Marks

APPROVE AGREEMENT WITH M.I.D. FOR WATER LINE CROSSING AT SYCAMORE AVENUE
AND LATERAL 3

The City Attorney presented for Council consideration agreement

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with the Modesto Irrigation District for a proposed city water line crossing at Sycamore Avenue of Lateral No. 3. Councilman Merrill introduced

RESOLUTION NO. 55-396

seconded by Councilman Robinson, approving agreement with the Modesto Irrigation District relating to a water line crossing of Lateral No. 3 and authorizing its execution by the city's designated officials, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Hammond, Merrill, Robinson, Mayor Pro Tempore Adams
 Noes: Councilmen: None
 Absent: Councilmen: Anderson, Arata and Mayor Marks

AUTHORIZE INCREASE IN PETTY CASH FUND

As requested by the Director of Finance and recommended by the City Manager, Councilman Robinson introduced

RESOLUTION NO. 55-397

seconded by Councilman Hammond, increasing the petty cash revolving fund from \$435 as established by Resolution No. 9752-N.S. to \$500.00, authorizing the Director of Finance to transfer \$65 from the General Fund of the City to the Petty Cash Revolving Fund as an increase in the advance of capital, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Hammond, Merrill, Robinson, Mayor Pro Tempore Adams
 Noes: Councilmen: None
 Absent: Councilmen: Arata, Anderson and Mayor Marks

AUTHORIZE SURETY BOND COVERAGE

The City Manager reviewed the recommendation of the Director of Finance on Surety Bond coverage on city employees. Councilman Robinson introduced

RESOLUTION NO. 55-398

seconded by Councilman Hammond, approving the placing of surety bonds as proposed in the report of the Director of Finance to the City Manager, dated September 2, and the payment of invoices for the premiums when presented by the Modesto Insurance Agents Association, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Hammond, Merrill, Robinson, Mayor Pro Tempore Adams
 Noes: Councilmen: None
 Absent: Councilmen: Arata, Anderson and Mayor Marks

REPORT ON RECEIPT OF GRADING PLAN FOR DRYDEN PARK MUNICIPAL GOLF COURSE

The City Manager reported receipt of the grading plan for Dryden Park Municipal Golf Course, prepared by William Bell, Golf Course Architect. He stated that the plan would be turned over to the Public Works and Parks and Recreation Department to check on grades and utilities. Mr. Bell, he stated, would be here shortly to confer on the plan.

FILING OF ANNUAL REPORT BY THE McHENRY PUBLIC LIBRARY

A copy of the McHenry Public Library annual report for the fiscal year 1955-56 was filed with the Council.

BUSINESS-EDUCATION DAY

An invitation was issued to the Council members to attend a Business-Education Day luncheon to be held at the Maddux Youth Center Thursday, September 8.

LEAGUE OF CALIFORNIA CITIES CONVENTION

The City Manager stated that reservations had been made for Council members to attend the League of California Cities convention in San Francisco starting Sunday, September 18.

ADJOURNMENT

Councilman Merrill moved, seconded by Councilman Robinson, and it was unanimously carried, that the meeting now in session adjourn. The meeting was adjourned at 6:45 P.M.

ATTEST: REX E. GAILFUS, CITY CLERK


Assistant 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 Chamber at the McHenry Public Library, 14th and I Streets, Mayor Marks presiding.

The City Clerk called the roll and there were

Present: Councilmen: Arata, Adams, Anderson, Hammond, Merrill and Mayor Marks
Absent: Councilman: Robinson

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

Invocation was given by Rev. M.H. Gates, pastor of the First Presbyterian Church.

APPROVAL OF MINUTES

Council members having received copies of the minutes of the Council meeting of August 10, and the same being available for public inspection, and there being no objections, the minutes were approved.

LETTER FROM TEAMSTERS GREEN CROSS SAFETY CRUSADE

A letter from the Teamsters Green Cross Safety Crusade requesting the use of 3 parallel parking spaces for a semi-trailer on J Street at Tenth Street, adjoining Topper Jewelers or Arden's Dress Shop to exhibit pictures depicting accidents, in its current safety campaign, Saturday, September 17, was read. Permit to place tables on the sidewalk area to distribute safety pledges to the public was also requested.

Alfred Anderson, Assistant Business Representative of the Union, who was present, outlined the program which would be conducted during the months of September and October.

Councilman Merrill moved, seconded by Councilman Arata, and it was unanimously carried, that permit be granted to the applicant and that the applicant should clear arrangements with the Police Department.

LETTER FROM MODESTO SAFETY COUNCIL

A letter was read from the Modesto Safety Council asking the Council to include funds in its Capital Improvement Budget for additional traffic signals.

City Manager Miller reported that a report on capital improvement projects would be again submitted for Council consideration soon.

LETTER FROM CALIFORNIA FRYER FESTIVAL COMMITTEE

A letter of appreciation from the California Fryer Festival Committee for the city's cooperation in its annual barbecue, was read and ordered filed.

LETTER FROM MODESTO TRANSIT ADVERTISING COMPANY RE: BUS BENCHES

A communication was received from the Modesto Transit Advertising Company outlining the results of its recent survey on the need for benches at bus stops. This report indicated that the majority of the bus patrons favored the installation. The City Manager stated that a report would be submitted shortly for Council consideration by the Traffic Engineer on bus problems which would include this matter.

Mayor Marks asked Traffic Engineer Carmody to include in his report the matter of various types of taxes paid by the bus company.

LETTER FROM MODESTO JUNIOR COLLEGE REGARDING SELLING TICKETS FOR FOOTBALL GAMES ON THE CITY STREETS

A request was filed by the Modesto Junior College that permit be granted to set up card table type ticket booths on 3-4 strategic street corners for short periods of time during the week preceding the first home football game. After a general discussion Councilman Hammond moved, seconded by Councilman Merrill and it was unanimously carried, that the request be denied. The City Manager was authorized to work with the College to make arrangements with the merchants to set up the ticket booths in the entrance to the stores, off the sidewalk area.

REQUEST FROM UNITED CRUSADE TO ERECT SIGN ON COURTHOUSE PARK

Permission to erect a wooden sign on the courthouse park, 11th and I Streets during the month of October to promote the annual drive for funds, was filed by Saxon L. Downs, Chairman of the Publicity Committee for the United Crusade. Councilman Arata moved, seconded by Councilman Merrill, and it was unanimously carried, that permit be granted to the United Crusade to erect and maintain a wooden sign in the Courthouse Park during the month of October providing it complies with the structural safety regulations.

LETTER FROM FRANK ANDREWS RE: ELIGIBILITY OF COUNCILMAN ADAMS TO SERVE AS COUNCILMAN

A letter received from Frank Andrews requesting that a ruling be requested from the Attorney General on the eligibility of Councilman Merrill L. Adams to serve as a Councilman due to the fact he is an employee of the Shell Oil Company.

Mayor Marks informed Mr. Andrews, who was present, that this matter was cleared by the City Attorney before Mr. Adams filed his nomination petition. Mr. Adams is employed by the Shell Development Company he stated, and not by the Shell Oil Company.

AWARD BIDS ON PIPE, VALVES & FITTINGS

Director of Public Works Ray filed a report on the bids received for pipe, valves, and fittings, which had been opened at 2:00 P.M. September 12, listing his recommendations for award of bids.

Upon the recommendation of the Director of Public Works, Councilman Merrill introduced

RESOLUTION NO. 55-399

seconded by Councilman Hammond, accepting the bid of Water Works Supply Company of \$3,901.80 for fittings, items 5 to 26 inc. of the August 24th Notice to Bidders, as the lowest responsible bidder as recommended by the Director of Public Works, and authorizing execution of contract for delivery of materials by the City's designated officials, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Anderson, Arata, Adams, Hammond, Merrill and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: Robins on

Councilman Hammond introduced

RESOLUTION NO. 55-400

seconded by Councilman Merrill, accepting the bid of \$7,715.00 submitted by Tay Holbrook for valves, items 27 to 30 inc. of the Notice to Bidders, dated August 24, as the lowest responsible bidder, as recommended by the Director of Public Works, and authorizing the execution of contract for delivery of materials by the city's designated officials, which resolution was regularly

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adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Robinson

The Director of Public Works recommended that the alternate bid submitted by the U.S. Pipe and Foundry of \$107,651.40 on items 1 to 4 inc. on 4"-6" 8" and 10" cast iron pipe be accepted since a better delivery date was offered. As an alternate recommendation he recommended that items 1 and 2 be awarded to the U.S. Pipe and Foundry and 3a and 4a for 8" and 10" cement asbestos pipe, be awarded to Johns-Manville Sales Corp., total cost of \$102,732.80.

After a general discussion on the advantages and disadvantages of the two types of pipe, cast iron and cement asbestos, Councilman Hammond introduced

RESOLUTION NO. 55-401

seconded by Councilman Merrill, finding that an early delivery date is of utmost importance to the City due to the existing shortage of pipe and accepting the bid of United States Pipe and Foundry of \$47,652.80 on 4" and 6" cast iron pipe and bid of Johns Manville Sales Corporation of \$45,080.00 on 8" and 10" cement asbestos pipe as the lowest responsible bids for these items, and authorizing the execution of contracts by the city's designated officials for the delivery of the materials, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Anderson, Adams, Arata, Merrill, Hammond and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Robinson

PUBLIC HEARING ON UNCLASSIFIED USE PERMITS

This being the time and place set by the Council in its Resolution No. 55-376, for the public hearing on the petitions of the Modesto City Schools for unclassified use permits as follows:

- 1- erection of a cafeteria building and a combined auditorium and music building, and T. & I. Shops - 4 classrooms, on the Downey High School Campus.
- 2- erection of an agriculture shop, girls' gymnasium, and chemistry and physics laboratory on the Modesto High School Campus

Mayor Marks declared the hearing open at 4:30 P.M. for the consideration of petition No. 1 for buildings on the Downey High School campus.

The City Clerk filed an affidavit that written notice had been mailed on August 30 to each property owner within 300 feet radius of the exterior boundaries of the property affected, as provided by Sec. 10-2.2206 of the Modesto Municipal Code and that no written protests had been filed.

Mayor Marks asked for oral protests from the audience. No protests were filed.

The City Attorney read resolution No. 234 adopted by the Planning Commission on August 16, recommending that the Council grant the permit providing the development take place according to the plans submitted to the Commission by the Schools and on file in the office of the Planning Director.

Mayor Marks declared the hearing closed. Councilman Arata introduced

RESOLUTION NO. 55-423

seconded by Councilman Anderson, approving the granting of an unclassified use permit to the Modesto City Schools to erect a cafeteria building and a combined auditorium and music building, also T. and L Shops - four classrooms on the Downey High School Campus in accordance with the findings and conditions established by the Planning Commission, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Anderson, Adams, Arata, Hammond, Merrill and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Robinson

Mayor Marks declared the hearing open at 4:50 P.M. for the consideration of petition No. 2 for buildings on the Modesto High School Campus.

The City Clerk filed an affidavit that written notice had been mailed on August 30 to each property owner within 300 feet radius of the exterior boundaries of the property affected, as provided by Sec. 10-2.2206 of the Modesto Municipal Code and that no written protests had been filed.

Mayor Marks asked for oral protests from the audience. No protests were filed.

The City Attorney read resolution No. 235 adopted by the Planning Commission on August 16, recommending that the Council grant the permit providing the development take place according to the plans submitted to the Planning Commission by the Modesto City Schools and on file in the office of the Planning Director.

Mayor Marks declared the hearing closed. Councilman Adams introduced

RESOLUTION NO. 55-402

seconded by Councilman Merrill, approving the granting of an unclassified use permit to the Modesto City Schools to erect an agriculture shop, girls' gymnasium, and chemistry and physics laboratory on the Modesto High School campus in accordance with the findings and conditions established by the Planning Commission, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Anderson, Adams, Arata, Hammond, Merrill and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Robinson

APPROVE PLANS AND SPECIFICATIONS AND AUTHORIZE CALL FOR BIDS ON THOUSAND OAKS SEWAGE PUMPING STATION

The Director of Public Works filed plans and specifications for the construction of the sewage pumping plant in Thousand Oaks Park. He reported that the plans included suggestions made by the Council committee. Councilman Adams introduced

RESOLUTION NO. 55-403

seconded by Councilman Hammond, approving the plans and specifications and authorizing the call for bids for the sewage pumping plant in the Thousand Oaks Park, said bids to be opened in the office of the City Clerk at 2:00 P.M. October 10, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Robinson

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APPROVE SPECIFICATIONS AND AUTHORIZE CALL FOR BIDS ON PAVING MATERIAL

Upon the recommendation of the City Manager, Councilman Arata introduced

RESOLUTION NO. 55-404

seconded by Councilman Anderson, approving the specifications for "furnishing and delivering, or for furnishing, delivering and placing paving material" in accordance with the specifications therefor on file in the office of the Director of Public Works, and authorizing the calling for bids, said bids to be opened in the office of the City Clerk at 2:00 P.M. Tuesday, October 4, 1955, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Robinson

ACCEPT WESTWOOD MANOR SANITARY SEWER LATERALS FROM W.M. LYLES COMPANY

The Director of Public Works reported that the contractor, W.M. Lyles Company, had completed all work in connection with the construction of perimeter sewers in Westwood Manor Subdivision satisfactorily and recommended acceptance of the project by the Council, filing of notice of completion and authorization for payments as due. Councilman Merrill introduced

RESOLUTION NO. 55-405

seconded by Councilman Anderson, accepting the perimeter sewers in Westwood Manor Subdivision completed by W.M. Lyles Company, authorize the filing of notice of completion with Stanislaus County Recorder; and authorize payments as due under the contract, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Robinson

APPROVE AGREEMENT WITH STANISLAUS COUNTY FOR COLLECTION OF CASH ASSESSMENTS OR ASSESSMENTS OF LESS THAN \$25.00 LEVIED BY THE CITY FOR MUNICIPAL IMPROVEMENTS

The City Attorney presented for Council consideration an agreement between the city and County of Stanislaus for the collection by the County of cash assessments for municipal improvements of less than \$25.00. He pointed out that Resolution of Intention 242, as amended, on Improvement District #2 for sewer laterals and street lighting materials provided for the collection in this manner.

Director of Finance Lawrence reported that he had contacted the County Auditor and Tax Collector. No objections to this manner of collection were offered by the County providing the city agrees to pay the clerical cost. He pointed out that if this method of collection was adopted that the successful contractor for improvement districts could give a more favorable bid for the job. Since it will be necessary for the county to set up the procedure, he stated, the agreement is proposed for a one year term only. The sum of \$2.00 for each cash assessment will be made by the county for this year.

The City Attorney reported that the agreement had been submitted to and approved by the County Board of Supervisors.

Councilman Arata introduced

RESOLUTION NO. 55-406

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seconded by Councilman Hammond, approving agreement between the city and the county for the collection of improvement district assessments of less than \$25.00, for a term of one year commencing September 12, 1955, and authorizing its execution by the city's designated officials, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Robinson

Councilman Anderson introduced

RESOLUTION NO. 55-407

seconded by Councilman Adams, approving the transferring of improvement district assessments of less than \$25.00 for Improvement District No. 2 to Stanislaus County for collection at the same time and in the same manner as the general municipal taxes of the city are collected, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Robinson

AUTHORIZE RELEASE OF CASH BOND FOR PACIFICA TRACT TO WOLVERINE BUILDING SERVICE

The City Manager presented a report by Roy Fredricksen, Assistant Director of Public Works that the Wolverine Building Service had completed the improvement of the Pacifica Tract. He recommended that the cash bond, \$8,300, be refunded to the subdivider. Councilman Anderson introduced

RESOLUTION NO. 55-408

seconded by Councilman Hammond, authorizing release of \$8,300.00, remaining portion of the cash bond, posted by the Wolverine Building Service to guarantee improvements in the Pacifica Tract, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Robinson

FURTHER CONSIDERATION OF CIVIC CENTER LOCATION

Council decision on the selection of the Civic Center site having been held over until this meeting, further discussion was held by the members.

Mayor Marks commended the joint committee on its recommendation to the Council for the civic center site, study area #2 as first choice and study area #3 second choice.

The questions of 1) the approximate cost of the land to be used for the city hall site and 2) status of improvements and changes in the properties within the selected area, were briefly discussed.

Director of Planning Smeath gave a resume of the things to be done 1) selection of civic center site 2) assembling of information so that the city staff and architect could immediately prepare generalized sketch of the proposed lay-out of the city hall for presentation to the Council. He pointed out that it would be impossible to determine the exact location of the city hall and the land needed until these lay-out plans had been prepared and approved by the Council.

Mayor Marks introduced

RESOLUTION NO. 55-409

that the Council select Study Area No. 2, as shown in the report entitled, "A Civic Center for Modesto", on file in the office of the City Clerk, as the general location for the ultimate development of a Modesto community civic center.

Before the resolution was seconded Mr. Tod Campbell owner of property in the area selected, asked where the site of the City Hall would be. Mr. Smeath outlined the reasons why this information was not available at this time, 1) the site had not been selected, 2) no design has been prepared by the city staff and architect and 3) there is no recommendation for the site at this time.

Councilman Merrill seconded the resolution but before the vote was called Frank Andrews protested, as a tax payer, that the selection of a civic center site should be put to the vote of the people in the city. Mayor Marks outlined the responsibility of the Council and the reasons for not submitting such matters to a vote.

Mayor Marks asked for the vote on the resolution.

Ayes: Councilmen: Anderson, Adams, Arata, Hammond, Merrill and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Robinson

RESOLUTION RELATING TO CHANGE IN EFFECTIVE DATE OF SALARY ADJUSTMENTS

The City Attorney presented, as directed by the Council, resolutions to change the effective date of salary adjustments for the fiscal year 1955-56 from August 1 to July 1.

Councilman Anderson introduced

RESOLUTION NO. 55-410

seconded by Councilman Merrill, amending Resolution No. 55-348, establishing salary schedules and fixing compensation for classes of positions in the city service, adopted by the Council on August 10 to provide that the effective date be July 1, 1955 instead of August 1, 1955, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Anderson, Adams, Arata, Hammond, Merrill and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Robinson

Councilman Anderson introduced

RESOLUTION NO. 55-411

seconded by Councilman Adams, amending Resolution No. 55-350, adopted by the Council on August 10, establishing salary range for the City Clerk, to provide that the salary of \$584.00 of Rex E. Gailfus, City Clerk be effective July 1, 1955, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Anderson, Adams, Arata, Hammond, Merrill and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Robinson

Councilman Anderson introduced

RESOLUTION NO. 55-412

seconded by Councilman Hammond, amending Resolution No. 55-364 adopted by the

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Council August 17 to read as follows: "that a wage increase, not to exceed one-range, may be granted by the City Manager to those employees on Y rates, but which rates are not included in Exhibit "B" of Salary Resolution No. 55-348, to be effective July 1, 1955, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Anderson, Adams, Arata, Hammond, Merrill and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Robinson

Councilman Anderson introduced

RESOLUTION NO. 55-413

seconded by Councilman Merrill, amending Section 3 of Resolution No. 55-365, adopted by the Council August 17, to provide that the position classification plan shall apply retroactively commencing July 1, 1955, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Anderson, Adams, Arata, Hammond, Merrill and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Robinson

Councilman Adams introduced

RESOLUTION NO. 55-414

seconded by Councilman Anderson, approving appropriation transfer of \$83.00 from the Library Reserve to Library, salary and wages regular \$78.00, and retirement contribution \$5.00 to provide sufficient funds for the general increase for the month of July, 1955, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Anderson, Adams, Arata, Hammond, Merrill and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Robinson

Councilman Adams introduced

RESOLUTION NO. 55-415

seconded by Councilman Anderson, approving the following appropriation transfer:

From: General Reserve	\$5,183	
To: Various department - salaries and wages		\$4,855
Miscellaneous unclassified, retirement contribution		328

to provide funds for the general salary increase authorized by the Council for the month of July, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Robinson

Councilmen Arata and Anderson left the Council meeting at this time.

SET DATE FOR HEARING ON PETITIONS FOR UNCLASSIFIED USE PERMITS FOR DAY CARE OF CHILDREN

Letters received from the Planning Commission were read, advising that a public hearing had been held on September 6, 1955 for unclassified use permits by Mrs. Thelma K. Price, 109 Village Road, block 259, lot 3 for

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renewal of her permit for the day care of children; by Eula Flynn, 1516 Del Mar, Block 920, lot 5, for the day care of children, limit of 8; and by Helen Thompson, 2029 Dora Street, Block 2226, lot 19 for the day care of children, limit of 5. Resolutions adopted by the Commission recommending that the Council grant the unclassified use permits under certain conditions were reviewed. Councilman Merrill introduced

RESOLUTION NO. 55-416

seconded by Councilman Hammond, setting the date of October 5, at 4:30 P.M. in the Council Chamber at the Library Building, as the time and place for the public hearing on the application of Mrs. Thelma K. Price, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Hammond, Merrill, Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Anderson, Arata, Robinson

Councilman Adams introduced

RESOLUTION NO. 55-417

seconded by Councilman Hammond, setting the date of October 5 at 4:35 P.M. in the Council Chamber of the City of Modesto located at 14th and I Streets in the McHenry Public Library as the time and place for the public hearing on the application of Eula Flynn, for an unclassified use permit to care for children at 1516 Del Mar Avenue, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Hammond, Merrill and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Anderson, Arata, Robinson

Councilman Adams introduced

RESOLUTION NO. 55-418

seconded by Councilman Hammond, setting the date of October 5, at 4:40 P.M. in the Council Chamber of the City of Modesto located at 14th and I Streets in the McHenry Public Library, as the time and place for the public hearing on the application of Helen Thompson for an unclassified use permit to care for children at 2029 Dora Street, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Hammond, Merrill and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Anderson, Arata, Robinson

PLANNING COMMISSION RECOMMEND CHANGE OF CERTAIN BLOCK NUMBERS

A letter was read from the Modesto City Planning Commission recommending to the Council the change of three block numbers within the City in order to eliminate duplication and confusion. A copy of Resolution No. 242, adopted by the Commission recommending this change was read.

Councilman Adams introduced

RESOLUTION NO. 55-419

seconded by Councilman Merrill, renumbering certain blocks in the city, as recommended by the Planning Commission, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Hammond, Merrill and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Anderson, Arata, Robinson

ACCEPT GRANT DEED FROM M.E. ANDERSON ET UX FOR ALLEY IN BLOCK 1047

Grant deed from M.E. Anderson granting right of way for alley purposes in Block 1047 was presented by the City Attorney for Council consideration. Councilman Hammond introduced

RESOLUTION NO. 55-420

seconded by Councilman Adams, accepting the grant deed and authorizing its recordation with the Stanislaus County Recorder, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Hammond, Merrill and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Arata, Anderson and Robinson

Councilmen Anderson and Arata returned to the meeting at this time.

FURTHER DISCUSSION ON TRAFFIC AT VIRGINIA AND COLDWELL AVENUE

As directed by the Council, Traffic Engineer Carmody submitted a detailed report on the stop signs on Virginia Avenue at Coldwell Avenue. He reported that the safety of this intersection could be enhanced by doing any of the following:

1. Install a flashing light traffic signal.
2. Place portable Safety Sallys or other portable signs calling attention to the pedestrian crossing. The placing and removal of these signs would have to be delegated to some responsible person.
3. Use a school safety patrol. As the intersection of Virginia and Coldwell is closer to the school than Virginia and Griswold, the patrol might be stationed at that corner and pupils encouraged to cross Virginia at that intersection.
4. Increased enforcement activity to curtail vehicular speeds.

Mr. Carmody stated that the pedestrian hazard at this intersection did not warrant the replacing of the two stop signs on Virginia Avenue, as requested by Mrs. Bud David of the Enslin P.T.A. at an earlier meeting.

A letter from Mrs. Frances Grimes, President of the Enslin P.T.A. was read. She suggested that portable signs be placed at the intersection from 8:30 A.M. to 4:00 P.M. on days school was in session and that the firemen at Station No. 4 be requested to place and remove the sign.

The City Manager recommended that it would be "worth a try" to place Safety Sally signs as recommended by the P.T.A. and Mr. Carmody, but that the firemen should not be held responsible for placing the signs since they were subject to call at all times.

Councilman Arata recommended, to which the Council concurred, that the administrative staff be authorized to work out satisfactory arrangements with the Enslin P.T.A. and that Safety Sally signs be installed or Junior Traffic Patrol be extended to this intersection, which ever was most effective.

REPORT ON RECEIPT OF NEW 1250 G.P.M. PUMPER FOR FIRE DEPARTMENT

Receipt of the new 1250 G.P.M. pumper for the Fire Department from P.E. Van Pelt was reported by the City Manager. A letter from the Board of Fire Underwriters of the Pacific notifying that all the tests were satisfactory was read. The City Manager stated that the truck was not yet cleared for acceptance.

PRELIMINARY REPORT ON EAST MODESTO SANITARY DISTRICT

The City Manager reported that since the annexation of La-Loma-Yosemite Addition to the city about half of the East Modesto Sanitary District was inside the city. Prior to annexation, he stated, this district had available funds which have not been expended. Plans are now being prepared by the city staff for sewer laterals for the LaLoma-Yosemite Addition. Arrangements to make a portion of these funds available for the proposed improvement district in this area are under study, and a report would be submitted shortly to the Council on the specific procedure to make available a portion of these funds for the cost of the laterals in this area.

REPORT ON DOWN-TOWN LIGHTING DISTRICT

The Director of Public Works reported that the plans and specifications and assessment data on the downtown lighting district would be completed and sent to Eugene Sturgis, bond counsel, this week. As soon as the necessary documents have been cleared by him, the Council can take action.

The Director of Public Works pointed out that one parcel of federal property was involved in the district. This property can be assessed for improvements but unless the government is willing to pay the assessment it cannot be collected. There is a choice of splitting the assessment through the balance of the district or being paid by the City.

The City Manager stated that this would be checked with the Post Master as to the alternatives, the County would also be contacted in regard to the courthouse park property, he stated.

REPORT ON ATTORNEY GENERAL OPINION

The City Attorney filed a report dated September 14, entitled: "Officer interest in Contracts-Valley Builders Exchange Inc." relating to the recent opinion of the Attorney General on the question whether City of Modesto could validly enter into contracts with members of the Valley Builders Exchange Inc., to purchase supplies or for work performed in view of the fact that Councilman Anderson was Secretary of the organization. The City Attorney recommended that the Attorney General be requested to furnish a supplementary opinion indicating what disposition should be made of existing contracts entered into by the city with members of the exchange. He stated that in the event that the Attorney General's supplementary opinion should not be helpful, further appropriate action could be considered at that time.

He further recommended that the Council authorize and approve the action taken by the City Manager in withholding payment for any supplies purchased or work performed under any existing contracts which the city may have entered into, either formally or informally, with the members of the exchange during the time a councilman was secretary of that association, until the matter is clarified.

A general Council discussion was held on 1) what the legal liability of the Council members would be if payments were made on contracts and purchases to members of the Exchange, and 2) whether Councilman Adams' association with the Shell Development Company was in any way similar to that of Councilman Anderson.

Councilman Anderson pointed out the Attorney General's opinion would have repercussions throughout the state. "Who is going to be able to run for Council," he stated, "that is what I want clarified."

Mayor Marks suggested that the League of California Cities might lend its assistance in invalidating this opinion since the connection is as remote as this is. He recommended that one question be handled at a time and that the City Attorney be authorized to request the supplementary opinion and to also obtain factual information on the other question.

Councilman Merrill moved, seconded by Councilman Hammond, and it was unanimously carried, that the City Attorney be authorized to travel to Sacramento and confer with the Attorney General's office to obtain a supplementary opinion on the disposition of the existing contracts.

Councilman Arata moved, seconded by Councilman Adams and it was unanimously carried, that the action of the City Manager withholding payment on the existing contracts and purchases of materials from members of the Exchange until the matter is cleared, be approved.

DISCUSS STATUS OF COUNCIL MEETINGS SCHEDULED FOR SEPTEMBER 21 and OCTOBER 12

It was agreed by the Council members that since the League of California Conference would be in session Wednesday, September 21, if a quorum were not present that the meeting would be adjourned on that day until a later date to be decided at that time.

Whether to forego the regular scheduled meeting of October 12, Columbus Day holiday, was discussed. No decision was made.

APPROVE AGREEMENT TRANSFERRING CONTRACT FOR LEGAL ADVERTISING TO STANISLAUS PUBLISHING COMPANY

The City Attorney presented for Council consideration, an agreement transferring the contract for legal advertising from the Modesto Journal and Valley Citizen to Stanislaus Publishing Company. Councilman Hammond introduced

RESOLUTION NO. 55-421

seconded by Councilman Adams, approving the transfer of the contract for legal advertising from the Modesto Journal and Valley Citizen to Stanislaus Publishing Company, as of August 1, 1955, and authorizing its execution by the city's designated officials, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Anderson, Adams, Arata, Hammond, Merrill and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Robinson

AUTHORIZE RELEASE OF BOND TO CHARLES T. CHADWICK ON WILKENSON TRACT NO. 2

Upon the recommendation of the Public Works Department, Councilman Arata introduced

RESOLUTION NO. 55-422

seconded by Councilman Anderson, approving the refund of the cash bond of \$750.00 filed by Charles T. Chadwick, et al, subdividers of the Wilkinson Tract No. 2, as the work had been completed to the satisfaction of the Director of Public Works, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Robinson

ADJOURNMENT

Councilman Arata moved, seconded by Councilman Anderson, and it was unanimously carried, that the Council meeting now in session adjourn. The meeting was adjourned at 9:45 P.M.

ATTEST: _____
 REX E. GAILFUS, CITY CLERK

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The Council of the City of Modesto met in regular session this date at 4:00 P.M., as provided by Section 2-1.01 of the Modesto Municipal Code, in the Council Chamber at the McHenry Public Library, 14th and I Streets.

The Acting City Clerk called the roll and there were
Present: Councilman: Anderson
Absent: Councilmen: Adams, Arata, Hammond, Merrill, Robinson and
Mayor Marks

The roll call showing that, since a majority of Council members were not present, there was lacking a quorum for the transaction of business.

The time and date set for the public hearing on the proposed annexation of the Bel Air Addition to the City of Modesto having arrived at 4:30 P.M., Acting Chairman Anderson ordered that the hearing be continued until 2:15 P.M., Friday, September 23.

Pursuant to section 709 of the City Charter, the Acting Chairman ordered that consideration of pending business on the agenda be continued until 2 P.M., Friday, September 23 in the Council Chamber and ordered the meeting adjourned to said time and place.

Aune M. Collins
Acting City Clerk

The Council of the City of Modesto met in adjourned regular session this date at 2:00 P.M., as provided by Section 2-1.01 of the Modesto Municipal Code, the meeting having been adjourned from the regular session held on September 21, in the Council Chamber at the McHenry Public Library, 14th and I Streets, Mayor Marks presiding.

The City Clerk called the roll and there were

Present: Councilmen: Anderson, Hammond, Robinson and Mayor Marks
Absent: Councilmen: Adams, Arata, and Merrill

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

A few moments of silent prayer were observed.

APPROVAL OF MINUTES

Council members having received copies of the minutes of the Council meetings of August 24 and September 7, and the same being available for public inspection, and there being no objections, the minutes were approved.

APPROVE ANNEXATION OF BEL AIR ADDITION TO THE CITY OF MODESTO

The public hearing on the proposed annexation of Bel Air Addition to the City of Modesto having been continued until 2:15 P.M., this date, Mayor Marks declared the meeting open for hearing objections to the proposed annexation.

The City Clerk filed a certification that Resolution No. 55-347, giving notice of the proposed annexation and fixing the time and place for hearing objections had been published as provided by Annexation of Uninhabited Territory Act of 1939, as amended; that written notice was mailed to each person to whom land within the territory proposed to be annexed, was assessed on the last equalized assessment roll; and that no written protests had been filed.

Mayor Marks asked for oral protests. No protests were filed. Mayor Marks declared the hearing closed.

Councilman Anderson moved the adoption and passage to print of

ORDINANCE NO. 42-C.S.

entitled: "AN ORDINANCE ANNEXING UNINHABITED TERRITORY KNOWN AS THE BEL-AIR ADDITION TO THE CITY OF MODESTO", which motion being duly seconded by Councilman Robinson, was upon roll call carried and ordered printed and published by the following vote:

Ayes: Councilmen: Anderson, Hammond, Robinson and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: Adams, Arata and Merrill

LETTER FROM MRS. DORIS WELLMAN RE: BUSINESS-EDUCATION DAY

A letter was read from Mrs. Doris Wellman expressing appreciation for the Business-Education Day program held in the city on Thursday, September 8, 1955.

REFER PETITION FOR ANNEXATION OF GREGORY GARDENS #2 ADDITION TO MODESTO CITY PLANNING COMMISSION

A petition signed by Lance and Carol Ellis requesting annexation of

Gregory Gardens No. 2 Addition to the City of Modesto, together with statement of action taken by the County Boundary Commission, and letter of transmittal from the Modesto City Planning Department were considered by the Council. Councilman Hammond introduced

RESOLUTION NO. 55-424

seconded by Councilman Anderson, referring the petition to the Modesto City Planning Commission for its report and recommendation, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Anderson, Hammond, Robinson and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Adams, Arata and Merrill

REFER PETITION FOR ANNEXATION OF NORTHGATE ADDITION TO MODESTO CITY PLANNING COMMISSION

A petition signed by Richard Giddings and others requesting annexation of the Northgate Addition to the City of Modesto, together with statement of action taken by the County Boundary Commission, and letter of transmittal from the City Planning Department, were considered by the Council. Councilman Anderson introduced

RESOLUTION NO. 55-425

seconded by Councilman Hammond, referring the petition to the Modesto City Planning Commission for its report and recommendation, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Anderson, Hammond, Robinson and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Adams, Arata and Merrill

The City Attorney pointed out that a small portion of this addition was located in the Sylvan School District and the balance in the Modesto City School District. He reviewed the provision of the law relating to the annexation proceedings in these cases, which provides that if it is desired to include all the area in the City School District that the intention of the Council to do so must be set forth in the resolution setting it for a hearing. He reported that Dr. James Corson, had advised that negotiations were underway with officials of the Sylvan School District and that the city would be advised later of the recommendation.

Director of Planning Smeath outlined the position taken by the city in matters of this kind.

NOTICE OF APPLICATION TO APPROPRIATE WATER FROM TUOLUMNE RIVER, BY THE TUOLUMNE COUNTY WATER DISTRICT #2

Director of Public Works Ray reported receipt of notification from the State Division of Water Resources, that Tuolumne County Water District No. 2 had filed a notice of application to appropriate 1250 cubic feet per second of water from Tuolumne River from January 1 to December 31 of each year. Protests to this request must be filed within 60 days from August 30, he stated.

He stated that he had contacted officials of the Modesto Irrigation District who had outlined the effect this would have on the city and pointed out there was a possibility that it would set back the time for the construction of the greater Don Pedro Dam. Mr. Plummer has indicated willingness to work with a special committee from the Council. He also has agreed to furnish the city with a copy of the district's protest. Other water districts will also be filing protests.

The City Manager pointed out that the Council could defer its decision until the next meeting when Mr. Plummer would be able to be present.

It was agreed that the Council should work with the District officials, as a committee as a whole.

LETTER FROM UNITED CRUSADE REQUEST PLACE SIGNS ON DOWNTOWN LIGHT POLES

A letter was read from Saxon L. Downs, Chairman, Publicity Committee of the United Crusade Campaign, requesting permission to place 10" x 14" posters on the downtown street light posts, advertising the campaign. Since it was a community-wide project, Councilman Hammond stated he wished to move that the request be granted. Councilman Anderson seconded the motion. Mayor Marks questioned whether this would set a precedent for other organizations.

City Attorney Grimes reviewed the provisions of Section 9-6.19 of the Modesto Municipal Code which prohibited this type of advertising "by any person except a public officer or employee in the performance of a public duty". The question was raised if the city employees could place the signs for the United Crusade.

Director of Planning Smeath stated that the intent of this provision of the Code was that only public signs be authorized. He pointed out that this was the provision that a great many other cities were fighting to get into their sign ordinance to prevent the placing of signs on rocks, curbs, poles, etc. He pointed out that it had been a long hard fight for the City of Modesto to get it included in its Code. Mayor Marks pointed out that if the city placed the signs on the poles for the United Crusade that, "it would break down a lot of hard work". Councilman Hammond withdrew his motion and Councilman Anderson withdrew his second.

Councilman Hammond moved, seconded by Councilman Anderson, and it was unanimously carried, that the request of the United Crusade to place placards on the down-town street light poles, be denied.

The City Manager was directed to advise Mr. Downs of the provisions of the code which prohibited granting his request, suggesting that merchants in the down-town area be asked to display the placards in their windows.

INVITATION FROM TRADE CLUB OF MODESTO TO ATTEND OPENING MEETING ON OCTOBER 4, HONORING CITY ADMINISTRATION

An invitation to 8 city representatives to attend the opening meeting of the Trade Club of Modesto to be held on October 4, 1955, which will honor the administration of the City of Modesto, was received from William Zeff, Head Trader. It was agreed that Council members and the City Manager would attend but if any Council members could not attend, that another member of the city staff would be asked so that there would be 8 representatives at the meeting.

APPROVE PLANS AND SPECIFICATIONS AND AUTHORIZE CALL FOR BIDS FOR SANITARY SEWER LATERAL IN BLOCK 2029 AND ROBLE AVENUE

Plans and specifications for the construction of sanitary sewer in Block 2029 and Roble Avenue (LaLoma-Yosemite Addition) were presented by Director of Public Works Ray for Council consideration. He reported that the required cash fees had been paid by the property owners and that the property was located adjacent to the recently constructed trunk sewer.

Councilman Hammond introduced

RESOLUTION NO. 55-426

seconded by Councilman Anderson, approving the plans and specifications and

authorizing the call for bids, said bids to be opened in the office of the City Clerk, Monday, October 10, 1955, at 3:00 P.M., for the construction of sanitary sewer in Block 2029 and Roble Avenue, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Anderson, Hammond, Robinson and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Adams, Arata and Merrill

FINAL ADOPTION ORDINANCE NO. 41-C.S. (LIBRARY CASH-BASIS FUND)

Ordinance No. 41-C.S. entitled: "AN ORDINANCE ADDING ARTICLE 4 TO TITLE VIII OF THE MODESTO MUNICIPAL CODE RELATING TO THE LIBRARY CASH-BASIS FUND", having been heretofore introduced and ordered printed and published at the regular meeting of September 7, 1955, Councilman Anderson moved, seconded by Councilman Hammond, that the ordinance be finally adopted, which motion was upon roll call carried by the following vote:

Ayes: Councilmen: Anderson, Hammond, Robinson and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Adams, Arata, and Merrill

APPROVE AGREEMENT FOR SEWER SERVICE TO ZLAB SUBDIVISION

The City Attorney presented an agreement, for Council consideration, with Joe A. Zlab and Lois Zlab providing for the furnishing of sewer service by the city to the Zlab Subdivision, located on Coffee Road near the north boundary of Downey High School, on the provision the area is annexed to the city at the earliest possible time. Councilman Robinson introduced

RESOLUTION NO. 55-427

seconded by Councilman Anderson, approving agreement with Joe A. Zlab and Lois Zlab and authorizing its execution by the city's designated officials, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Anderson, Hammond, Robinson and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Adams, Arata and Merrill

APPROVE APPROPRIATION TRANSFER OF FUNDS FOR TRAFFIC ENGINEER, PARKING METER INSTALLATION

The City Manager reported that no funds were provided in either the Traffic Engineer or the Public Works budgets for the installation of "on street" parking meters. The Traffic Engineer, he stated, has estimated that it would be desirable to appropriate \$1200 for the installation of two hundred meters during the fiscal year; 60 have already been installed. Councilman Anderson introduced

RESOLUTION NO. 55-428

seconded by Councilman Hammond, authorizing the appropriation of \$1200 from the General Reserve to Traffic Engineer - for the installation of "on-street" parking meters, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Anderson, Hammond, Robinson and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Adams, Arata and Merrill

Mayor Marks pointed out that there were some intersections in the city where the installation of traffic signals were urgently needed. Consideration of these should be discussed at the time the Capital Improvement projects report is presented by the City Manager. A discussion was held on

the present method of distribution of "on-street" parking meter funds.

APPROVE CLAIM OF MODESTO BAND

A claim was filed by the Modesto Band for \$600, being one-half of the amount appropriated in the 1955-56 budget. Councilman Hammond moved, seconded by Councilman Robinson and it was unanimously carried, that the claim of the Modesto Band for \$600 be allowed.

CONSIDER CONTRACT FOR RECONSTRUCTION AND RESURFACING OF CARVER ROAD FROM 99 HIGHWAY TO ORANGEBURG AVENUE

Director of Public Works Ray reported that Standard Materials, Inc., contractor for the sewer line on Carver Road, which was constructed on a cost plus basis, had completed all the work except resurfacing of Carver Road. Since the Attorney General's ruling relating to members of the Valley Builders Exchange, he stated, a new contract is proposed to cover the resurfacing and grading of the road, so that payment can be made for the work upon completion. He pointed out the urgent need to resurface the road before the rainy season.

Since one half of Carver Road is in the county, conferences have been held with county officials to work out a joint project for the lowering of the grade and resurfacing. The City agreed to replace the street in its existing condition prior to the installation of the sewer line. The line was actually installed on the county side of the street, he stated. The county has indicated that no funds would be available for the lowering of the grade from Clayton to Orangeburg, but that equipment would be furnished to haul away the excess dirt. He pointed out that if the grade was not lowered that it would create a potential traffic hazard as well as a drainage problem due to the fact that new subdivisions are being developed along this road and curbs and gutters would be below the grade of the street. He estimated the cost for material to be approximately \$2700, with one third of the cost coming from the sewer bond fund leaving an approximate expenditure of \$1800 from the general fund.

The City Manager pointed out the wisdom of lowering the grade at this time since the county was assuming the cost of removal of the dirt that it would more or less balance out the cost to the city on excavation of the dirt. He pointed out that no action could be taken at this time since only four Councilmen were present and the charter provided that the approval of this type of emergency contract would require at least five affirmative votes. Councilman Hammond asked that informal quotations be obtained for Council consideration at the next Council meeting.

REPORT ON PROGRAM FOR WIDENING OF TULLY AVENUE

Answering a question of Councilman Anderson, the Director of Public Works advised that the program for widening of Tully Avenue had bogged down due to the unwillingness of certain property owners to dedicate the necessary rights of way to the city.

REPORT ON PROGRAM FOR DRAINAGE OF TULLY AVENUE AREA

The Director of Public Works stated that meetings had been held with Modesto Irrigation District officials relative to the drainage problem in the Tully Avenue-Stoddard Avenue area and that a report had been prepared for Council information which had been reviewed by the Council Committee. This committee, he stated, asked that further consultations be held with the M.I.D. officials and the report be revised before submission to the Council.

A further meeting was held with the district on September 16 and certain conditions were found which would make it somewhat unsatisfactory to utilize the proposed method of using the M.I.D. Lateral #4 as a means of disposal of storm water. The District has advised that it would be necessary for

the city to obtain, each time, approval of someone in the district staff before the drainage pumps could be started, whether the ditch was full or empty. This would make it a doubtful solution of the drainage problem in this area. He estimated the cost for the pumping installation to be approximately \$2750. He pointed out that it would be necessary to close off the city's lines serving the area to the north and pump the entire flow into the ditch to prevent a back flow. The basic question for the Council to decide, he pointed out, is whether it would want to spend this money with no assurance that the city would be able to provide the necessary protection. He stated that the real drainage problem is in the 35 acre triangle area bounded by N. 99 Highway, Coldwell and Tully Avenue. There is a heavy storm run off in this area because of its impervious nature. Most of the area is paved and there are many buildings with large roofs. The run off is greater on this side of Tully, he stated, than on the east side.

He stated that his report would indicate that the pump installation would not solve this drainage problem; that it could only prevent water from running across Tully Avenue. The alternative, he stated, is the formation of a large improvement district in order to accomplish the desired result, with major storm sewer lines all the way to the river.

The City Manager pointed out that ^{the} district had an engineering problem; when its canals were full more water could not be put in them and if repairs were being made down the line from this area when the ditches were empty, it would create a problem if the city dumped storm water in the ditch.

Mayor Marks asked Mr. Ray that the report include a section outlining his recommendations.

LETTER FROM FRANK ANDREWS RE: FIRE PREVENTION WEEK AND OTHER MATTERS

A letter was read from Frank Andrews regarding the water supply of the city in case of a "power outage"; petition for the city hall and police department filed with the city; program celebrating the All American City award; and the legal status of the Mayor introducing and voting on Council actions.

Mayor Marks pointed out that Mr. Andrews was misinformed on the legal status of the Mayor voting on Council actions. He cited sections from the Charter and Code which required the mayor to vote on all actions and permitted him to introduce an action.

He reviewed for the new members' information, the discussions held by the Council on the city's water supply and pointed out that the Council had always been concerned with its water situation. He stated that numerous times the question had been discussed whether a special attorney should be hired to represent the city in the complicated water situation. Mayor Marks pointed out that the city is entitled to a portion of the Hetch Hetchy water, but the cost for transportation of the water by the City of San Francisco will have to be determined and this will be the problem.

The City Manager pointed out that the Modesto Irrigation District has indicated that there is a substantial portion of its water available to the city whenever the city requests it, but that this did not necessarily solve our long range water supply problem. The letter was ordered filed.

DISCUSSION ON INSTALLATION OF WALK AT YOUTH CENTER

The City Manager asked that the Council consider the desirability of installing a walk from the Maddux Youth Center to the street. He stated that the funds had not been budgeted but had been listed in the capital projects for consideration. He estimated the cost to be \$350 for material if the work was done by city personnel and certain materials on hand were used. If the Council approved, he stated, work would be started at once so that it

could be completed before the rainy season. Councilman Anderson asked that the project be held over so that the advisability of calling for bids could be determined.

J. P. SPEARING REQUEST INFORMATION ON ACTION CITY WAS GOING TO TAKE ON HIS PROPERTY

J. P. Spearing, owner of property at 1835 Miller Avenue, appeared before the Council to determine when action would be taken on the zoning of his property for commercial purposes and on the right of way to be deeded to the city for widening of Miller Avenue.

The City Manager pointed out that he was working on this with Mr. Spearing; that the Council "did not buy property at a Council meeting"; and that if Mr. Spearing would make arrangements to discuss these matters further with the City's Appraiser and him that a report would be submitted to the Council for its consideration.

The City Manager pointed out that the city's present policy was to give preference in improvement of streets in areas where the city could acquire the necessary rights of way without cost. In this case, he stated, additional work is necessary to clear certain matters before a report can be submitted to the Council.

RESOLUTION APPROVING SUBMISSION OF APPLICATION TO THE CALIFORNIA STATE PARK COMMISSION FOR DEVELOPMENT OF THE TUOLUMNE RIVER STATE PARK

Upon the recommendation of the City Manager, Councilman Robinson introduced

RESOLUTION NO. 55-429


seconded by Councilman Hammond, authorizing the City Manager to prepare and submit an application to the California State Park Commission for the development of a State Park on the Tuolumne River, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Anderson, Hammond, Robinson and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Adams, Arata and Merrill

ADJOURNMENT

Councilman Anderson moved, seconded by Councilman Robinson, and it was unanimously carried, that the meeting now in session adjourn. The meeting was adjourned at 3:45 P.M.

ATTEST:


 REX E. GAILFUS, CITY CLERK

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The Council of the City of Modesto met in regular session this date at 7:30 P.M., as provided by Section 2-1.01 of the Modesto Municipal Code, in the Council Chamber at the McHenry Public Library, 14th and I Streets, Mayor Marks presiding.

The City Clerk called the roll and there were

Present: Councilmen: Anderson, Arata, Hammond, Merrill, Robinson and
Mayor Marks
Absent: Councilmen: Adams

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

Rev. Dodds Bunch, pastor of the Centenary Methodist Church, gave the invocation.

ACCEPT BID OF CARMAN & HALBACH ON SANITARY SEWER LATERAL EXTENSION TO GARRISON SCHOOL

A tabulation of the bids received for the sanitary sewer lateral extension to Garrison School, which had been opened at 2:00 P.M. September 26, was considered by the Council. City Manager Miller reported that the low bid submitted by Carman & Halbach of \$3,969.40, was recommended for acceptance by Director of Public Works Ray. The Modesto City Schools has agreed to pay approximately \$2,712.00 of this amount, leaving approximately \$1,257 as the city's cost. Councilman Hammond introduced

RESOLUTION NO. 55-430

seconded by Councilman Arata, accepting the bid of \$3,969.40 submitted by Carman & Halbach for the construction of sewer lateral extension to Garrison School, as recommended by the Director of Public Works, as the lowest responsible bid, and authorizing execution of contract agreement by the city's designated officials, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Anderson, Arata, Hammond, Merrill, Robinson and Mayor
Marks
Noes: Councilmen: None
Absent: Councilmen: Adams

AUTHORIZE PAYMENT OF BUDGETED CONTRIBUTION TO MODESTO RETAIL MERCHANTS

A report received from the Modesto Retail Merchants, Downtown Division, reviewing its activities since the beginning of its fiscal year, April 1, 1955, was read. The Association requested payment of the \$3,000 budgeted by the city, at this time.

Councilman Merrill introduced

RESOLUTION NO. 55-431'

seconded by Councilman Anderson, authorizing payment of \$3,000 to the Modesto Retail Merchants, being amount budgeted by the City for fiscal year 1955-56, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Anderson, Arata, Hammond, Merrill, Robinson and Mayor
Marks
Noes: Councilmen: None
Absent: Councilmen: Adams

ACCEPT BID OF STANDARD MATERIALS, INC. FOR RECONSTRUCTION AND RESURFACING OF CARVER ROAD, 99 HIGHWAY TO ORANGEBURG

A report submitted by the City Manager on the informal quotations received for the replacement and reconstruction of a portion of Carver Road, recommended the acceptance of the bid submitted by Standard Materials, Inc. He pointed out the urgent necessity that the work be done immediately before the rainy season in order to eliminate a potential traffic hazard and to safeguard the lives, health and property of the citizens of Modesto.

Councilman Robinson introduced

RESOLUTION NO. 55-432

seconded by Councilman Hammond, declaring that the execution of a contract for reconstruction and resurfacing of a portion of Carver Road, without advertising for bids, is urgently necessary for the preservation of life, health and property, and authorizing the city's designated officials to execute a contract with Standard Materials, Inc. for the work, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: Adams

REPORT ON CONSTRUCTION OF SIDEWALK AT MADDUX YOUTH CENTER

The City Manager reported that additional work would be necessary before a report could be submitted on the building of a sidewalk at Maddux Youth Center.

EXTENDING TIME FOR CONTRACTOR, WM. M. LYLES TO COMPLETE WORK AND IMPROVEMENTS IN IMPROVEMENT DISTRICT NO. 3

The City Manager reported that the sewer laterals in Improvement District No. 3 were completed but due to the delay in shipment of street light materials an extension of time has been requested by the contractor, Wm. M. Lyles Company. Councilman Hammond introduced

RESOLUTION NO. S.P. 854

seconded by Councilman Robinson, extending the time for W. M. Lyles Company to complete the work and improvements described in Resolution of Intention No. 247 for Improvement District No. 3, from September 25, 1955, to and including November 16, 1955, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: Adams

APPROVAL OF RENEWAL OF LEASE WITH CARL W. SHANNON, ET UX FOR RENTAL OF CITY ATTORNEY'S OFFICE SPACE IN CARLTON BUILDING

Upon the recommendation of the City Attorney, Councilman Merrill introduced

RESOLUTION NO. 55-433

seconded by Councilman Anderson, approving the renewal of the lease with Carl W. Shannon, et ux, for the rental of the City Attorney's office space in the Carlton Building, for a period of one year, commencing October 6, 1955, at a rental of \$75.00 per month, which resolution was regularly adopted

by the following vote:

Ayes: Councilmen: Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Adams

MATTERS FOR THE CONSIDERATION OF THE COUNCIL AND THE GOOD OF THE COMMUNITY

Mayor Marks asked if there were any matters to be presented "for the consideration of the Council and the good of the community".

Councilman Anderson reported that at the Optimist dinner, where an award had been given for the Junior Baseball team, the honored guest, Walter Mails, had asked him to convey to the Council his thanks for the opportunity given to the youth in the community to participate in baseball.

The City Manager was asked to write a letter to Mr. Mails, acknowledging his commendation.

Mr. J. A. Hamilton, guest of the Council, expressed his appreciation for being invited to attend the Council meeting.

REPORT ON NEED FOR SALARY ADJUSTMENT FOR SANITARIAN

A report submitted to the City Manager by Personnel Officer Masonheimer, relating to the need for salary adjustment for the classification of Sanitarian was presented. It was recommended that the Sanitarian and Dairy Sanitarian classifications be moved up to Range 17. This would be an advance of two ranges for Sanitarian and one for Dairy Sanitarian. The salary range would be \$358 to \$436. Mr. Masonheimer outlined the qualification requirements for the positions and reported on the unsuccessful recruitment program for candidates for the position.

The City Manager pointed out that until the Personnel Commission had acted on this recommendation, no Council action was necessary.

REPORT ON "OFFICER INTEREST IN CONTRACTS-VALLEY BUILDERS EXCHANGE, INC."

The City Attorney filed a report "Officer Interest in Contracts-Disposition of Existing Contracts with Member of Valley Builders Exchange, Inc.", which related to his visit to the Attorney General's office for the purpose of obtaining a supplementary opinion on existing contracts entered into by the city with members of the Valley Builders Exchange, Inc. during the time Councilman Anderson was secretary, in view of Attorney General's Opinion No. 55/82.

He reported that the Attorney General's office was unable to suggest any lawful procedure whereby the city might make payments due under the contracts, without the benefit of a court decision declaring the contracts to be valid, even though services and supplies had been rendered to the city in good faith. Validity of such contracts should be determined immediately by the courts, he stated, in order to prevent the contractors concerned from suffering hardship and financial loss.

He recommended that the Council authorize his office to institute an action of declaratory relief in the Superior Court of Stanislaus County to obtain a ruling on the validity of the contracts. Since an action of declaratory relief is entitled to precedence on the court calendar, a ruling could be obtained with a minimum of delay, he stated. He suggested that Standard Materials, Inc., the contractor with the largest amount of money involved, be selected as the defendant in the test case. If the Council authorizes the filing of this action, he stated, he recommended that all of the contractors concerned, be advised by his office of the purpose of the

court action. He presented a resolution for Council consideration which would carry out the recommendations set forth in his report.

The City Attorney stated that the decision for the Council to make is "to pay or not to pay". If the Council wishes to pay, it may do so, he stated, but he would not advise it under the circumstances, due to the opinion rendered by the Attorney General's office. The city could not pay, and wait for the contractors to sue, but that did not appear to be in the best interest of all concerned.

To a suggestion from Councilman Hammond that paying the bills without court action would be one way of solving the problem, the City Attorney pointed out the possibility of this Council action being challenged in court and that the consequences as far as liability of the Council members might be unfortunate.

The City Attorney reported that he had conferred with Vernon Gant, Attorney for the Standard Materials, Inc., and he concurred in his recommendation. He stated that he had been informed that the other contractors would assist in the suit. He pointed out the advisability of the city filing the suit instead of the contractors, in order to avoid a multiplicity of suits.

Councilman Robinson asked if it would be possible for all the contractors to sue with one attorney representing the group. He asked the City Attorney whether it was his opinion that the Standard Materials, Inc. suit would be a sufficient precedent to protect the city on payment on the other contracts. He stated that he did not want the possibility of a taxpayers suit if an expenditure of \$100-\$200 more at this time, by including all the contractors, would save the city a great deal later on.

The City Attorney stated that he believed a ruling on one contract would be an adequate precedent but that if the Council wanted to include all the contractors, that could be done; however, it would tend to delay the proceedings and increase the cost of litigation.

Councilman Arata objected to one company being required to pay all the attorney fees and suggested that arrangements be made for the other companies to participate in the cost of the suit.

Councilman Hammond pointed out that if only one defendant was named in the suit that it would not create such a problem and that the case could be decided quicker and payment made sooner to the other contractors. Mayor Marks pointed out that one test case would be simpler to handle all the way through. The City Manager stated that a recommendation would be made to the Council to proceed with the payment of all the claims if the court authorized payment to one defendant. The City Attorney stated that if anything came to his attention later which would indicate the advisability of including others in the suit that he would come back to the Council for further direction.

The Council members agreed that on this basis they would approve the proposed resolution naming only the Standard Materials, Inc. as defendant. Councilman Robinson introduced

RESOLUTION NO. 55-434

seconded by Councilman Hammond, declaring its intention to treat all contracts with members of the Valley Builders Exchange, Inc., as invalid and unenforceable and disburse no funds thereunder until such time as it may validly do so pursuant to a court ruling on the matter and authorizing the City Attorney to immediately institute an action of declaratory relief in the Superior Court of Stanislaus County against the Standard Materials, Inc. to obtain a declaration of the Court in a test case as to the validity of

such contracts, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Adams

GRANT REQUEST OF CITY MANAGER TO BE ABSENT FROM COUNCIL MEETING OF OCTOBER 5

Councilman Arata moved, seconded by Councilman Robinson, and it was unanimously carried, that the City Manager be permitted to be absent from the regular Council meeting to be held on October 5, 1955.

(Councilman Merrill and City Attorney Grimes were excused from the meeting at 9:15 P.M.)

CONSIDERATION OF PROPOSED CAPITAL IMPROVEMENT PROGRAM

The City Manager presented a work sheet on the Capital Improvement Program listing the following suggested allocations for various projects, together with a detail work sheet on Park Development and an analysis of budget-special capital outlay fund for 1954-55 and available for 1955-56:

	1954-55 allocations		Proposed 1955-56 allocations	Total Appropriations proposed 1955-56
	unencumbered balance	Former		
City Hall	\$59,965	\$60,000		\$119,965
Dennett Dam		35,000	\$10,000	45,000
Downey Swim Pool		25,000		25,000
Park Development		15,000	20,000	35,000
Park Site Acquisition	11,585	25,000		36,585
Beard Brook Bridge		50,000		
Golf Course	2,500	30,000	3,000	35,500
Airport Improvement		25,000	50,000	75,000
Reserves (unallocated)			29,075	29,075
Totals	\$74,050	\$215,000	\$112,075	\$401,125

Some other major items listed for consideration were Street paving program, traffic lights and signals, and a Police Building.

Beard Brook Bridge

The City Manager stated that the city had offered to share with the schools and county in the expense of a new bridge across Beard Brook, but the county is planning to construct a bridge at a location where the city is not willing to share the cost. The allocation has therefore been crossed off the list, he stated.

Golf Course

The City Manager stated that \$3,000 was proposed for the preparation of plans. The city has an option to purchase additional land from Kenneth Durand before December 31, 1955.

Airport Improvement

An additional allocation of \$50,000 is recommended as the city will need more than \$37,000 in order to purchase the land plus the fact it would be necessary to put up 100% of the purchase price and the government would refund 50% later. There is also the need to allocate funds for construction. The administrative staff is meeting shortly with representatives from the

United Airlines relating to the increasing of the landing fees due to the proposed increase in facilities.

Police Department Building

Consideration could be given to the construction of the communication center ahead of the building. The Council agreed later on in the discussion that this would not be advisable due to the fact a new police building was needed and separate construction of the communication center might increase the cost to the city.

City Hall

Councilman Arata suggested that revenue received by the city from the increased sales tax be pledged to pay off the bonds for the City Hall, that it should not be an obligation on the real property of the city. The City Manager stated that a thorough analysis of the various means of financing the city hall was being prepared by the administrative staff which would be submitted soon. He pointed out that the city hall could be financed the same way as the recent sewer project, with the one-half sales tax pledged to retire the bonds. A discussion was held on the various types of bonds and the percentage of votes required at an election. Councilman Arata stated he was "not sold" on the lease-purchase type of financing. Mr. Miller assured the Council that all alternatives for financing the city hall and police building, together with the costs of the various methods, would be included in the administrative report. He pointed out that the studies on the location, design and financing of the buildings was progressing simultaneously.

Park Development

The City Manager asked for Council consideration of the following suggested allocations for park development so that the work could be started as soon as possible due to weather conditions:

Restrooms and tool shed, J. M. Pike Park-----	\$4,500
Reconstruction of wading pools and paving, Graceada-----	1,160
Tennis court bleachers, Graceada-----	700
Fencing and surfacing 2 courts, Graceada-----	3,200
Oiling road, Beard Brook Park-----	600
*Construction of 2 tennis courts, Roosevelt Park-----	4,000
**Tool Shed, Enslin Park-----	1,200
**Sidewalks, Maddux Youth Center-----	600
Playground equipment-----	1,500
Complete cooling system, Maddux Youth Center-----	2,100
Restrooms and tool shed, John Muir Park-----	4,000
Reconstruct restrooms, Legion Park-----	1,500
***M.J.C. Restrooms, lights and backstop-----	7,805
	<u>\$32,865</u>

* This is an addition to student body participation offered in the amount of \$1,000.

** Construction by city crews may result in savings.

*** Actual construction of these improvements should await determination as to whether or not the softball program will be carried on at something like the present level of activity.

Restrooms--tool shed at J.M. Pike Park

Councilman Hammond questioned the advisability of building these facilities since there were no picnic tables or playground equipment in the park. Parks and Recreation Director Lowrey pointed out that this park was used by the Little League Baseball teams and was used more than either the John Muir or Enslin Parks.

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Tennis Court Bleachers, Graceada

The City Manager stated that it may be possible that this would have to be left out. Mr. Lowrey agreed with this.

Complete cooling system, Maddux Youth Center

Councilman Hammond considered the city had spent all the money it should on the Maddux Youth Center. Mr. Lowrey reported that the daily attendance at the center dropped off materially during the hot summer months because the building was so uncomfortable.

M.J.C. Restrooms, lights and backstop

The City Manager reported that Mr. Lowrey and Mr. Walts of the Parks and Recreation Department were working with a committee from the Soft Ball Clubs on a program to make the clubs more self supporting. Unless satisfactory arrangements can be arranged to continue the program, the construction of the Junior College restrooms could be eliminated.

Further consideration of these items was held over.

Dennett Dam

Plans are being prepared on the dam for presentation at a later date.

Downey Swimming Pool

The City Manager reported that the schools were uncertain at the present time whether funds would be available to participate in the construction of a swimming pool at the Downey High School. The City Manager was instructed to check with the schools further on this matter.

TRAFFIC LIGHTS & SIGNALS

Mayor Marks pointed out that the Council could consider two ways to finance traffic lights and signals: (1) from the capital improvement fund, or (2) from parking meter revenue. He briefly reviewed the history of the various percentages of allocation of on-street parking meter funds to the Parking Authority. He pointed out that the allocation of funds from the "on-street" meters had been increased to 75% on the basis that there would be a participation program. He suggested that the Council could consider during the interim period 8-10 months, until there is a program, that a portion of parking meter revenue be used to purchase traffic lights and signals.

Councilmen Arata and Hammond considered that the merchants should be given a year to complete their plans and the allocation be left intact until that time. Councilman Arata asked why the signals could not be financed out of the general fund; that maybe we were getting top heavy.

The City Manager pointed out that the increase in allocation of on-street meter funds for off-street parking from 50% to 75% reduced the money available for general expenses by about \$20,000. He also pointed out that the program of annexation during the past few years had doubled the population. The city's operating costs per capita or on an area basis are far less than in the past. Also, the past years it had been possible to transfer substantial sums from the Water Fund to the General Fund but that due to the cost of constructing water lines to the new annexed areas, this was not possible this year.

Mayor Marks stated, "I cannot see how the city could be operated more economical. I do not know of any other city that has accomplished as much, grown as much as Modesto. We knew when we planned to annex the LaLoma-Yosemite area, that it would cost the city considerable."

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Councilman Robinson stated he did not agree with the suggestion that the traffic lights and signals be financed from the Capital Improvement Fund. He considered that the purpose of the fund was that it be used to finance large projects, not everyday expenditures which should be financed out of the general fund.

The City Manager pointed out that the city might not have to actually spend this year, all the money allocated on the airport, and that there was no assurance that the schools would have money available for the Downey High School pool, and that if the Council wished, the park site acquisition allocation could be reduced and put in the reserve since there was approximately \$20,000 in the park fund to pay for park sites.

Councilman Robinson pointed out that this might be needed for the Greater Tuolumne River park if the state money becomes available. He stated that a complaint had been filed with him on the slow traffic flow due to the traffic light cycle at 10th and K Streets. He asked what progress had been made on the "scramble" system.

Traffic Engineer Carmody reviewed his investigation on one-way streets and scramble system. He pointed out that some of Modesto's streets were too wide to successfully operate the scramble system and that if traffic signals were installed on 11th Street and one way streets be made of 10th and 11th Streets it would materially relieve the traffic situation since most of the traffic is centered on 10th Street.

Councilman Robinson suggested that since the 15th Street property would not be needed for a city hall, that it be transferred to the parking program, or put on the open market and sold and the funds realized be used for traffic lights and signals.

Councilman Anderson objected to selling the property as it would be needed in the parking program.

Mayor Marks suggested that funds be used from the capital improvement for traffic lights and if the parking district was not formed than it could be paid back to the capital improvement fund. Councilman Hammond recommended that the lot be metered and a bookkeeping entry be made to transfer the lot to the parking program and the funds be used for other purposes.

The City Manager was authorized to write a letter to the State Division of Highways regarding the recent publicity on the freeway program.

The City Manager stated that a up-to-date report would be submitted to the Council members before the next meeting from Traffic Engineer Carmody on priority of locations and costs for traffic signals and lights. It was agreed by the Council that no action would be taken until this report was studied.

STUDY ON PRIVATE WATER SYSTEMS IN CITY

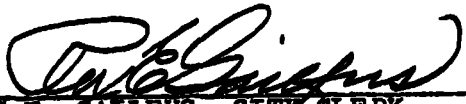
Mayor Marks recommended that \$10,000 be approved for the study on the acquisition of the private water systems in the city. The City Manager pointed out that this item was recommended in the budget message. He suggested that an outside firm be hired to make an analysis and evaluation of all the private water systems to determine whether or not it would be advisable and wise for the city to propose a revenue bond issue to integrate these systems into the city's water system. He pointed out that if an agreeable basis could be arranged with these companies, the city could receive revenue within one year's time. Some of the work could be done by the city's personnel but it would be necessary to have an expert outside engineer to help on appraisal of the various systems. Councilman Hammond pointed out the advantage of this arrangement, since, if the case was brought to court that the testimony of an unbiased person would be more effective.

CORRECTED BY MOTION OF CITY COUNCIL - OCTOBER 26, 1955

It was agreed by the Council that \$10,000 for the study on the purchase of the private water systems in the city be set up, for consideration, in the capital improvement program.

ADJOURNMENT

Councilman Anderson moved, seconded by Councilman Arata, and it was unanimously carried, that the meeting now in session adjourn. The meeting was adjourned at 9:40 P.M.



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 Chamber at the McHenry Public Library, 14th and I Streets, Mayor Marks presiding.

The City Clerk called the roll and there were

Present: Councilmen: Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks
Absent: Councilmen: Adams

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

Rev. Byran Judge, pastor of the Calvary Baptist Church gave the invocation.

City Manager Miller being absent on vacation, C. W. Masonheimer, Assistant City Manager, acted in his place.

APPROVAL OF MINUTES

Council members having received copies of the minutes of the Council meetings of September 14, 21, 23, 1955, and the same being available for public inspection, and there being no objections, the minutes were approved.

LETTER FROM PUBLIC UTILITIES COMMISSION RE: EFFECT OF THE BOARD OF EQUALIZATION'S RECENT ORDERS RELATING TO ADJUSTMENTS OF PROPERTY ASSESSMENTS FOR TAX PURPOSES

A letter was read from the Public Utilities Commission advising that the Commission had initiated studies to ascertain the effect of the Board of Equalization's orders, relating to adjustments of property assessments for tax purposes, upon the taxes of utilities in the 14 counties affected. The letter was ordered filed.

LETTER FROM MODESTO REDS APPROVING USE OF THE DEL WEBB FIELD BY THE J. M. EQUIPMENT COMPANY

A letter was read from the Modesto Reds Ball Club approving the use of the Del Webb Field by the J. M. Equipment Company on October 26, 1955, to hold a celebration for its employees. Councilman Arata moved, seconded by Councilman Merrill, and it was unanimously carried, that the J. M. Equipment Company be allowed to use Del Webb Field on October 26, 1955, providing the park is left in a clean and satisfactory condition and the company will hold the city harmless from and against any and all costs, damages and liability arising out of the use of the field.

ACCEPT BID OF M. J. RUDDY & SON FOR PAVING MATERIALS

Tabulation of the bids received for paving materials for the year 1955-56, which had been opened in the office of the City Clerk, at 2:00 P.M. October 4, 1955, was considered by the Council. Assistant Director of Public Works Fredricksen recommended that the bid submitted by M. J. Ruddy and Son be accepted as the lowest responsible bid. Councilman Arata introduced

RESOLUTION NO. 55-435

seconded by Councilman Robinson, accepting the bid of M. J. Ruddy & Son on paving materials for the fiscal year 1955-56, as the lowest responsible bid, as recommended by the Assistant Director of Public Works, and authorizing the execution of a contract by the city's designated officials, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Anderson, Arata, Hammond, Merrill, Robinson, and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Adams

LETTER FROM MAYOR REYNOLDS OF OAKDALE

Mayor Marks reported receipt of a letter from Mayor Reynolds of Oakdale advising that this city had adopted a 1% sales tax, to be effective January 1, 1956.

DISCUSSION ON INSTALLATION OF BILLBOARDS

Carl W. Shannon, owner of the Carlton Building located at 925 12th Street, appeared before the Council to file a verbal objection to the proposed construction of three billboards by Foster & Kleiser on the privately operated public parking lot adjoining his building on the north, leased by the M & M Auto Park from property owner, Cooper's Inc. He stated that although he had been advised by his attorney that the permits for the billboards were legal under the city ordinances, this construction would not only depreciate the value of his property, but their location would create a traffic hazard at the intersection of 12th and J Streets. He stated the permission to build the signboards was granted by a tenant and not the property owner.

Director of Planning Smeath stated that the billboard ordinance established the structural and safety details of a sign and the zoning ordinance, the location. This location, he stated, is in C-2 zone, which permits this type of sign.

Acting City Manager Masonheimer reported that if an application for a sign fulfilled the city requirements, as established by the sign and zoning ordinance, the Building Inspector had no alternative but to issue a permit "even though we may not like it". He stated he wished to make the staff's position clear in this regard.

To a Council question, the City Attorney pointed out that there was no way this construction could be abated under the existing ordinances. The question for the Council to consider is whether it wishes to change the ordinance to provide in the future that the Council approve all billboard signs over a certain size, as the previous sign ordinance provided. He pointed out that the billboards objected to, met the legal requirements of the Code and were partially constructed.

A discussion was held on whether the signs could be abated under certain sections of the ordinance and be defended in court.

Mr. Smeath reported that the Planning Department knew that the present problem would arise since permits had been requested for 7 new billboards by a new company, Bruce Advertising Company. These permits were held up until the Planning Commission could discuss them. At a recent meeting, he stated, the Commission agreed that since the ordinances permitted this type of sign to be constructed in C-2 Zone, nothing could be done. The applications were referred back to the Building Inspector today, and he issued the permits.

Mayor Marks stated he considered it a Council duty to maintain the assessed valuation of property in the city, to protect against aesthetic nuisances, and to protect the public interest and welfare, so suggested the Council should consider concerning itself with the location of signs.

The City Attorney pointed out that while the billboard regulations might be changed, it would be impossible to make the new regulations retro-active.

Mr. Smeath pointed out that the zoning ordinance could be amended to prevent certain size signs under certain conditions from being constructed in C-2 zone. He pointed out that Foster & Kleiser and the other billboard companies had always been cooperative. If it was explained to them that the putting up of certain signs in certain locations would cause them to lose the good will of the community and city officials, they would be ruled by public opinion and remove the signs.

A possibility that many signs would be erected on vacant lots, if the ordinances were not amended, was discussed. Councilman Hammond stated that it was his belief that the construction of this type of sign, which would be rented to others than the tenant for advertising purposes, was contrary to the intent of the Sign Committee. He recommended that the ordinance be reviewed and considered further from the standpoint of building identification. Everybody should be entitled to proper identification of his premises and type of merchandise sold, he stated.

Mr. Masonheimer reported that the application for the signs on 12th and J Street parking lot was well within the limits of the existing legislation and had not even come to the attention of the Planning Department or of the City Manager's office until late this afternoon. He pointed out the difficulty of the staff being able to check on the ownership of property. When a permit is applied for, if it meets the building code and other ordinance requirements, a permit is issued. Whether a person has a right to build a sign on a certain property is not in the province of the city to determine. The city staff is not in a position to investigate the terms of a lease to learn if a tenant has the right to sublet a portion of the property.

A suggestion was offered that the permits issued to the Bruce Advertising Company be withdrawn until a further study had been made. It was further suggested that no additional permits be issued for signboard construction. The City Attorney counseled against such an action and pointed out that law suits might be filed against the city.

Councilman Anderson moved, seconded by Councilman Arata, and it was unanimously carried, that the City Manager be instructed to contact Foster & Kleiser, lessee, and lessor of the parking lot, immediately and advise them that the Council considered the erection of the signs at 12th and J Streets not in the interest of the public welfare and safety by reason of the traffic hazards and ask them to delay the construction, pending a review of the sign ordinance.

Councilman Anderson moved, seconded by Councilman Merrill, and it was unanimously carried, that the City Manager contact Bruce Advertising Co., and advise them that the city was re-examining its sign and zoning ordinance and ask them to withhold any construction of their signs. Mr. Masonheimer asked for Council clarification on the objections, whether it was a matter of degree as to the size or location of the proposed signs, and also on the issuance of future building permits for signs in the C-2 area.

Mr. Smeath recommended that the zoning ordinance rather than the sign ordinance be amended but the City Attorney pointed out that amending the sign ordinance would be quicker. He suggested that he submit a draft of an ordinance for Council consideration which would provide that no permit for the erection of ground signs of a certain size be issued by a building official unless the Council, by resolution, has agreed that the sign could be erected and maintained without danger to the public health and safety. He pointed out that any amendment to the ordinance would bring a reaction from the advertising firms. Councilman Anderson moved, seconded by Councilman Hammond, and it was unanimously carried, that the City Attorney draft an amendment to the sign ordinance as suggested by him for Council consideration.

(Councilman Merrill was excused and left the meeting at 5:25 P.M.)

FURTHER CONSIDERATION OF CAPITAL IMPROVEMENT BUDGET

(a) Traffic signal installation cost estimates: Copies of a report prepared by the Traffic Engineer, as requested by the Council, on the estimated construction costs, recommended priority, and recommended location of traffic signals, throughout the city, were distributed to Council members. It was agreed that discussion on the report would be delayed until both the City Manager and Traffic Engineer were present.

(b) Park Development Proposals: The need for an early decision on the recommended projects in various parks, due to weather conditions, was pointed out by the Acting City Manager, at the request of the City Manager. It was generally agreed that one week's delay in final consideration of all items except the paving at the Youth Center would not present too much of a problem. Mr. Lowrey reported that the estimated cost of the concrete work at the center, if done by private contractor, would be \$380, and if done by the city, would be \$310. The difference in price, he pointed out, was due to the fact that the city had salvage material which could be used in preparing the concrete forms. Councilman Robinson moved, seconded by Councilman Arata, and it was unanimously carried, that the City Manager be authorized to use city forces to construct the concrete sidewalks at the Maddux Youth Center. Mr. Masonheimer stated that the necessary appropriation transfer would be presented at a later date on the project.

(c) Downey Swimming Pool: Mr. Masonheimer reported that the City Manager had further discussed with the school officials, the possibility of joint participation by the city and schools in the construction of a swimming pool at the Downey High School. The school officials were optimistic in the result of the recent bids received for school buildings and considered there was a good chance the schools would have sufficient funds available this year for their share of the cost of the pool. Definite information on this project will be available from the schools, in the near future. Councilman Anderson reported that he understood that the information would be available within two months.

(d) Junior College Auditorium: Mr. Masonheimer briefed a report from the City Manager on the joint construction of an auditorium by the city and the Junior College School District, which listed the approximate cost to the city if additional seating capacity was added to the school plans.

Mayor Marks believed that further study was needed on this project and questioned if the auditorium would fulfill the needs of the community, because of the restrictions on its use by the Schools and State law. He pointed out that if the auditorium was to be used for convention facilities, that there would be a shortage of hotel accommodations in the city, with the present facilities. He also brought up the problem of joint jurisdiction. He suggested that a committee be appointed with representatives from the Chamber of Commerce, members of the former Forward Modesto Committee, and private citizens, to work with the school authorities.

Mr. Smeath pointed out that the schools needed an early decision so that plans could be completed. In the discussion held with the school representatives, it was pointed out that the city needed an arena type of building while the schools had to have a theatre type.

A suggestion that the auditorium be built in the Civic Center, with the city contributing the site was discussed. It was brought out in the discussion that the property would have to become school property, by state law and that the schools would have to retain general control of the building. Since the school plans to hold classes in the building, it would be necessary that the building be located on the J. C. Campus, Mr. Smeath reported.

It was agreed by the Council that money would not be available in the Capital Improvement Budget this year, since other projects would have priority, such as the city hall and police building. The need of the community for an auditorium was recognized, but it was generally agreed by the Council members, that the project should be held in abeyance until a further study could be made.

PUBLIC HEARING ON APPLICATIONS FOR UNCLASSIFIED USE PERMITS

Mayor Marks declared the hearing open at 4:30 P.M. for the consideration of application of Thelma K. Price for an unclassified use permit for the day care of children at 109 Village Road.

The City Clerk filed an affidavit that written notice had been mailed September 19, to each property owner, as provided by Section 10-2.2206 of the Municipal Code and that no written protests had been filed.

Mayor Marks asked for oral protests from the audience. No protests were filed.

Resolution No. 239, adopted by the Planning Commission at its public hearing held on September 6, outlined its findings and recommended that the Council grant the permit to Mrs. Price.

Mayor Marks declared the hearing closed.

Councilman Arata introduced

RESOLUTION NO. 55-436

seconded by Councilman Anderson, granting an unclassified use permit to Mrs. Thelma K. Price for the day care of 8 children at 109 Village Road, in accordance with the findings and conditions established by the Planning Commission, which resolution was regularly adopted by the following vote:

Ayes:	Councilmen:	Anderson, Arata, Hammond, Merrill; Robinson and Mayor Marks
Noes:	Councilmen:	None
Absent:	Councilmen:	Adams

Mayor Marks declared the hearing open at 4:35 P.M. for the consideration of the application of Mrs. Eula Flynn for an unclassified use permit for the day care of children at 1516 Del Mar Avenue.

The City Clerk filed an affidavit that written notice had been mailed September 19, to each property owner, as provided by Section 10-2.2206 of the Municipal Code and that no written protests had been filed.

Mayor Marks asked for oral protests. No protests were filed.

Resolution No. 240, adopted by the Planning Commission at its public hearing held September 6, outlined its findings and determinations and recommended that the Council grant the permit to Mrs. Flynn under certain conditions stated therein.

Mayor Marks declared the hearing closed.

Councilman Hammond introduced

RESOLUTION NO. 55-437

seconded by Councilman Arata, granting an unclassified use permit to Mrs. Eula C. Flynn, for the day care of 6 children at 1516 Del Mar Avenue, in accordance with the findings and conditions established by the Planning

Commission, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Adams

Mayor Marks declared the hearing open at 4:40 P.M. for the consideration of the application of Mrs. Helen Thompson for an unclassified use permit for the day care of children at 2029 Dora Street.

The City Clerk filed an affidavit that written notice had been mailed September 19, to each property owner, as provided by Section 10-2.2206 of the Municipal Code, and that no written protests had been filed.

Mayor Marks asked for oral protests. No protests were filed.

Resolution No. 241, adopted by the Planning Commission at its public hearing held on September 6, outlined its findings and determinations and recommended that the Council grant the permit to Mrs. Thompson under certain conditions, stated therein.

Mayor Marks declared the hearing closed.

Councilman Arata introduced

RESOLUTION NO. 55-438

seconded by Councilman Robinson, granting an unclassified use permit to Mrs. Helen Thompson for the day care of five children at 2029 Dora Street, in accordance with the findings and conditions established by the Planning Commission, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Adams

REPORT ON TRAFFIC SIGNALS

The City Manager filed a further report on the estimated construction costs, and location of traffic signals as requested by the Council, which had been prepared by the Traffic Engineer. It was agreed that discussion on the report would be held up until both the City Manager and the Traffic Engineer were present.

RESCIND RESOLUTION NO. 5877-N.S. ESTABLISHING RESERVED PARKING SPACE ON J STREET FOR THE AMERICAN RED CROSS

Since the Red Cross had removed its headquarters from 1416 J Street to its new location at Kimble and Downey Avenues, Councilman Anderson introduced

RESOLUTION NO. 55-439

seconded by Councilman Arata, rescinding Resolution No. 5877-N.S. granting a reserved parking space at 1416 J Street to the American Red Cross, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Adams

ACCEPT ANNUAL AUDIT FROM C. D. NATTINGER & COMPANY

Copies of the annual audit of the city's records for the fiscal year 1954-55, prepared by C. D. Nattinger & Co., having been distributed to the Council members for their study, Councilman Hammond moved, seconded by Councilman Merrill, and it was unanimously carried, that the claim of C. D. Nattinger & Co. for \$1250 be allowed.

FURTHER CONSIDERATION OF SALARY ADJUSTMENT FOR SANITARIAN

Acting City Manager Masonheimer reported that the Personnel Commission had approved the salary adjustment proposed by the Personnel Staff and had recommended approval by the Council at its regular meeting held on October 4.

He reported that the Personnel Department had been successful in recruiting one Sanitarian. He stated that the salary to be offered would be Step "C" of the proposed rate, which would be \$395, if the Council approves the new schedule. It was reported that the candidate held three State Certificates and was qualified in every phase of the field and that he had eleven years experience with the department of one of the large cities in the Bay Area. He pointed out that there would be sufficient money for the remainder of the year in the Health Department budget. Councilman Hammond moved, seconded by Councilman Arata, and it was unanimously carried, that the City Attorney be instructed to bring back the necessary documents to effect this change.

APPROVE RIGHT OF WAY AGREEMENT WITH MIKE CAPOBIANCO

The City Attorney presented for Council consideration right of way agreement with Mike Capobianco, et ux, for sanitary sewer in Block 2199 in the LaLoma Improvement District No. 5. Councilman Arata introduced

RESOLUTION NO. 55-440

seconded by Councilman Robinson, approving the right of way agreement, authorizing its execution by the city's designated officials, and directing its recordation with the Stanislaus County Recorder, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Anderson, Arata, Hammond, Robinson and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Adams and Merrill

ACCEPT GRANT DEED FROM JOHN QUARESMA FOR PLANTING EASEMENT "GLENWOOD PARK SUBDIVISION"

The City Attorney presented for Council consideration, grant deed from John Quaresma for planting easement in the Glenwood Park Subdivision. Councilman Hammond introduced

RESOLUTION NO. 55-441

seconded by Councilman Anderson, accepting the grant deed from John Quaresma for planting easement in the Glenwood Park Subdivision, and authorizing its recordation with the Recorder of Stanislaus County, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Anderson, Arata, Hammond, Robinson and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Adams and Merrill

DISCUSS INSTALLATION OF STOP SIGNS ON G STREET AT 15TH STREET

A report from Traffic Engineer Carmody recommending that stop signs be installed on G Street stopping traffic entering 15th Street was held over until Mr. Carmody could be present. The Council discussed the possibility of installing "Yield Right of Way" signs.

IMPROVEMENT DISTRICT NO. 4 - DOWN-TOWN LIGHTING DISTRICT

The City Attorney presented for Council consideration, resolutions prepared by Eugene K. Sturgis, bond counsel, relating to Improvement District No. 4 - Down-town Lighting District.

Mayor Marks introduced

RESOLUTION NO. 855-S.P.

seconded by Councilman Arata, determining that public convenience and necessity require the furnishing and installation of street lighting materials and appurtenances in Improvement District No. 4 (Down-town Lighting District), and setting Wednesday, the 2nd day of November, 1955, at 4:30 P.M. in the Council Chambers as the time and place for the hearing of written objections to the proposed district, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Anderson, Arata, Hammond, Robinson and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Adams and Merrill

Councilman Arata introduced

RESOLUTION NO. 856-S.P.

seconded by Councilman Hammond, directing R. E. Fredricksen, City Engineer, to prepare plans and specifications for the furnishing and installing of street lighting materials and appurtenances in Improvement District No. 4, together with careful estimates of the costs and designating the work and improvement hereinabove described as Improvement District No. 4, City of Modesto, County of Stanislaus, State of California, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Anderson, Arata, Hammond, Robinson and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Adams and Merrill

Councilman Anderson introduced

RESOLUTION NO. 857-S.P.

seconded by Councilman Hammond, approving the plans and specifications, submitted this date by the City Engineer for the improvements to be made in Improvement District No. 4, and adopting the plans and specifications for the work and improvement to be done in said Improvement District No. 4, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Anderson, Arata, Hammond, Robinson and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Adams and Merrill

Councilman Robinson introduced

RESOLUTION NO. 858-S.P.
RESOLUTION OF INTENTION NO. 248

seconded by Councilman Anderson, resolving that it is the intention of the Council to order work done in Improvement District No. 4: setting the date of Wednesday, November 2, 1955, at 4:35 P.M., in the Council Chamber, for hearing all persons having any objection to the proposed work or improvements or to the grades or the boundaries of the district to be assessed, to show cause why said improvements should not be carried out; and the hour of 4:30 P.M. the same date as the time for the hearing of protests to the public convenience and necessity of the construction of the aforesaid street lighting standards, in accordance with the provisions of the Improvement Act of 1911, and without compliance with the Special Assessment Investigation, Limitation and Majority Protest Act of 1931; authorizing publication of the Resolution of Intention in the official newspaper of the city as required by the Improvement Act of 1911; posting of copy of Resolution of Intention on the door of the Council Chamber; along the line of said contemplated work as required by law; and mailing of copy of Resolution of Intention to all persons owning real property proposed to be assessed, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Anderson, Arata, Hammond, Robinson and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Adams and Merrill

AUTHORIZE ASSIGNMENT OF CONTRACT WITH BYRON JACKSON CO. FOR THE PURCHASE OF DEEP WELL PUMP TO BORG-WARNER CORPORATION

The City Attorney presented for Council consideration an assignment of contract for the purchase of a deep well pump from Byron Jackson Co. to Borg-Warner Corporation. He advised the Council that the Borg-Warner Corporation had purchased the Byron Jackson Company.

Councilman Anderson introduced

RESOLUTION NO. 55-442

seconded by Councilman Arata, approving the assignment and authorizing its execution by the city's designated officials, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Anderson, Arata, Hammond, Robinson and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Adams and Merrill

ADOPT PERSONNEL RULE CHANGE EFFECTING HOURS OF WORK

Provisions of a proposed amendment to the Personnel Rules and Regulations which would establish the working hours for the Police Department personnel, effective December 1, 1955, as 40 hours instead of 44, were briefly reviewed by the Acting City Manager. He pointed out that the proposed change had been approved by the Personnel Commission. He stated that the requirement for training had been placed on a voluntary basis instead of mandatory. The administrative details concerning training time policy for the Police personnel had not definitely been decided on but it was proposed to be in two phases, he reported. Training primarily for the benefit of the Police Department and the City would be at City expense, while training that is primarily for promotion preparation would be at the expense of the employee. Councilman Arata introduced

RESOLUTION NO. 55-443

seconded by Councilman Hammond, amending Section 13.1 of the Personnel Rules and Regulations relating to hours of work, effective December 1, 1955, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Anderson, Arata, Hammond, Robinson and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Adams and Merrill

LETTER FROM ENSLEN PARENT-TEACHER ASSOCIATION

A letter was received from Verta Reddy, Secretary of the Enslan Parent-Teacher Association expressing appreciation for the installation of the Safety Sally sign at the intersection of Virginia and Coldwell Avenues.

COUNCILMAN ANDERSON REPORT ON CONDITION OF OFFICER ERIC LARSON

Councilman Anderson reported he had visited Officer Eric Larson, who is confined in Memorial Hospital due to injuries received in a traffic accident which occurred on October 4.

FURTHER REPORT ON LITIGATION INVOLVING CONTRACTS WITH MEMBERS OF VALLEY BUILDERS EXCHANGE, INC.

The City Attorney reported that after further study on the litigation involving contracts with members of the Valley Builders Exchange, Inc., and discussion with counsel of the various contractors, he proposed that the declaratory relief action should include all the contractors. He presented, for Council consideration, a resolution which would amend Resolution No. 55-434, providing that the action include the other contractors.

Councilman Arata introduced

RESOLUTION NO. 55-444

seconded by Councilman Robinson, amending Section 2 of Resolution No. 55-434, authorizing the City Attorney to immediately institute an action of declaratory relief in the Superior Court of Stanislaus County against all persons, firms and corporations with whom the city entered into such contracts in order to obtain a declaration of the City as to the validity of such contracts, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Anderson, Arata, Hammond, Robinson and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Adams and Merrill

SET DATE FOR HEARING ON PROPOSED ANNEXATION OF GREGORY GARDENS #2

Pursuant to referring petition of Lance E. and Carol L. Ellis, for annexation of Gregory Gardens No. 2 to the City, to the Planning Commission for its report and recommendation, Resolution No. 248, adopted by the Commission, recommending to the Council the continuation of annexation proceedings, was read. Councilman Arata introduced

RESOLUTION NO. 55-445

seconded by Councilman Anderson, setting the 16th day of November, 1955, at 4:30 P.M. in the Council Chambers as the time and place for the consideration of the petition for annexation of Gregory Gardens No. 2 to the City of Modesto, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Anderson, Arata, Hammond, Robinson and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Adams and Merrill

SET DATE FOR HEARING ON PROPOSED ANNEXATION OF NORTHGATE ADDITION

As requested by the Council, the Planning Commission submitted a report to the Council recommending the continuation of the annexation proceedings on the Northgate Addition to the City.

The City Attorney reported that the school authorities had agreed that the portion of the addition which lies within the boundaries of the

Sylvan School District would be included in the Modesto School District if the addition is annexed to the city.

Councilman Anderson introduced

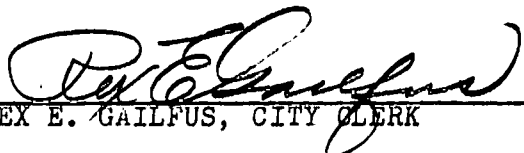
RESOLUTION NO. 55-446

seconded by Councilman Robinson, setting the 16th day of November, 1955, at 4:15 P.M. in the Council Chambers, as the time and place for the consideration of the petition for annexation of Northgate Addition to the City of Modesto, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Anderson, Arata, Hammond, Robinson and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: Adams and Merrill

ADJOURNMENT

Acting City Manager Masonheimer pointed out that the next regular Council meeting, October 12, would be on a holiday. Councilman Hammond moved, seconded by Councilman Robinson, and it was unanimously carried, that this Council meeting be adjourned until 4:00 P.M., Tuesday, October 11, 1955.



REX E. GAILFUS, CITY CLERK

The Council of the City of Modesto met in adjourned regular session this date at 4:00 P.M., as provided by Section 2-1.01 of the Modesto Municipal Code, the meeting having been adjourned from the regular session held on October 5, in the Council Chamber at the McHenry Public Library, 14th and I Streets, Mayor Marks presiding.

The City Clerk called the roll and there were

Present: Councilmen: Adams, Anderson, Arata, Robinson and Mayor Marks
Absent: Councilmen: Hammond and Merrill

LETTERS FROM PROPERTY OWNERS IN THE CIVIC CENTER AREA OFFERING TO SELL THEIR PROPERTY TO THE CITY

Letters from the Grace Lutheran Church and Arch McNeil, offering to sell their property, which is located in the civic center area, to the city, were ordered referred to the Civic Center Committee.

LETTER FROM DIVISION OF HIGHWAYS DISTRICT X RE: STATE MONEY FOR ENGINEERING AND ADMINISTRATION CITY STREET PURPOSES

A letter was read from the State Division of Highways District X relating to the recent amendment to the Streets and Highway Code which provides for the allocations and expenditure of state highway funds for engineering and administrative purposes, in respect to city streets. By order of the Council, the letter was referred to the City Manager for appropriate action.

REPORT ON PROPOSAL OF FRANK M. HELM CO. TO PROVIDE HERTZ VEHICLE RENTAL SERVICE AT MODESTO AIRPORT

Attorney Francis W. Halley, present on behalf of Frank M. Helm Co. dba Hertz System Inc., advised that his client wished permission to install a stand at the municipal airport to supply rental vehicles, both cars and trucks, to the general public. He suggested that the Council authorize the City Manager to confer with him to draft a formal proposal for its consideration.

The City Manager was directed to confer with Mr. Halley and report at a later date.

AUTHORIZE PAYMENT OF CLAIM OF CHAMBER OF COMMERCE-ACCEPT REPORT

A report was submitted by the Chamber of Commerce covering its activities for the period July 1, 1955 to October 1, 1955, as per agreement, dated June 11, 1952. A request for payment of the \$5,000 allocated in 1955-56 budget was also filed. Councilman Robinson moved, seconded by Councilman Adams, and it was unanimously carried, that the report be approved and accepted. Councilman Anderson moved, seconded by Councilman Robinson, and it was unanimously carried that the payment of the \$5,000 claim of the Chamber be approved.

ACCEPT BID OF NORTH BAY CONSTRUCTION COMPANY FOR CONSTRUCTION OF THOUSAND OAKS PARK SEWAGE PUMPING STATION

A tabulation of the bids submitted on the Thousand Oaks Park Sewage Pumping Station, which had been opened at 2:00 P.M., October 10, was considered by the Council. Director of Public Works Ray recommended the acceptance of the bid submitted by North Bay Construction Company of \$35,940, as the lowest responsible bid. Councilman Adams introduced

RESOLUTION NO. 55-447

seconded by Councilman Robinson, accepting the bid of \$35,940, for the construction of the Thousand Oaks Park Sewage Pumping Station, submitted by the North Bay Construction Company, as the lowest responsible bid, and authorizing the execution of a contract for the completion of the work by the city's designated officials, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Robinson and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Hammond and Merrill

The City Attorney reported that rights of way on Coffee Road, involved in this project, had not been obtained as yet.

ACCEPT BID OF TED SWINFORD ON SANITARY SEWER IN BLOCK 2029 AND ROBLE AVENUE

A tabulation of the bids submitted for the construction of a sanitary sewer in Block 2029 and Roble Avenue, which had been opened at 3:00 P.M., October 10, was considered by the Council.

The Director of Public Works recommended that the bid submitted by Ted Swinford of \$2,563.20 be accepted as the lowest responsible bid.

Councilman Arata introduced

RESOLUTION NO. 55-448

seconded by Councilman Anderson, accepting the bid of \$2,563.20 submitted by Ted Swinford for the construction of a sanitary sewer in Block 2029 and Roble Avenue, as the lowest responsible bid, and authorizing the execution of a contract for the completion of the work by the city's designated officials, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Robinson and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Hammond and Merrill

AUTHORIZE CALL FOR BIDS ON CONSTRUCTION OF ROOFS FOR DOMESTIC SEWAGE DIGESTERS

Plans and specifications for the construction of roofs for Domestic Sewage Digesters at the sewage treatment plant were presented for Council consideration. Councilman Robinson introduced

RESOLUTION NO. 55-449

seconded by Councilman Adams, approving the plans and specifications, and authorizing the calling for bids, said bids to be filed with the City Clerk on or before Monday, October 31, 1955 at 2:00 P.M., which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Robinson and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Hammond and Merrill

LETTER FROM AD-ART SIGN CO. RE: COST OF NEON SIGN ON NINTH STREET PARKING LOT

A letter from R. H. Spencer, of the Ad-Art Sign Co., was read. Mr. Spencer stated that the city's purchase order for the Ninth Street Parking Lot neon sign was for the sum of \$1357 and that the price quoted by his company was \$1357.20, plus tax of \$40.72, making a total cost of \$1397.92. He stated that he had checked with the City Clerk's office on the actual notes taken at the Council meeting of August 24, at which time the purchase of the sign had been authorized, which indicated that the purchase price was \$1357 "plus sales tax".

The City Manager stated that the official minutes of the meeting indicated that the cost price to the city was \$1357, "including sales tax".

After a general Council discussion on whether the price quoted did or did not include sales tax, Councilman Arata introduced

RESOLUTION NO. 55-450

seconded by Councilman Adams, amending Resolution No. 55-373, adopted by the Council on August 24, authorizing the purchase of the sign for the sum of \$1357.20, plus sales tax, from Ad-Art Sign Co., and directing the Director of Finance to draw warrant in payment of claim for \$1397.92, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Anderson, Adams, Arata, Robinson and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: Hammond and Merrill

REPORT ON REVISED PROPOSAL TO CONSTRUCT SIGNS AT 12th AND J STREETS AND FURTHER CONSIDERATION OF POSSIBLE AMENDMENT TO SIGN ORDINANCE

The City Manager asked W. E. Munford, representative of the Foster & Kleiser Advertising Company, to report on his company's decision on the proposed construction of three billboards, for which they hold building permits, on the private parking lot located at 12th and J Streets.

Mr. Munford reported that as a result of a conference with Mr. and Mrs. Carl Shannon, his company had agreed not to complete the two billboards on the 12th Street side of the parking lot. The Shannons offered no objections to the proposed billboard on the J Street side of the lot and the company will complete this sign, he stated.

The City Attorney stated that as indicated in his memorandum to the Council members, problems existed in the proposed amending of the sign ordinance. Mayor Marks suggested that consideration of the draft of the ordinance prepared by the City Attorney, be delayed until next week.

The City Attorney suggested that prior to the introduction of any amendment to the sign ordinance, that the various commercial advertising companies be given notice of the time and place when such a proposal was to be considered and they be given a fair opportunity to present their point of view.

Councilman Anderson pointed out that the County committee sub-committee on billboards was working on some type of regulation, and suggested that the city wait for the results of this committee.

Mr. Bruce King, representing the Bruce Advertising Company, holder of seven permits for billboards in the C-2 area, asked when he could start construction.

The City Manager reminded the Council that this company had been requested to withhold construction until further discussion of the ordinance. He pointed out that the results of the joint committee would not be determined for a considerable time and suggested that the company not be held up any longer than necessary. The question for the Council to decide is whether the ordinance is to be amended or whether to proceed under the laws as they exist.

Councilman Arata offered the suggestion that when the administrative staff considered the location of a billboard questionable, that it be brought to the Council for its decision. The City Manager requested that if this were to be done, the Council establish standards for the guidance of the staff.

Mr. Munford pointed out that the city's existing sign ordinance was identical to the sign ordinance of the cities of Sacramento, Stockton, Bakersfield and Fresno.

A general discussion was held on the possibility of having the same regulations for the city and county. Mr. Smeath stated that the county presently was using the use permit system and each sign was considered on its own merits.

Mayor Marks pointed out the difficulties if the Council had to consider the aesthetics of each sign due to the material increase in population during the past few years which had increased the number of agenda items for each Council meeting. He suggested that if there was any question about the public health or safety, that it be referred to the Council for a decision.

The City Attorney pointed out that the code regulations on the construction of signs adequately protected the public safety and if the location was the problem that the zoning ordinance could be amended to prohibit signs in certain areas. Councilman Anderson suggested that the Building Inspector and the sign companies work together on the aesthetics of any proposed sign.

The City Manager urged the Council not to place the responsibility of judging whether a sign would be objectionable on a member of the administrative staff. There are many vacant lots in the city where signs could legally be installed, he stated, and it would be impossible for an official to know whether there would be any objections to a certain type of sign or location. He pointed out that the installation of signs in the city, as compared to signs in the county, presented entirely different problems. He urged that the Council decide on a definite procedure and policy and not place an administrative official in a position to make such decisions.

Mr. Munford pointed out that the County Planning Director had indicated that the county procedure of use permits for signs was unsatisfactory. He stated that his company had always worked on the basis that if anyone objected to one of its signs, that a company representative would go out with the Building Inspector and work out the problems in a manner which was agreeable to all. He asked that the company be granted the same privilege in Modesto.

The City Attorney pointed out that the Council had three alternatives to consider:

1. Use permit procedure. This would be unfair to the advertising companies as they would never know whether they could install a sign. If an application complies with the code regulations, there is no ground to deny a permit.
2. Zoning. Limit the location where land could be used for the installation of billboard signs.
3. Aesthetics. He pointed out that it would be difficult to refuse a permit on this basis and legally defend it in court.

A general discussion was held on 1) whether to table the matter definitely, 2) take it under advisement for further study, or 3) order it placed on the agenda at a future meeting.

The Council ordered the matter tabled. The Mayor pointed out that any member still had the right to raise the matter at any time and ask that it be placed on the agenda.

APPROVE INSTALLATION OF STOP SIGNS ON G STREET ENTERING 15th STREET

A detailed report was submitted by Traffic Engineer Carmody indicating the need for stop signs on G Street for traffic entering 15th Street. He stated that the collision diagram for this intersection indicated a steep accident pattern. Possible solutions would be either 1) stop signs, or 2) Yield Right of Way Signs. He stated that he would rather see better educational ground work before the city started using the "Yield Right of Way" signs which had only become legal in September, so that the citizens would be well informed. To a suggestion from the Council that the installation of any type of sign be delayed for a short period of time so that the public could be informed of the new type, Mr. Carmody pointed out the possibility of accidents at the intersection.

Councilman Anderson brought up the point of a long range traffic program which would make G Street a through street. After further discussion, Councilman Robinson introduced

RESOLUTION NO. 55-451

seconded by Councilman Anderson, establishing boulevard stop signs at G Street at its intersection with 15th Street, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Robinson and Mayor Marks
Noes: None Absent: Arata, Hammond, Merrill

AUTHORIZE RELEASE OF CASH BOND TO STANISLAUS COUNTY TITLE COMPANY GUARANTEEING IMPROVEMENTS IN WESTLAND MANOR #1

A report was submitted by the Public Works Department that the development of the Westland Manor #1 subdivision had been completed by the Stanislaus County Title Company to the satisfaction of the department and that the refund of the \$24,000 cash bond would be in order. Councilman Adams introduced

RESOLUTION NO. 55-452

seconded by Councilman Anderson, authorizing the refund of the \$24,000 cash bond filed by Stanislaus County Title Company to guarantee the improvements in Westland Manor #1, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Robinson and Mayor Marks
Noes: None Absent: Arata, Hammond, Merrill

ACCEPT DEED OF EASEMENT FROM J. W. RIFENBURG FOR COFFEE ROAD SANITARY TRUNK SEWER LINE

The City Attorney presented for Council consideration, deed of easement from John William Rifenburg to the City for right of way for the Coffee Road sanitary trunk sewer line. Councilman Anderson introduced

RESOLUTION NO. 55-453

seconded by Councilman Adams, accepting the deed of easement and authorizing its recordation with the Stanislaus County Recorder, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Robinson and Mayor Marks
Noes: None Absent: Arata, Hammond, Merrill

REPORT ON STUDY OF BUS RATES BY PUBLIC UTILITIES COMMISSION

A report on the study of the Modesto Motor Bus Service rates by the Public Utilities Commission would be deferred until a later meeting, the City Manager stated, to which the Council agreed.

INVITATION TO ATTEND QUARTERLY MEETING OF CENTRAL VALLEY DIVISION OF LEAGUE OF CALIFORNIA CITIES RECEIVED FROM CITY OF LODI

The City Clerk was directed to check with members of the Council and administrative staff and make arrangements for attendance at the regular quarterly meeting of the Central Valley Division of the League of California Cities which is being held in the City of Lodi on October 20.

ESTABLISH SALARY RANGE FOR SANITARIANS (JUNIOR, DAIRY)

The City Attorney presented, as requested by the Council, a resolution which would establish the salary for the Junior Sanitarian in Range 15, and Sanitarian and Dairy Sanitarian in Range 17, effective October 1, 1955. Councilman Robinson introduced

RESOLUTION NO. 55-454

seconded by Councilman Adams, resolving that ranges 15, 16, and 17 of Exhibit "B", established by Section 2 of Resolution No. 55-348, as amended, entitled "A Resolution Establishing Salary Schedules and Fixing the Compensation for Classes of Positions in the City Service, be amended to establish the salary range for the Junior Sanitarian, Sanitarian and Dairy Sanitarian, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Robinson and Mayor Marks
Noes: None Absent: Arata, Hammond, Merrill


LETTER FROM CITY SCHOOLS RELATING TO JOINT CONSTRUCTION OF AUDITORIUM

The City Manager reported receipt of a letter from James H. Corson, Superintendent of Schools, relating to the proposed joint construction of an auditorium at the Modesto Junior College. It was agreed by the Council that copies of the letter should be sent to each member for further consideration.

The City Manager pointed out that the school plans were getting to a point that if the city was interested, prompt action would be necessary.

ADJOURNMENT

Councilman Anderson moved, seconded by Councilman Adams, and it was unanimously carried, that the meeting now in session adjourn. The meeting was adjourned at 5:15 P.M.



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 Chamber at the McHenry Public Library, 14th and I Streets, Mayor Pro Tempore Adams presiding.

The City Clerk called the roll and there were

Present: Councilmen: Anderson, Arata, Hammond, Merrill, and Mayor Pro
Tempore Adams
Absent: Councilmen: Robinson and Mayor Marks

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

Rev. W. H. Cox, pastor of the First Missionary Church gave the invocation.

LETTER FROM NATHAN LONG RE: SEWAGE IN THE FRINGE AREA

A letter from Nathan Long was read recommending that the city and county jointly provide sewer service for the fringe area. After discussion, the letter was ordered filed.

LETTER FROM COUNTY SUPERINTENDENT OF SCHOOLS RE: SCHOOL DISTRICT BOUNDARIES

A letter from Fred C. Beyer, Superintendent of Stanislaus County Schools was read asking that he be advised of any proposed boundary changes effecting school districts, when territory is annexed to the city.

City Manager Miller stated that the hearing on the proposed annexation of Northgate Addition, which is scheduled for November 16, would involve a change in the Sylvan School District boundaries. He stated that the Schools would be furnished with the information requested and be kept advised of proposed boundary changes of school districts.

REQUEST OF RETAIL MERCHANTS ASSOCIATION TO PLAY MUSIC IN DOWNTOWN AREA DURING CHRISTMAS SEASON

A request was filed by the Modesto Retail Merchants, Downtown Division, for permission to erect loud speakers in the downtown streets to play soft muted carols during the Christmas shopping season. Mr. Lee Roddy, present on behalf of the Association, reported that it was planned to start the music shortly after Thanksgiving Day and to continue until Christmas Day. Up until December 15, the music will be played from noon to 5:00 P.M. and from then on, from noon to 9:00 P.M. There will be 14 speakers installed in the downtown area on the city street lamp posts, the volume would be kept low, and no advertising would be allowed.

Councilman Anderson moved, seconded by Councilman Arata, and it was unanimously carried, that the request of the Modesto Merchants Association be approved subject to the following conditions:

1. That the installation of the speakers be approved by the city staff
2. That the Association would hold the city harmless from any loss or liability that might occur as a result of the operation.

REPORT BY THE CITY MANAGER ON TELEGRAM RECEIVED FROM LOS ANGELES CHAMBER OF COMMERCE RE: LICENSING OF FABRICATORS

The City Manager reported that a telegram sent to the Council by the Los Angeles Chamber of Commerce had not been presented earlier due to an oversight. It asked that the City of Modesto Building Official be

instructed to oppose the proposal of the Pacific Coast Building Officials Conference to license fabricators. The Conference, however, approved the proposal at its convention held in Portland on October 3-7, he stated. This legislation provides that companies may file plans for a standard type of prefabricated building at the Conference headquarters and have a number assigned to the building and copies of these plans, when approved by the Conference, are distributed to various local Building Inspectors.

T. J. Hermida, Chief Building Inspector, pointed out that the advantage of this type of operation was it would mean a substantial savings in checking time by the local building officials. If basic alterations were made to the original plan, however, he stated, it would be necessary for the building official to recheck the plans.

The City Manager pointed out that no Council action was necessary; that it had been reported for the members information.

DISCUSSION ON LETTER RECEIVED FROM G. T. MCCOY, STATE HIGHWAY ENGINEER

A letter was read from G. T. McCoy, State Highway Engineer, advising that the state could not accept the inclusion of certain provisions, recommended by the City, in the freeway agreement for the proposed U.S. 99 Freeway through Modesto.

He advised that the state would enter into a separate cooperative agreement with the city for the immediate institution of a joint study and analysis of the railroad grade separation problem within the city and a determination of a mutually acceptable means for its solution (provision No. 1 in Resolution No. 55-372 adopted by the Council on August 24). He stated that the state did not have at the present time, nor was it aware of any studies that factually establish the need and proper locations of structures for separating the streets from the railroad tracks (provision No. 2). The state did not have any data as to the total cost and the financial responsibility of the various agencies involved. He pointed out that the answer to these and many other pertinent questions could be determined only after a thorough study along the lines described in Provision 1, combined with studies of the over-all state highway system in the Modesto area and that the state could not negotiate any agreement with the city regarding Provision 2 until such studies were completed.

He pointed out the urgent need for the construction of the freeway through Modesto and that the state's present planning was aimed at completing the project as soon as funds could be made available. He stated, "We hope that it will not be necessary to retard our planning, as well as the financing and construction of this project due to the lack of an executed freeway agreement, particularly when the only differences between the State and the City are on matters that will have little or no effect on the actual construction of this freeway."

The City Manager pointed out that ^{the} crux of the matter was that while the state could construct the freeway without grade separation, it will not work without grade separation. He reported that the administrative staff had conferred on the letter this date, and suggested the following four point course of action for Council consideration:

1. Send a letter to State Highway Engineer McCoy telling him of the traffic problems that the freeway creates
2. Include in the letter a reference to the 42nd Ave. grade separation structures covered in the freeway agreement Dist. IV-Ala-69 Oak. which is our precedent for asking for similar treatment.

3. Ask Mr. McCoy to decide whether a freeway agreement similar to Dist. IV-Ala.-69-Oak. can be written for Modesto or the freeway agreement must await the results of the joint study of grade separations
4. If the latter alternative is indicated by Mr. McCoy, let's get the study started immediately.

Councilman Merrill stated that it was not appropriate for Mr. McCoy to ask for a further study. He pointed out that at the public hearing held on the location of the freeway, where there were 500 citizens of the community present and a petition opposing Plan B with 2,000 signatures, was filed, the state had not given any consideration. It is the state's problem to get the traffic through, but it is the Council's responsibility to represent the people in the city. Route B would present a serious traffic problem to the city unless there are grade separations. He protested that the city had not been given a fair deal when Plan B had been chosen by the state. He pointed out that the city had advised the state that the Council members would unanimously sign the freeway agreement if the certain provisions were included. The state has created this problem (grade separation) and it is their responsibility to solve it. He stated he would be opposed to spending the city's money for a grade separation.

Councilman Arata questioned whether any further study would mean anything to the state. He was opposed to any "long range study".

Councilman Hammond recommended that the city present its studies to Mr. McCoy direct.

Councilman Anderson pointed out that at one of the meetings with state officials, they had advised that the study of the state highway system might take 15 years. He questioned if the city did not stand its ground, that it might have to wait that long for grade separations.

Councilman Hammond stated that the people of the city should know that the reason the freeway was being delayed was not because the Council had not executed the agreement, but rather because of the lack of state funds.

City Manager reports on meeting with Joint Interim Committee on Transportation problems held in Stockton, October 12, 1955

The City Manager reported that at the Joint Interim Committee on Transportation problems held in Stockton, October 12, the city had offered the following suggestions:

1. A master plan for State Highways, to adequately serve the Modesto Community should be established in the near future to provide orderly growth and minimize obsolescence of highway construction.
2. Until the master plan of State Highways can be completed, some relatively small projects should be undertaken:
 - a. Yosemite Boulevard (Route 110) needs a new bridge across Beard Brook
 - b. One or more grade separation structures are needed across the S.P.R.R. to move state highway traffic along the State highway route that crosses this railroad
 - c. The relocation of U.S. Highway 99 (route 4) is now being planned. Adequate funds should be made available for this necessary project.

3. The adequacy of state highway finances to cope with our area's growth should be investigated. Repairing projects such as U.S. 99 and a widening project on McHenry Avenue. (Route 109) appear to be held up due to the inadequacy of funds. In view of the fact that much more comprehensive and costly projects will shortly be ready for financing, the investigation of the long-term finances appear to be advisable.

A report was also submitted to the Committee, he stated, which indicated with the present gas tax allocation, it would take Modesto 149 years to correct the street deficiencies within the city limits. He stated that the traffic was in the cities and that most of the money is being spent outside the city. The cities are getting the short end of this set up and until there is a proper reallocation of gas tax funds the City of Modesto will not be able to solve its street deficiencies. Unless the city knows in advance, before the freeway is constructed, that the state is going to provide grade separations, the city will be left with a million dollar problem with no means of solving it.

The Council suggested that this information be included in the letter to Mr. McCoy, as well as the fact that its representatives had stated that it would be at least 15 years before the state would complete its master plan for highways.

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The City Manager stated that it would/approximately six months before the necessary studies could be completed---the necessity for grade separation. He pointed out that the Southern Pacific Company and Tidewater Southern Railway had consented to join in the study in regard to grade separations and the relocation of the Tidewater tracks.

Councilman Merrill suggested that the Council should be represented at the meetings whenever the freeway was discussed--the more people, the more power.

The City Manager pointed out that the committee meeting in Stockton had been on transportation problems and that it was not on the freeway; that the city officials had interjected the freeway in the discussion. He stated that he would be glad to have the Council members attend any and all hearings and committee meetings, and would advise them if they wished.

The City Attorney asked if it was the Council's decision for the administrative staff to prepare a letter to Mr. McCoy explaining the city's position on the grade separation, to be approved by the Council. The question was answered in the affirmative.

The City Manager issued an invitation to the Council members to drop in his office if they wished to discuss the points to be included in the letter.

APPROVE SPECIFICATIONS AND AUTHORIZE CALL FOR BIDS FOR STREET LIGHTING MATERIALS FOR SUBDIVISIONS

Specifications for the furnishing of street lighting materials to be used in subdivisions were presented for Council consideration. Councilman Hammond introduced

RESOLUTION NO. 55-455

seconded by Councilman Arata, approving the specifications and authorizing the calling for bids to be opened at 2:00 P.M., November 8, 1955, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Anderson, Arata, Hammond, Merrill, Mayor Pro Tempore Adams
Noes: None Absent: Robinson and Mayor Marks

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SET DATE FOR HEARING ON PROPOSED ZONING AMENDMENT

Resolution No. 250, adopted by the Modesto City Planning Commission, recommending to the City Council various amendments to the Zoning ordinance, was reviewed by the City Manager. Councilman Arata introduced

RESOLUTION NO. 55-456

seconded by Councilman Anderson, setting the date of November 9, 1955, at 8:00 P.M. in the Council Chamber as the time and place for the public hearing on the amendments to the Modesto Municipal Code on zoning, both map and text, as recommended by the Planning Commission and the publication of notice as required by law, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Anderson, Arata, Hammond, Merrill, Mayor Pro Tempore Adams
 Noes: None Absent: Robinson and Mayor Marks

REPORT ON EXTRA WORK REQUIRED FOR SEWAGE TREATMENT BIOFILTERS

Director of Public Works Ray reported that the plans and specifications for the new sewage treatment plant now under construction by the North Bay Construction Co. called for the removal of rock from the old biofilter and the placing of this rock in the new biofilter. Investigation now reveals that the rock under the top layer is not large enough to do the required work. After consulting with Harry Jenks, Consulting Engineer and the contractor, arrangements have been finalized, subject to the Council approval for the issuance of a change order for the extra work in the amount of \$3,455, which includes a credit of \$221 for work that would not have to be done. Several minor change orders have already been made on the project, he reported, but due to the large sum involved, it is being brought before the Council for its approval. He stated that he considered this change essential and that it would not cost as much as if the city had checked the rock prior to calling for bids.

Councilman Arata moved, seconded by Councilman Anderson, authorizing the issuance of the change order as outlined by Mr. Ray, and it was unanimously carried.

REPORT ON APPLICATION OF TUOLUMNE COUNTY WATER DISTRICT NO. 2 FOR APPROPRIATION OF TUOLUMNE RIVER WATER

The City Manager briefed a letter which had been received from Clifford Plummer, Engineer of the Modesto Irrigation District, outlining the District's objections to the granting of Application No. 15880 filed by the Tuolumne County Water District No. 2 with the State Department of Public Works, Division of Water Resources, for a permit to appropriate water from the Tuolumne River for power purposes.

Mr. Plummer, present on behalf of the M.I.D., stated that the Tuolumne Water District was trying to take away certain rights which had been granted to the City and County of San Francisco at both the state and federal level. The more people who object to this application, he stated, the more strength it would give the District in its protest. He listed various reasons why the Council should file a protest: 1) If the City of San Francisco should lose its site for the Early Intake Power Plant No. 2, the power costs to the citizens of this city would be increased; 2) the loss of revenue to the City and County of San Francisco may effect a delay in the construction of the New Don Pedro Dam, and 3) that the coordinated development of the flood control of the Tuolumne River by the U.S. Corps of Engineers, City and County of San Francisco, Modesto and Turlock Irrigation Districts may be delayed due to the loss of revenue, causing financial loss to the property owners of the city. He pointed out that it might be possible that the Tuolumne Water District would spill water back into the river at a time which would be undesirable to the M.I.D.

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Councilman Merrill introduced

RESOLUTION NO. 55-457

seconded by Councilman Arata, opposing the granting of the permit to the Tuolumne County Water District for the reasons outlined above and directing the City Clerk to send a copy of the resolution of the Tuolumne County Water District #2, City of San Francisco and the Modesto and Turlock Irrigation Districts, as well as the State Division of Water Resources, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Anderson, Arata, Hammond, Merrill, Mayor Pro Tempore Adams
 Noes: None Absent: Robinson and Mayor Marks

NOTICE OF APPLICATION TO APPROPRIATE WATER BY ODD FELLOWS-SIERRA RECREATION ASSOCIATION

A notice of application to appropriate water in the amount of 0.13 cubic foot per second during the period May 1 to December 31 of each year for irrigation and recreational purposes filed by Odd Fellows-Sierra Recreation Association with the State Department of Public Works, Division of Water Resources, was read.

Since the amount is so small, the City Manager reported, it is believed that the city should not protest. The Council was in general agreement that no protest would be filed.

REPORT ON TULLY AVENUE STORM DRAINAGE STUDY

Copies of a report on Tully Road Storm Drainage Study prepared by Director of Public Works Ray were distributed to Council members for their study.

Cliff Plummer, Engineer of the Modesto Irrigation District, upon the request of Mayor Pro Tempore Adams, pointed out the various problems involved if an emergency pump located at and discharging into Lateral #4 was used to relieve the drainage problem, as suggested by Mr. Ray. He pointed out that the greatest danger would be in the spring season when irrigation is just beginning and a heavy storm forces everyone to quit irrigating. He stated that it would be necessary for the city to obtain approval from an M.I.D. official on each occasion before the pump was placed in operation. He stated that it would be necessary to clear all arrangements with the Board. He pointed out that the drainage would not only be storm water but industrial sewage from plants north and west of the canal. It must be determined that the chemicals used at these plants would not be detrimental to the agriculture crops, in order to avoid damage suits for both the city and the district.

Mr. Ray pointed out the advisability of having spot samples taken from the various industries involved and an analysis made by an agricultural chemist.

Mayor Pro Tempore Adams stated that the Council committee was aware of these conditions. The committee recommended that the Council move ahead as quickly as possible to clear all the legal arrangements with the district, on the basis outlined in the report, and install the pump to afford some relief.

The City Manager stated that the Council should understand all the facts set forth in Mr. Ray's summary. One-third of the capacity of the line is utilized for industrial flow, he stated. From the study made of the 35 acre parcel of land, it is believed that the drainage problem east of Tully may be the city's responsibility, but the drainage west of this street

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is the property owner's responsibility, which is primarily due to the runoff from the area west of Tully Avenue. Normally, the flow of water across Tully Avenue from east to west can be prevented by operation of an emergency pump located at Lateral No. 4. It will not be possible to introduce the storm drainage from the 35 acre parcel of land into existing drainage facilities. It will, therefore, be necessary for owners in this district to initiate a storm drainage program for that section of the city in order to completely eliminate the problem. The installation of the pump on the lateral will not keep the water from coming up into the buildings in this area during heavy storms, he pointed out. In any case, this would be the only means available to accomplish something of a remedial nature which should be considered as temporary until permanent drainage is provided for this district. The relief which would be obtained from this would be only when the water could be placed in the canal.

The City Attorney pointed out that the Council should know that there is no assurance that the construction of the pumping plant would relieve the city of all legal responsibility. It is not possible to say, he stated, whether the city is under any liability at the present time but it is one of those situations in which there is possible calculated risk involved.

Mayor Pro Tempore Adams reported that the Council Committee had considered all the facts, and the calculated risk involved, and considered that arrangements should be made to install the pump to furnish relief to the area, fully realizing that the permanent solution is an over-all drainage district in the near future. The committee wishes to go on record as recommending that the pump be installed as soon as possible and an agreement be worked out with the district.

Councilman Merrill moved, seconded by Councilman Anderson, and it was unanimously carried, that the city staff be authorized to proceed with the plans for the installation of the pump on M.I.D. lateral #4 and working out arrangements with the District for the use of its canal for the discharge of storm drainage simultaneously.

The City Manager pointed out that an appropriation transfer of funds for the project would be requested later. He also stated that the Council Committee's assistance might be needed to clear with the M.I.D.

Mr. Ray recommended, since the purchase of the equipment would be under \$1500, that the department be permitted to proceed on the most rapid basis possible, without calling for bids.

The Council indicated that this arrangement would be satisfactory.

LETTER FROM WILLIS KLEINENBROICH RE: INCREASE IN FARES

A letter was read from Willis Kleinenbroich operating the Modesto Motor Bus advising that his Application No. 37217 was before the State Public Utilities Commission to increase bus fares.

Since the P.U.C. Transportation Engineers have just completed their study of the operations of the bus service and have suggested certain changes in the original application, he has amended his application to conform with the suggestions. He asked that the Council adopt a resolution that it would not object to the fares as amended, so that it would not be necessary to hold a public hearing on the application and thus increase his costs.

After a general discussion, Councilman Merrill introduced

RESOLUTION NO. 55-458

seconded by Councilman Arata, requesting that the P.U.C. give prompt

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consideration to the first supplemental application to Application No. 37217 filed by Willis M. Kleinenbroich dba Modesto Motor Bus Service to increase rates and fares for the transportation of passengers between points in the vicinity of the City of Modesto and that if the Commission's studies indicate that the increase requested should be granted that the Council would not object to such action without the conducting of a public hearing so that the relief sought can thus be expedited and that the Council requested that the Commission conduct a service study of the operation of the Modesto Motor Bus Service not only as to rates, but a complete analysis of its operations and service and suggest methods whereby this bus system can be kept in operation, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Anderson, Arata, Hammond, Merrill, Mayor Pro Tempore
Adams
Noes: None Absent: Robinson and Mayor Marks

PLACE MATTER OF BUS BENCHES ON AGENDA FOR COUNCIL MEETING OF OCTOBER 26

At the request of representatives of various bus bench companies, the City Clerk was directed by the Council to place the matter of placing benches at bus stops throughout the city on the agenda for the Council meeting of October 26, for consideration.

The City Attorney pointed out that the matter could not be resolved at this meeting. Complicated legislation will have to be prepared if benches are permitted. He suggested that the Council, during the week, consider whether it wished to consider granting a franchise and award the bid to the highest bidder.

ESTABLISH CUTOFF DATE FOR PAYMENT OF CASH FEES FOR SEWER SERVICE IN LALOMA IMPROVEMENT DISTRICT

The City Manager asked that the Council establish a cut-off date when cash fees could be accepted from property owners in the LaLoma Improvement District for the construction of sewer laterals. The Director of Public Works recommended that November 19 be established as the final day for payment, which would give a 30 day period to the property owners.

A general discussion was held on whether to send notices to all the property owners in the district but it was considered unnecessary since it would not be possible to serve all the owners in the area due to the location of the sewer trunk line. Councilman Arata moved, seconded by Councilman Hammond, that the date of November 19 at 5:00 P.M. be established as the last date when cash payment would be received for construction of sewer laterals in the LaLoma area, and it was unanimously carried.

Councilman Arata introduced

RESOLUTION NO. 55-467

seconded by Councilman Anderson, approving the employment of Eugene K. Sturgis, bond counsel, for the preparation of the necessary documents for the LaLoma Improvement District No. 5, and authorizing execution of an agreement by the city's designated officials, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Anderson, Arata, Hammond, Merrill, Mayor Pro Tempore
Adams
Noes: None Absent: Robinson and Mayor Marks

(Councilman Merrill was excused and left the meeting at 6:15 P.M.)

REPORT BY TRAFFIC ENGINEER REGARDING PARKING AREA NEAR S. P. TRACKS

Traffic Engineer Carmody reported that the Southern Pacific Company advised that there was no additional land available adjoining its tracks through the city which could be leased for parking areas. He reported that the city would improve its present parking area between I and K Streets so that the number of parking spaces could be increased. Consideration on the metering of the lot could also be decided by the Council shortly, he stated.

He reported on the use being made of the parking lot located at 9th and J Streets. He stated that citations were being given to "all day" parkers in the 11th and 9th Street lots with good results.

AUTHORIZE STOP SIGNS AT LOS PALMAS AND LALOMA

Traffic Engineer Carmody reported that the traffic volumes and accidents at the intersection of Las Palmas and LaLoma indicated that the installation of stop signs was needed to stop the minor flow of traffic on Las Palmas. Councilman Hammond introduced

RESOLUTION NO. 55-459

seconded by Councilman Arata, approving the installation of stop signs on Las Palmas at its intersection with LaLoma Avenue, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Anderson, Arata, Hammond, Mayor Pro Tempore Adams
Noes: None Absent: Robinson, Merrill and Mayor Marks

ESTABLISH TWO HOUR TIME LIMIT ON K STREET BETWEEN 14TH AND NEEDHAM AND ON 15th STREET BETWEEN J AND NEEDHAM AND PARKING METERS ON K STREET BETWEEN 12TH AND 14TH STREETS

Results of a study conducted by the Traffic Department on the parking of cars on K Street between 12th and 14th Streets were reviewed. The Traffic Engineer recommended that parking meters be installed on both sides of the street and that parallel stalls be marked simultaneously. The time limit of 2 hours as now established should remain.

Councilman Anderson introduced

RESOLUTION NO. 55-460

seconded by Councilman Hammond, establishing parallel parking on both sides of K Street between 12th and 14th Streets and rescinding Resolutions Nos. 5200-N.S. and 8646-N.S., which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Anderson, Arata, Hammond, Mayor Pro Tempore Adams
Noes: None Absent: Merrill, Robinson and Mayor Marks

Councilman Arata introduced

RESOLUTION NO. 55-461

seconded by Councilman Anderson, establishing a parking meter zone on both sides of K Street between 12th and 14th Streets, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Anderson, Arata, Hammond, and Mayor Pro Tempore Adams
Noes: None Absent: Merrill, Robinson and Mayor Marks

Councilman Hammond introduced

RESOLUTION NO. 55-462

seconded by Councilman Arata, establishing a two hour parking zone on both sides of K Street between 14th and 16th Street, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Anderson, Arata, Hammond and Mayor Pro Tempore Adams
 Noes: None Absent: Merrill, Robinson and Mayor Marks

Councilman Hammond introduced

RESOLUTION NO. 55-463

seconded by Councilman Arata, establishing a two hour parking zone on both sides of 15th Street between J and Needham Streets, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Anderson, Arata, Hammond and Mayor Pro Tempore Adams
 Noes: None Absent: Merrill, Robinson and Mayor Marks

ACCEPT DONATIONS FOR PARKS AND RECREATION DEPARTMENT

Director of Parks and Recreation Lowry reported that the Women's Progressive Club had donated a drinking fountain and a phonograph; the Modesto P.T.A. Council, a pool table for the Youth Center; and Lions' 500 Club, a "4 swing" set.

Councilman Hammond introduced

RESOLUTION NO. 55-464

seconded by Councilman Anderson, accepting the drinking fountain and phonograph from the Women's Progressive Club and authorizing the City Clerk to send a letter expressing appreciation for the gift, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Anderson, Arata, Hammond, and Mayor Pro Tempore Adams
 Noes: None Absent: Merrill, Robinson and Mayor Marks

Councilmen Hammond introduced

RESOLUTION NO. 55-465

seconded by Councilmen Anderson, accepting the pool table for the Maddux Youth Center from the Modesto P. T. A. Council and authorizing the City Clerk to send a letter of appreciation, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Anderson, Arata, Hammond, Mayor Pro Tempore Adams
 Noes: None Absent: Merrill, Robinson and Mayor Marks

Councilman Hammond introduced

RESOLUTION NO. 55-466

seconded by Councilman Anderson accepting the "4 swing" set from the Lions' 500 Club and authorizing the City Clerk to send a letter of appreciation, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Anderson, Arata, Hammond, Mayor Pro Tempore Adams
 Noes: None Absent: Merrill, Robinson and Mayor Marks

FINANCIAL REPORT FOR MONTH OF SEPTEMBER FILED

The City Manager filed a financial report for the month of September with the Council.

AUTHORIZE PURCHASE OF PUBLIC LIABILITY AND PROPERTY DAMAGE INSURANCE ON AUTOMOTIVE EQUIPMENT

Director of Finance Lawrence reported on the renewal policy effective October 13, 1955, on public liability and property damage insurance on the city's automotive fleet. Due to the safety program conducted by the city, the premium had been reduced materially by the Massachusetts Bonding and Insurance Co.

Councilman Anderson moved, seconded by Councilman Hammond, and it was unanimously carried, that the purchase of the public liability and property damage insurance on the city's automotive fleet from the Massachusetts Bonding and Insurance Co. be approved.

REPORT ON GOVERNOR'S CONFERENCE ON CIVIL DEFENSE AND DISASTER PREPAREDNESS

The City Manager briefly reported on the State of California Governor's Conference on Civil Defense and Disaster Preparedness which had been held in Sacramento, October 13 and 14. He stated that it had been brought out in conference that the country would never have an effective civil defense program until the federal government accepted the responsibility to see that it is carried out.

REMIND COUNCIL OF LEAGUE MEETING IN LODI

The City Manager reminded the Council members of the League meeting in Lodi, Thursday, October 20. It was agreed by the members that an invitation would be issued for the next meeting of the Central Valley League of California Cities to be held in Modesto.

REPORT ON INFORMATION LEAFLET TO BE SENT TO ALL TAX PAYERS

The City Manager issued an invitation to the Council members to visit the city office to inspect a leaflet being drafted at the suggestion of Councilman Arata, which would be sent to each tax payer relating to the city's tax rate.

ADJOURNMENT

Councilman Anderson moved, seconded by Councilman Hammond, and it was unanimously carried, that the Council meeting now in session be adjourned. The meeting was adjourned at 6:45 P.M.

ATTEST:


 REX E. GAILFUS, CITY CLERK

The Council of the City of Modesto met in regular session this date at 7:30 P.M., as provided by Section 2-1.01 of the Modesto Municipal Code, in the Council Chamber at the McHenry Public Library, 14th and I Streets, Mayor Marks presiding.

The City Clerk called the roll and there were

Present: Councilmen: Anderson, Arata, Adams, Hammond, Merrill, Robinson
and Mayor Marks
Absent: Councilmen: None

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

Rev. Lewis Whitehead, pastor of the Wesleyan Methodist Church gave the invocation.

APPROVAL OF MINUTES

Councilman Anderson stated that page 9 of the minutes of September 28, reported as follows:

"It was agreed by the Council that \$10,000 for the study on the purchase of the private water systems in the city be set up in the capital improvement program."

No formal action was taken, he stated; it was to be considered as one of the Capital Improvement items. Councilman Anderson moved, seconded by Councilman Adams, and it was unanimously carried, that the statement be changed to read as follows:

"It was agreed by the Council that \$10,000, for the study on the purchase of the private water systems in the city, be set up for consideration in the capital improvement program."

Council members having received copies of the minutes of the Council meetings of September 28 and October 5, and the same being available for public inspection, and there being no other objections, the minutes of September 28 were approved as corrected and the minutes of October 5 were approved.

LETTER FROM CALIFORNIA RECREATION SOCIETY RE: RECREATION LEADER

A letter was read from California Recreation Society Inc. advising that Mary E. Grogan, Recreation Supervisor of the City of Modesto had been granted a certificate as a Registered Recreation Leader in the State of California.

Mayor Marks presented the certificates to Miss Grogan and congratulated her on having achieved this high position in her profession.

DWIGHT LONG, NEW PARKS FOREMAN FOR CITY PRESENTED BY DIRECTOR OF PARKS & RECREATION, LLOYD LOWREY

Dwight Long, newly appointed Parks Foreman for the city, was presented to the Council by Director of Parks & Recreation, Lloyd Lowrey.

LETTER FROM STATE DEPARTMENT OF PUBLIC HEALTH RE: COMPLAINT OF MRS. JANE NICHOLS

A letter was read from the State Department of Public Health which enclosed a copy of a complaint filed by Mrs. Jane Nichols, residing at 1106 Garden Street, City, to the odor recently emanating from the city's sewage plant.

City Manager Miller reported that there had been a recent problem during the construction of the new sewage plant when the levee broke and the effluent ran into another ponding area which caused the odor, but the levee had been repaired.

Director of Public Works Ray reported that Health Officer Landquist and he had visited Mrs. Nichols and asked her to get as many of her neighbors together so that they could be given a tour through the plant to see first hand what is being done.

Councilman Arata recommended that an "open house" be held when the new plant is completed, and the public be invited, with a special emphasis on residents in the neighboring territories, both inside and outside the city.

Health Officer Landquist pointed out that Mrs. Nichols' contention that the sewer plant was depreciating the value of the adjoining properties would not be true after the plant was completed and the 18 hole golf course was developed.

The Council referred the communication to the City Manager for the necessary action.

APPROVE COMMUNICATION TO STATE HIGHWAY ENGINEER CONCERNING U. S. HIGHWAY 99 FREEWAY

As directed by the Council at its meeting of October 19, the City Manager presented for approval a draft of a letter to be sent to State Highway Engineer G. T. McCoy outlining the reasons why it would be necessary that grade separations be constructed in the city for the proper functioning of the freeway. After minor changes had been made in the wording, Councilman Merrill moved, seconded by Councilman Arata, and it was unanimously carried, that the letter, as corrected, be approved and that Mayor Marks be authorized to transmit the letter to State Highway Engineer G. T. McCoy.

FURTHER CONSIDERATION OF BUS BENCHES

A letter received from the Modesto Motor Bus Service operated by Willis M. Kleinenbroich was read. Mr. Kleinenbroich stated that although he had no financial interest or liability in the proposed installation of bus benches, that he would appreciate the assistance that they would render him in his operations.

Mayor Marks pointed out that the two questions under consideration by the Council were 1) do we want bus benches, and 2) if we do want them, do we want advertising on them.

Councilman Merrill stated that he was opposed to benches because 1) the one presently installed on 10th and H Streets was seldom used, 2) it would be necessary to amend the sign ordinance, which took two years to adopt, to permit advertising on the benches, and 3) in his analysis, erecting benches would not help the transit system.

Councilman Hammond stated he considered that benches were not too objectionable, especially in the commercial and neighborhood commercial zones. People shopping in the downtown district who have large bundles to carry would welcome a bench. The benches would do two things--signify the bus stops at that location, and provide a means of resting while waiting for the bus. Bus benches in the residential district might not be so desirable, he stated.

Mr. W. R. Tomson, of the Modesto Transit Advertising Company, reviewed a survey which his company had made on the question of bus benches which indicated that those persons using the bus would like to have bus

benches installed.

Mayor Marks stated that his personal viewpoint was that the benches would be desirable. He asked the representatives from the two Bus Bench Companies who were present whether their companies would be willing to install and maintain one bench in the residential area without advertising, but with the bus schedule only, for each one installed in the commercial district with advertising.

Mr. Thomson stated that his company had considered placing words "Bus bench installed by the courtesy of -----" but if the city only wished the time schedule on benches in the residential areas, that "it could be worked out satisfactorily". He stated that he had obtained approval slips from all the property owners at the various locations suggested by the Traffic Engineer and Mr. Klenienbroich.

A recommendation that the ratio be two to one was also brought up.

Mayor Marks stated that the other alternative for the Council to consider was that the city install the benches at a cost of approximately \$50 each or \$2700 and advertise bus service by placing the time schedule and the word "Ride the Bus". Councilman Merrill objected to this proposal and stated that this would really be subsidizing the bus business.

Councilman Arata pointed out that consideration should be given so that benches would not be placed in front of a business concern with a sign advertising his competitor.

Mr. Thomson stated that these points could be included in the ordinance. Councilman Hammond moved, seconded by Councilman Adams, that the Council give favorable consideration to the matter of installation of bus benches, Mayor Marks declared the motion carried.

A general discussion was held on whether the city should provide the benches or arrangements should be made with the bus bench companies. Mayor Marks considered that it might be smart business to advertise bus service by installing the bus benches at city expense with the statement "Ride the Bus" and no other advertising. Councilman Adams considered that it would be advertising the bus business if a bench was installed with a schedule placed on it in conjunction with other advertising. Councilman Hammond was opposed to purchasing the benches when they could be obtained free from the companies. Councilman Merrill brought up the point that if the schedules were printed on the benches and the buses did not meet the schedule, that it would be unpopular with the riders.

Councilman Hammond moved that the Council express itself on the question of whether the city use other means to obtain the benches or the city buy the benches. Councilman Anderson seconded this motion. Mayor Marks suggested that the motion be amended to provide that the city would either rent or buy benches so that advertisements could be placed on them to "Ride the Bus" to help the bus company. After a general discussion, Mayor Marks withdrew his amendment to the motion and Councilmen Hammond and Anderson their motion, since it was considered if an affirmative vote was taken on the motion that it would indicate that the city would secure the benches.

Mr. Anderson of the California Bench Company pointed out that they offered to place benches wherever they were required and approved in either the commercial or residential area, whether they sold advertising or not. He stated that the city would have 100% coverage if his company was granted the permit to erect benches.

The City Attorney suggested that the Council had reached the point where it could decide whether or not they wished to have a straight licen-

sing ordinance on benches or grant them under a franchise basis.

Councilman Hammond moved, seconded by Councilman Arata, and it was unanimously carried, that the administrative staff prepare and present the necessary legal documents to grant a franchise after public bidding for the right to install benches with appropriate regulations and conditions.

REPORT ON ANIMAL QUARANTINE ORDER-STATE DEPARTMENT OF PUBLIC HEALTH

Health Officer Landquist reported that 26 counties had been declared endemic to rabies by the State Department of California and that Stanislaus County had been included in this area. He stated that acting on this mandatory order of the state, he had issued a quarantine order for the City of Modesto effective as of this date. All dogs within the City limits must be kept in confinement on the premises of the owner, must be licensed as required by the Municipal Code, and cannot be removed from the quarantine area without permission of the Health Office. He stated that at the discretion of the quarantine authority, dogs may be released from the quarantine requirements 30 days after vaccination with an approved canine vaccine. He pointed out that during the period, for which this quarantine order is in force, any officer may kill any dog in the area found on public streets.

Dr. Ben Dean, Chief of the Veterinary section of the State Department of Public Health, stated that at a meeting held in Stockton, October 25, which had been attended by the Administrative Practice Committee of the conference of the local Health Officers of the State of California, a discussion was held on what action could be taken by local authorities to "get out from under" the state's quarantine order. The state considers, he stated, that control of rabies is a local problem and that a satisfactory program can be established locally through ordinance or otherwise. In essence the state was required to issue the quarantine order due to the increase in the number of rabies cases, but if local governmental units adopt a control program, the state will lift its mandatory state quarantine. He reported that although only a few human deaths had occurred in the state during the past years, thousands of Pasteur treatment are given each year. Each animal bite is a suspect and treatments which are given daily for 14 days are not only costly but painful. Dogs are the primary source. Less than 1% was traceable to cats. The state's recommendation is confinement, licensing and vaccination, not shooting of dogs.

The City Manager pointed out that the present city regulations required the licensing of dogs and prohibited dogs on the public streets except on a leash, but it would be in order to consider setting up a program for vaccination. Local veterinarians have agreed to cooperate with the city in this program by reducing their fees and establishing a clinic for wholesale vaccination. Through a publicity campaign, citizens will be asked to cooperate.

Mr. Landquist outlined the proposed program for the issuance of certificates in triplicate by the veterinarians. He pointed out that people may go to their private veterinarians or if they wish, to the clinic at a reduced rate. He pointed out that it might be necessary to amend the present regulations to provide for a lower license fee for females; that the age limit for licensing be five months instead of three months since it is not advisable to vaccinate puppies under the age of five months; and kennel regulations should be strengthened. He pointed out that the County Supervisors would be meeting shortly to set up its program which would probably be similar to the city's.

The City Manager suggested that the staff prepare for Council consideration the necessary legislation to accomplish the mandatory vaccination of all dogs in the city. He suggested that since there would be considerable activity in securing dog licenses that the city issue licenses at this time for a period to expire December 31, 1956.

The City Attorney recommended, to which the Council concurred, that only the compulsory vaccination ordinance be drafted at this time since it would be necessary to review and revise the dog ordinance which would require a much longer period of time.

Councilman Hammond moved, seconded by Councilman Robinson, and it was unanimously carried, that the City Attorney prepare the necessary ordinance requiring compulsory vaccination.

Mayor Marks asked that the vaccination fee be as reasonable as possible since the additional fee would work a hardship on many people.

Dr. Robert Beck, local veterinary member of the San Joaquin Valley Veterinarian Association, reported that this matter had been discussed with the city staff and it had been agreed that the price for the two year type of vaccine be reduced from the usual fee of \$3.50 to \$2.50. The possibility that a two week period be allowed for people to have their dogs vaccinated by their private veterinarian before a clinic was set up with a further reduction in the price. It will be necessary for the city to furnish assistance in restraining the dogs during the wholesale vaccination, he stated. He assured the Council that the local veterinarians would cooperate in every way possible.

REPORT ON NEGOTIATIONS FOR RIGHTS OF WAY-MILLER AVENUE

The City Manager reported on the negotiations which had been held with C. C. Spearing and F. Butts, owners of property on Miller Avenue, relating to rights of way to widen Miller Avenue to a 60 foot street. Indications are that it will be more economical to purchase the entire property instead of just a portion and sell back the portion which is not needed.

Councilman Adams moved, seconded by Councilman Arata, and it was unanimously carried, that the staff proceed on the basis that if it is necessary that all the property be purchased instead of the portion needed for right of way.

(Councilman Arata was excused from the meeting at 9:20 P.M.)

APPLICATION BY LOIS L. LANE, DBA RED TOP TAXI CO. FOR ONE ADDITIONAL TAXICAB PERMIT

An application was filed by Lois L. Lane, doing business as Red Top Taxi Company, for an additional taxicab permit. Councilman Robinson introduced

RESOLUTION NO. 55-468

seconded by Councilman Merrill, setting Wednesday, November 2, 1955, at 5:00 P.M. in the Council Chamber as the time and place for a public hearing on the application, as provided by the Section 4-6215 of the Modesto Municipal Code, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Hammond, Merrill, Robinson and Mayor Marks
 Noes: None Absent: Arata

REPORT ON TRAFFIC ANALYSIS ON SUNRISE AND FAIRMONT AVENUES

Traffic Engineer Carmody reported that a study which had been made of traffic conditions at the intersection of Sunrise and Fairmont Avenues indicated that there was no warrant for two way stop signs. He recommended that Yield Right of Way signs be installed on a trial basis for traffic entering or crossing Sunrise Avenue. 12 twenty-five mile per hour signs have been ordered for installation in the vicinity of this

intersection, he stated. Legislation will be presented later after the foundation has been laid, for Council action setting the speed limit on Sunrise Avenue at 30 miles per hour. He stated that letters would be mailed to residents in the vicinity of the intersection notifying them of the studies made and the recommendations suggested.

REPORT ON STUDY OF INTERSECTION AT NEEDHAM AND K STREETS

The City Manager presented, for Council information, a map showing the proposed changes to be made, at the intersection at Needham and K Streets, which would improve the traffic flow.

Councilman Hammond moved, seconded by Councilman Merrill, and it was unanimously carried, that the plans be approved in principle and the administrative staff be authorized to proceed on this basis and the preparation of the necessary documents to effect the changes outlined in the plans be authorized and presented later for Council action.

APPROVE AGREEMENT WITH J. QUARESMA FOR CONSTRUCTION OF PERIMETER SEWER ALONG EASTERLY SIDE OF GLENWOOD PARK SUBDIVISION

An agreement providing for the participation by the city in construction of a perimeter sewer in Glenwood Park Subdivision being developed by Subdivider John Quaresma was presented for Council consideration. The City Manager pointed out that it was the usual type of letter agreement which had been executed for other subdivisions and in line with the policy of the City Council for participation in perimeter sewers.

Councilman Adams introduced

RESOLUTION NO. 55-469

seconded by Councilman Robinson, approving the agreement and authorizing the City Manager to sign the agreement on behalf of the City of Modesto, which resolution was regularly adopted by the following vote:

Ayes:	Councilmen:	Adams, Anderson, Hammond, Merrill, Robinson and Mayor
		Marks
Noes:	None	Absent: Arata

REPORT ON STOP SIGN IN ALLEY BETWEEN MAGNOLIA AND ELMWOOD AVENUES NORTH OF STODDARD AVENUE

The Traffic Engineer reported that the stop sign presently installed in the alley north of Stoddard Avenue between Magnolia and Elmwood Avenues, which had been purchased by private parties, and installed at their expense had not been legalized by action of the Council. The sign, he stated, is also not legal as it is not reflectorized as required by the Vehicle Code.

He pointed out that there was a sight restriction when leaving the alley and that if the sign was to remain that it should be legalized and the new type sign installed. After a general Council discussion, it was agreed that the sign be removed since it would establish a precedent for other requests. Councilman Merrill moved, seconded by Councilman Anderson, and it was unanimously carried, that the Traffic Engineer remove the illegal stop sign from the alley at this location.

CONSIDER REMOVAL OF TREES ON MORTON BOULEVARD NORTH OF JENNIE AVENUE

The City Manager reported that curbs were being installed on the west side of Morton Boulevard, north of Jennie Street, by property owners. Three oak trees are slightly off center in the 60 foot right of way and consequently one lane of traffic will be narrow, unless the trees are

removed.

Lowrey

Director of Parks and Recreation/pointed out since the street area had been oiled a year ago, the trees had deteriorated, and a great deal of dead wood would have to be removed. He pointed out that it would only be a matter of time until the trees would die because moisture could not reach the roots in sufficient amounts. It was agreed that the Council members should inspect the trees before any action was taken for their removal.

MAYOR RECOMMEND EXCERPT FROM NEWS LETTER MAGAZINE BE SENT TO LEAGUE OF CALIFORNIA CITIES

Mayor Marks recommended, and the Council concurred, that a copy of the article taken from News Letter, of October 1, entitled "New Congressional Proposal To Subsidize Transit Systems Might Help Cities" be sent to the League of California Cities for its opinion on whether state-wide consideration could be given to the law adopted by the State of Wisconsin exempting mass transit firms from state motor fuel taxes and municipal license fees and fixing the annual license fee for transit vehicles at \$1.00 per vehicle.

APPROVE APPLICATION TO THE PUBLIC UTILITIES COMMISSION FOR CROSSING OF TIDEWATER SOUTHERN RAILWAY TRACKS FOR EXTENSION OF BOWEN AVENUE

Application for extension of Bowen Avenue across the Tidewater Southern Railway tracks which was to be filed with the Public Utilities Commission for approval was presented for Council consideration by the City Manager. It was pointed out that this would furnish access to the new Beard School constructed north of Bowen Avenue.

Councilman Hammond introduced

RESOLUTION NO. 55-470

seconded by Councilman Robinson, approving the application and appointing the Mayor, City Attorney and City Clerk signatory officials, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Anderson, Adams, Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent: Arata

NOTICE FROM COUNTY TREASURER RE: SALE OF CITY PROPERTY

The City Manager reported that a notice received from the County Treasurer relating to the sale of 80 parcels of land for taxes by the County Tax Collector, had been checked by the City Clerk. Five of these parcels of land are located in the city limits, he stated, but the city does not have interest in obtaining any of them.

ADJOURNMENT

Councilman Anderson moved, seconded by Councilman Adams, and it was unanimously carried, that the meeting now in session adjourn. The meeting was adjourned at 10:00 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 Chamber at the McHenry Public Library, 14th and I Streets, Mayor Marks presiding.

The City Clerk called the roll and there were

Present: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson
and Mayor Marks
Absent: Councilmen: None

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

Rev. Larry Cruzens, pastor of the First United Brethren Church gave the invocation.

APPROVAL OF MINUTES OF COUNCIL MEETING

Council members having received copies of the minutes of the Council meeting of October 11, 1955, and the same being available for public inspection, and there being no objections, the minutes were approved.

REPORT ON PEDESTRIAN PROTECTION IN MODESTO

Robert Graver, Assistant Manager of the Public Safety Department of the California State Automobile Association, was introduced by Traffic Engineer Canady. Mr. Graver reported that the evaluation summary of the City of Modesto's report, submitted in last year's nation wide Pedestrian Protection Contest, had been discussed with the city officials. He reported that Modesto was in the top 20% range of the 500 cities, of similar population, entered in the contest.

LETTER FROM EL VISTA P.T.A. REGARDING PARK FACILITIES

Mrs. Harvey F. Grote, Chairman Park Committee of the El Vista School P.T.A., filed a letter, and also appeared before the Council asking that a time be set by the Council for consideration of a Dad's Club project. She stated that the organization wished to urge Council action in acquiring a site for a park in the LaLoma area, while the land was still available. She stated that a detailed report giving number of children and families in this area would be submitted later.

It was agreed by the Council that City Manager Miller be authorized to confer with the Committee to prepare a report for Council consideration and that the Committee be advised so that its members could be present at the Council meeting to augment the report.

LETTER FROM NATHAN LONG RE: SEWER SERVICE TO FRINGE AREA

A letter received from Nathan Long regarding a joint-city program for sewer service to the fringe area was briefed by the City Manager. He stated that he had pointed out to Mr. Long that the city had already constructed its sewer plant and trunk lines to these areas. The letter was ordered filed.

LETTER FROM STATE DEPARTMENT OF PUBLIC WORKS DIVISION OF WATER RESOURCES RE: CITY'S PROTEST TO APPLICATION NO. 15880

A letter received from the State Division of Water Resources was read advising that the City of Modesto's protest against Application No. 15880 of Tuolumne County Water District No. 2 did not meet the requirements of a valid protest. The Division stated that a formal protest was not necessary in order to allow the City to present its views for consideration

at the State's public hearing.

Councilman Adams moved, seconded by Councilman Robinson, and it was unanimously carried, that the City Manager notify the State Division of Water Resources that the City of Modesto wished to protest and request that the city be advised of the time and place of the public hearing held on Application No. 15880 filed by the Tuolumne County Water District No. 2.

LETTER FROM MODESTO 500 LIONS CLUB-APPRECIATION FOR CITY'S PARTICIPATION IN SAFETY SLOGAN STREET SIGN PAINTING PROJECT

A letter was read from the Modesto 500 Lions Club expressing appreciation for the assistance given by the City's Traffic Department personnel during the Club's Safety Slogan Sign Painting Project which was held on Sunday, October 15, 1955.

LETTER FROM F. S. CURTIS RE: TRAFFIC SIGNAL INSTALLATION

A letter received by Mayor Marks from F. S. Curtis relating to planning and to the installation of traffic signals in the city was read. Mayor Marks stated that he would contact Mr. Curtis to answer the questions he had raised.

LETTER FROM STANISLAUS COUNTY CHAMBER OF COMMERCE

An invitation from the Stanislaus County Chamber of Commerce to attend a luncheon to be held in San Francisco, Wednesday, December 7, was read. It was agreed by the Council that both the Mayor and City Manager should attend and that the City Clerk notify the Chamber to this effect.

ACCEPT BID OF NORTH BAY CONSTRUCTION COMPANY FOR THE CONSTRUCTION OF ROOFS FOR DOMESTIC SEWAGE DIGESTERS AT THE MODESTO SEWAGE TREATMENT PLANT

A tabulation of the bids received for the construction of roofs for domestic sewage digesters at the Sewage Treatment Plant, which had been opened October 31, 1955, in the City Clerk's Office, was considered by the Council. A report was submitted by the Director of Public Works recommending that the bid of \$7,340 submitted by the North Bay Construction Company be accepted as the lowest responsible bid. Councilman Merrill introduced

RESOLUTION NO. 55-471

seconded by Councilman Anderson, accepting the bid of the North Bay Construction Company as the lowest responsible bid, as recommended by the Director of Public Works, and authorizing the execution of a contract by the city's designated officials, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson
and Mayor Marks
Noes: None Absent: None

APPROVE UTILITY EASEMENT AGREEMENT WITH EMMETT SMITH

The City Attorney presented for Council consideration a Utility Easement Agreement, between the city and Emmett and Anne E. Smith, necessary in connection with the city's project for the extension of the sanitary trunk sewer from Scenic Drive to Dry Creek for the Coffee Road, Thousand Oaks Trunk Siphon and Pressure Line. This agreement provides for consequential damages payment to the grantors in the sum of \$750. He stated, due to the nature of the easement and the area involved, this sum seems to be reasonable and it is the recommendation of the staff that the Council approve the easement agreement and authorize its execution and recordation with the

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County Recorder. Councilman Arata introduced

RESOLUTION NO. 55-472

seconded by Councilman Robinson, approving the Utility Easement Agreement, authorizing its execution by the city's designated officials, and recordation with the County Recorder, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson
and Mayor Marks
Noes: None Absent: None

APPROVE PLANS AND SPECIFICATIONS AND AUTHORIZE CALL FOR BIDS FOR CONSTRUCTION OF THOUSAND OAKS-COFFEE ROAD SANITARY TRUNK SEWER

Plans and Specifications for the construction of Thousand Oaks-Coffee Road Sanitary Trunk Sewer were presented for Council consideration. Councilman Arata introduced

RESOLUTION NO. 55-473

seconded by Councilman Adams, approving the plans and specifications and authorizing the call for bids, said bids to be filed with the City Clerk on or before Tuesday, November 29, at 2:00 P.M., which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson
and Mayor Marks
Noes: None Absent: None

ORDINANCE PROVIDING FOR SALE OF SURPLUS, USELESS AND UNCLAIMED PERSONAL PROPERTY

The City Attorney presented for Council consideration, an ordinance authorizing the City Manager to sell certain personal property of the City which has been found to be surplus and of no further use to the city and also authorize him to sell certain personal property now in the possession of the City Police Department which has been unclaimed for a period of at least six months. Councilman Arata moved the introduction and passage to print of

ORDINANCE NO. 43-C.S.

entitled: "AN ORDINANCE PROVIDING FOR THE SALE OF SURPLUS, USELESS AND UNCLAIMED PERSONAL PROPERTY", which motion being duly seconded by Councilman Anderson, was upon roll call carried and the ordinance ordered printed and published by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson and
Mayor Marks
Noes: None Absent: None

REPORT ON EXECUTION OF AGREEMENT WITH COUNTY FOR RECREATION PROGRAM

The City Manager stated that since it would be necessary to reduce the city's recreation budget, as the final county allocation was less than estimated, execution of the agreement with the County had been delayed pending final decision on the basis of financial participation to be required by adult participants of the basketball and soft ball teams.

Councilman Hammond, member of the Council Committee, reported that meetings had been held with interested basketball groups and plans were being completed so that the teams would be practically self supporting.

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Director of Parks and Recreation Lowrey reported that a fairly firm agreement, as to how the program could be handled primarily through entrance fees, had been agreed on.

The City Manager stated that a report would be submitted later for Council consideration on the revised recreation program for this fiscal year based on the final allocation by the county.

HEARING ON IMPROVEMENT DISTRICT NO. 4 DOWNTOWN LIGHTING DISTRICT

Eugene Sturgis, bond counsel, was introduced by City Attorney Grimes.

Mayor Marks announced that the hour of 4:30 P.M. had arrived, the time set for hearing protests as to the public convenience and necessity of the construction of street lighting standards in Improvement District No. 4 of the City of Modesto.

The City Clerk filed affidavits of mailing copies of Resolution No. 248; Posting Notice on Council Chamber Door; Publication of Resolution of Intention No. 248; and of Posting Notice of Improvement on all the open streets within the assessment district. He reported that no written protests had been received. Mayor Marks asked if there were any oral objections or any other statement to be made by any person with relation to the public convenience and necessity of the improvements proposed to be made. There being no oral or written protests, Mayor Marks declared the hearing closed.

Councilman Hammond introduced

RESOLUTION NO. 859-S.P.

seconded by Councilman Merrill, finding and determining that the public convenience and necessity require the improvements, that the Debt Limit Act shall not apply to these proceedings, and that the improvements may be made under the terms and provisions of the 1911 Act, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson
and Mayor Marks
Noes: None Absent: None

Mayor Marks announced that the hour of 4:35 P.M. had arrived, the time set for hearing protests under Resolution of Intention No. 248 for improvements to be done in Improvement District No. 4.

The City Clerk announced that certain written protests were filed. Said written protests were signed by the following persons:

Vernon F. Gant, Assessment Number 62-1
Margaret J. Bacon, Assessment Number 67-7
A. J. Warrack, Trust Officer of the Anglo California
National Bank, (Tillson property, 921 11th Street)
Sallie Vogelman, Assessment Number 57-1

Said protests were read. Mayor Marks then asked if there were any oral objections or any other statements to be made by any person with relation to the project.

Ed Taylor stated that he was thoroughly in accord with the proposed improvement district.

Vernon Gant stated that his objection was based on the estimated assessment cost of the improvement. He asked for an explanation of the method used in determining the estimated assessment.

The City Attorney pointed out that this hearing did not cover the amount of the assessment but that a public hearing would be held after the work was completed at which time Mr. Gant could file his protest.

It was agreed that for the information of the property owners present, Mr. Ray would briefly outline the method used to determine the estimated assessments. Mr. Ray stated that both frontage and area basis was used.

Floyd Lancaster, owner of lots 22-23, 24, Block 86, objected to tearing down the present lights to establish new ones which, he stated, would be obsolete in five years.

The City Manager pointed out that the Council did not determine whether or not improvements should be made through districts, that the decision was made by property owners in the proposed area.

The City Attorney pointed out that the city only acted as an agent for the property owners in an improvement district in order to accomplish the work.

A question raised by Mrs. Jessie Trueblood regarding the boundaries of the district was answered by City Engineer Fredricksen.

The City Manager read a petition filed by property owners on both sides of H Street between 12th and 14th Street, asking that their properties be included in the improvement district.

Mr. Sturgis briefly reviewed the laws governing this situation and recommended that the proceedings now under way be continued. He pointed out that the specifications provided for the doing of additional work not to exceed 10% of the amount of the contract. After investigation, if the city decides to include this area in the district, he stated, the necessary legislation can be adopted. He pointed out that the bids received would be based on a unit price and the inclusion of the area would not present any problems.

Harry Crow, spokesman for the petitioners, stated that the property owners were anxious to be included in this district since they believed it would be a number of years before another district would be proposed. It was agreed by the Council that the present proceedings continue and that arrangements be worked out by the Public Works Department to include the two blocks in the district as outlined by Mr. Sturgis.

Evidence, oral and documentary, having been heard by the Council, and all protests having been considered, Mayor Marks declared the hearing closed. Councilman Merrill introduced

RESOLUTION NO. 860-S.P.

seconded by Councilman Adams, overruling all protests against the work and improvement to be done in Improvement District No. 4, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks
Noes: None Absent: None

Councilman Arata introduced

RESOLUTION NO. 861-S.P.

seconded by Councilman Anderson, adopting scale of prevailing wage rates,

which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson
and Mayor Marks
Noes: None Absent: None

Councilman Adams introduced

RESOLUTION NO. 862-S.P.

seconded by Councilman Arata, ordering all of the work and improvement described in Resolution of Intention No. 248 and fixing the time for receipt of bids at 2:00 P.M., November 28, 1955, in the office of the City Clerk at a public meeting to be held by said City Clerk, who is to open, examine and declare said bids, refer them to the City Engineer for calculation, after which the bids will be referred to the City Council at its next regular meeting, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson and
Mayor Marks
Noes: None Absent: None

SUPERINTENDENT OF SCHOOLS JAMES CORSON REPORTS ON POSSIBLE COOPERATION WITH CITY ON CONSTRUCTION OF AUDITORIUM AT J. C. AND SWIMMING POOL AT DOWNEY HIGH SCHOOL

Superintendent of Schools James Corson appeared before the Council to report on progress being made by the School District on plans for the construction of an auditorium at Junior College and on the possible joint cooperation by the city and schools on the swimming pool at Downey High School. He stated that the Board of Education had reached a conclusion on a plan for the construction of a theater type auditorium at Junior College which called for a seating capacity of 1000, and the architect has been authorized to proceed with detailed designs. He pointed out that while this size auditorium would meet the requirements of the College ideally, that it might be desirable to have it larger from a community point of view. He estimated the cost of the proposed auditorium to be approximately \$500,000 which would also include the necessary furniture and fixtures. To enlarge this structure to seat an additional 1000 or 1500, the cost would be increased approximately \$400,000, and for a lesser number of seats the cost would be less.

He reported that the School Board had indicated that if the city was interested in working out some kind of joint basis program for the construction of a larger auditorium, that it would be willing to give any plan consideration.

In the general discussion on the subject, the following points were brought out:

1. That when an auditorium is constructed on school property that certain restrictions are placed on its use;
2. That there would be certain conflicts in the use of the building since the schools would have preference on its use, and that it would be under the jurisdiction of the Board of Education;
3. The question was raised if the schools would participate in a large stadium type building to be located on the Civic Center, which could be used for athletic tournaments
4. That the building of a large theater type of auditorium would not meet the community needs, as well as a stadium type auditorium.

The City Manager pointed out that it had been the desire of the Council to have this subject explored so that it could be certain that it would not miss an opportunity, by joining with the schools, to secure a larger auditorium for the community. He asked the Council if it desired any further consideration and investigation. He pointed out that here was an opportunity for the city to get a larger auditorium of a given type.

Mr. Corson stated that while the School Board has given approval to the type and size of the auditorium which would best meet the needs of the Junior College, that it appreciated the interest expressed by the Council in a joint project and still had an open mind and would adjust the building to meet the community needs if the city still wished to join with the schools on a joint program.

Mayor Marks expressed appreciation to both Mr. Corson and the Board on behalf of the Council for their consideration in the matter and asked Mr. Corson to convey to the Board the information that the Council had generally agreed that city funds should be expended on a stadium type auditorium to be located in the Civic Center since it would better serve the community needs and that joint city and school participation should be explored on this auditorium instead of the Junior College theater type auditorium.

Discuss joint participation for swimming pool at Downey School

Mr. Corson outlined the proposed program for construction of various buildings at the Downey High School, which, he stated, had been agreed on at the time of the school bond election. He estimated that it would be approximately 60 days until the Board had received all the bids for the buildings which had been promised to the tax payers. At that time, he stated, if there is any remaining funds, the Board will be glad to consider joint participation in the building of a swimming pool at the school.

Decision of Council on both projects

The general consensus of opinion of the Council was

1. That no further Council consideration be given to joint participation in enlarging the auditorium to be constructed at the Junior College, and
2. That the joint participation of a swimming pool at Downey High School be held over for consideration in the Capital Improvement Program until further information is received from the School Board.

HEARING ON APPLICATION OF LOIS LANE, DBA RED TOP TAXI, FOR ONE ADDITIONAL TAXI CERTIFICATE

Mayor Marks announced that the hour of 5:00 P.M. had arrived, the time set for hearing on the application of Lois Lane, doing business as the Red Top Taxi for one additional certificate, to determine if the public convenience and necessity required the operation of an additional taxicab.

Traffic Engineer Carmody stated that due to the limited time allowed for investigation, it had been impossible to determine the public convenience and necessity. He submitted a report listing the number of taxis in operation, taxi stands reserved and the number of certificates issued. He recommended that the Council consider either of two solutions, 1) the issuance of the certificate requested by Mrs. Lane be delayed pending further information or, 2) if the certificate is granted it could be an addition to the twenty outstanding or some of the excess certificates held by operators could be recalled (either Yellow or Smitty).

The City Attorney stated that the Council could not grant the certificate until it had determined that there was a public need for the taxi.

Mayor Marks asked for expressions from the taxicab operators who were present.

Mrs. Lane stated that she was unable to take care of the business with just two cabs, that she had been turning many calls over to other taxi companies.

Mayor Marks asked Mrs. Lane if she would need an additional parking space. She asked that the space now assigned to the Yellow Cab at 10th and J Streets adjoining Hotel Hughson be given to her since Mr. Secreto was not using the space.

Sam Secreto questioned whether there was any need for an additional taxicab on the basis of his operations.

Joe Sequeira stated that he believed the city already had enough cabs to take care of the business because his cabs were not busy all the time.

Mr. Lane pointed out that Mr. Secreto and Mr. Sequeira had too many permits as they were not using all the permits issued to them. He stated that the Red Top Taxi business had improved to a point where business had to be given to other companies.

Hershel Lawrence stated that he had one taxi stand since he had lost the 11th Street stand and that he was forced to rent off-street parking facilities. He questioned the fairness of granting the new taxi company (Red Top) two spaces at 10th and J. He stated that if an additional permit was granted to this company that he would file an application for two more certificates and three more stands on 10th Street. Councilman Hammond introduced

RESOLUTION NO. 55-474

seconded by Councilman Arata, continuing the hearing on the public convenience and necessity for the issuance of one additional taxicab certificate to Lois Lane until 4:35, November 16, and that the Traffic Engineer and Director of Finance present a report to the Council showing whether there is a need, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson
and Mayor Marks
Noes: None Absent: None

ORDINANCE AMENDING MUNICIPAL CODE RELATING TO DOGS AND THE IMMUNIZATION OF DOGS

As requested by the Council, the City Attorney presented for Council consideration an emergency ordinance amending the Municipal Code relating to dogs and the immunization of dogs. He briefly outlined the provisions and called special attention to Section 5-4.405 relating to "Redeeming Impounded Dogs", which provided for a fee of \$5.00 to cover the cost of having a dog, which had been impounded, vaccinated with an approved anti-rabies vaccine and such other additional required fees. Councilman Merrill moved the adoption and passage to print of

ORDINANCE NO. 44-C.S.

entitled: "AN ORDINANCE AMENDING SECTIONS 5-4.201, 5-4.207 and 5-4.210 of ARTICLE 2 OF CHAPTER 4 OF TITLE V OF THE MODESTO MUNICIPAL CODE AND ADDING ARTICLE 4 TO CHAPTER 4 OF TITLE V OF THE MODESTO MUNICIPAL CODE, RELATING TO DOGS AND THE IMMUNIZATION OF DOGS", which motion being duly seconded by Councilman Robinson, was upon roll call carried and ordered printed and published by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks
Noes: None Absent: None

DON SUTTON OF THE MODESTO TRIBUNE COMPANY INTRODUCED TO COUNCIL MEMBERS

Mayor Marks introduced Don Sutton of the Modesto Tribune Company, guest at the Council meeting, to the Council members and city officials.

AUTHORIZE PAYMENT OF CLAIMS FOR FOURTH OF JULY CELEBRATION

Upon the recommendation of the City Manager, Councilman Adams introduced

RESOLUTION NO. 55-475

seconded by Councilman Robinson, allowing claim of the Stanislaus County Fourth of July Committee for \$750, amount budgeted by the City for the 1955 celebration, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks
Noes: None Absent: None

AUTHORIZE REFUND OF CASH BOND TO C. BOYCE ASHFORD

The Department of Public Works reported that the development of Ashford Tract #1 had been completed satisfactorily by Subdivider C. Boyce Ashford. The return of the cash bond of \$2,200 posted with the City Clerk to guarantee the construction of the improvements as provided in the agreement, was recommended.

Councilman Anderson introduced

RESOLUTION NO. 55-476

seconded by Councilman Robinson, authorizing the refund of the \$2,200 cash bond to C. Boyce Ashford, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks
Noes: None Absent: None

APPROVE AGREEMENT WITH JOE A. ZLAB FOR CONSTRUCTION OF PERIMETER SEWER IN ZLAB SUBDIVISION

The City Manager presented a letter form of agreement providing for the joint construction by the city and Joe A. Zlab of a perimeter sanitary sewer along the southerly side of the Zlab Subdivision for Council consideration. Councilman Robinson introduced

RESOLUTION NO. 55-477

seconded by Councilman Adams, approving the agreement and authorizing its execution by the city's designated officials, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks
Noes: None Absent: None

TREES TO REMAIN ON MORTON BOULEVARD

The City Manager reported receipt of a letter from Frank S. Kelley protesting the proposed removal of three oak trees located on Morton Boulevard, on the basis that at the time he donated the right-of-way property for Morton Boulevard, that it was agreed that these trees were not to be removed.

Councilman Merrill reported on his inspection of the trees and recommended that they should not be destroyed.

The City Manager pointed out that the staff needed to know the Council's decision in this case, since the trees would be approximately 20 feet from the curbs now being constructed on the street and could be considered a traffic hazard. He suggested that if the trees were not removed that the dead branches be cleaned out thoroughly and a suitable reflector be placed on the trees. Councilman Merrill moved, seconded by Councilman Robinson, and it was unanimously carried, that the trees remain on Morton Boulevard, that the dead wood be removed and suitable reflectors be installed on the trees.

CLEAR MAILING OF INFORMATION TO ALL CITY PROPERTY TAXPAYERS

A draft of the leaflet to be sent to all city property taxpayers giving information on city taxes was presented by the City Manager for Council inspection. Councilman Arata introduced

RESOLUTION NO. 55-478

seconded by Councilman Robinson, approving the appropriation transfer of \$350 from the General Reserve Fund to Miscellaneous Administrative Expense Account, to cover cost of mailing the leaflets to city property taxpayers, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks
Noes: None Absent: None

The City Manager reported that the whole problem of assessments in the county would be discussed at a City-County Committee meeting and urged that all Council members attend.

APPROVE EXTENSION OF AGREEMENT WITH STATE OFFICE OF CIVIL DEFENSE RELATING TO ASSIGNMENT OF FIRE PUMPER TO THE CITY OF MODESTO

Upon the recommendation of the City Manager, Councilman Merrill introduced

RESOLUTION NO. 55-479

seconded by Councilman Anderson, approving the extension of the agreement between the State Office of Civil Defense and the City of Modesto for a period of six months beginning November 9, 1955, covering the assignment of a Fire Pumper to the city by the State, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks
Noes: None Absent: None

REPORT ON POSSIBLE RELOCATION OF CAVILL DRAIN

The City Manager reported that the administrative staff had gone as far as it could in trying to work out a satisfactory arrangement with

the Modesto Irrigation District on the rearrangement of the Cavill Drain which is located in the proposed Northgate Subdivision and other subdivisions north of Lateral No. 3. He suggested that the Council appoint a committee so that discussion could be held between the two agencies and that the Tully Avenue Drainage Council Committee be asked to handle it. (Councilmen Hammond, Merrill, Adams) Councilman Arata moved, seconded by Councilman Anderson, and it was unanimously carried, that the appointment of the members of the Tully Avenue Drainage Council Committee to work with the M.I.D. Board of Directors on the relocation of the Cavill Drain, be approved.

ACCEPT GRANT DEED FROM ABE MORA, ET UX, ON RIGHT-OF-WAY ALONG ROSEBURG AVENUE

The City Attorney presented for Council consideration a grant deed from Abe Mora and Patria F. Mora covering 10 feet along Roseburg Avenue for the widening of this street. Councilman Merrill introduced

RESOLUTION NO. 55-480

seconded by Councilman Anderson, accepting the grant deed and authorizing its recordation with the Stanislaus County Recorder, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson and
Mayor Marks
Noes: None Absent: None

AUTHORIZE PURCHASE OF BURROUGH ACCOUNTING MACHINE

Director of Finance Lawrence gave a brief oral report on the informal bids received for the Accounting Machine which had been budgeted for purchase during the 1955-56 fiscal year. He recommended that the bid of Burroughs Corporation be accepted. Councilman Hammond introduced

RESOLUTION NO. 55-481

seconded by Councilman Adams, authorizing the acceptance of the informal bid of \$3116.57, plus \$195.00 for attachments, submitted by Burroughs Corporation for the Accounting Machine for the Finance Department, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson and
Mayor Marks
Noes: None Absent: None

ORDINANCE AMENDING ORDINANCE 345-N.S. CREATING THROUGH STREETS, PROVIDE FOR ERECTION OF "YIELD RIGHT OF WAY SIGNS" DESIGNATE PRIMA FACIE SPEED LIMIT ON CERTAIN STREETS

The City Attorney presented for Council consideration, at the request of Traffic Engineer Carmody, a proposed ordinance relating to "through streets", "Yield Right of Way" signs, and speed limits on certain streets. He recommended that the ordinance be adopted without delay due to the danger to persons and property resulting from the lack of reasonable and safe speed limits and appropriate traffic signs and devices. Councilman Merrill moved the adoption and passage to print of

ORDINANCE NO. 45-C.S.

entitled: "AN ORDINANCE AMENDING ORDINANCE NO. 345-N.S. ENTITLED 'AN ORDINANCE REGULATING TRAFFIC UPON THE PUBLIC STREETS OF THE CITY OF MODESTO', AS AMENDED, TO AMEND SECTION 23, THEREOF AND ADD SECTION 23.1 AND SECTION 36.2 RELATING TO TRAFFIC REGULATION AND REPEALING ORDINANCE NO. 558-N.S.", which motion was seconded by Councilman Hammond, was upon roll call carried

and ordered printed and published by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks
 Noes: None Absent: None

ANNUAL FINANCIAL REPORT FOR FISCAL YEAR ENDING JUNE 30, 1955 FILED

The City Manager filed the annual financial report for the fiscal year ending June 30, 1955. Copies were distributed to each Council member.

REPORT ON UNITED CRUSADE-CONTRIBUTION BY CITY EMPLOYEES

The City Manager reported that the Modesto City employees had contributed 100% to the United Crusade and had exceeded the goal established. The total amount subscribed was \$2,002.25 and the average contribution per employee was in excess of \$6.50. Director of Finance Lawrence had been in charge of the drive.

REPORT ON PROPOSAL FOR VEHICLE RENTAL AT AIRPORT

The City Manager briefly outlined provisions of a proposed agreement between the City and Frank M. Helm Co. dba Hertz System relating to establishing a concession at the Municipal Airport for rental cars and trucks for use of persons using the airport facilities. General agreement of the provisions was expressed by the Council members and the City Manager was authorized to proceed on this basis and present the necessary documents for Council approval at a future date.

REQUEST BY U. S. NAVY RECRUITING SERVICE FOR RESERVED PARKING SPACE

A letter was read from Danny C. Anderson, Recruiter for the U.S. Navy requesting that a reserved parking space be assigned to a government car in the vicinity of the Post Office, 12th and I Streets. Mayor Marks moved, seconded by Councilman Merrill, and it was unanimously carried, that the request be denied.

REFER PETITION FOR ANNEXATION OF ZLAB SUBDIVISION TO THE CITY TO THE MODESTO CITY PLANNING COMMISSION

Councilman Anderson introduced

RESOLUTION NO. 55-482

seconded by Councilman Arata, authorizing the referring of the petition of Joe Zlab for the annexation of the Zlab Subdivision to the City of Modesto to the Modesto City Planning Commission for its report and recommendation, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks
 Noes: None Absent: None

REPORT ON HOUSE BEING CONSTRUCTED AT 303 LALOMA AVENUE

The City Manager reported for Council information that a private home was being constructed at 303 LaLoma in the Civic Center area. The Council indicated that no action should be taken to acquire the property.

LETTER FROM MOOSE LODGE RE: PURCHASE OF ITS PROPERTY IN CIVIC CENTER

Mayor Marks reported receipt of a letter from the Moose Lodge urging that the city make its decision on the purchase of the Lodge's property located in the Civic Center area.

REPORT ON POSSIBILITY OF PARK-KEWIN PROPERTY


The City Manager reported that Mrs. Iris Kewin, owner of the property adjoining Beard Brook and LaLoma Avenue was considering subdividing the land to be sold for residential purposes. A meeting was held with the property owners adjoining the area to discuss the possibility of developing the area as a park which could be connected with the Thousand Oaks Park Site. He pointed out that the present restrictions on the Thousand Oaks Park Site made it questionable whether the city could develop the park unless they were modified. These property owners, he stated, have indicated a desire to work with the city staff on the matter. They have expressed objection to developing the area for any type of noisy activity, but not to a playground type of park. Another proposal suggested is that the city acquire a right-of-way eastward along the creek to tie in with the Thousand Oaks Park Site.

The City Manager reported that it would be necessary for the city to make a decision on the acquisition of a proposed park area adjoining the Garrison School since the owners were contemplating subdivision proceedings if the city did not buy the property. He stated that a further report would be submitted later.

ADJOURNMENT

Councilman Anderson moved, seconded by Councilman Adams, and it was unanimously carried that the Council meeting now in session adjourn. The meeting was adjourned at 6:45 P.M.

ATTEST:



REX E. GAILFUS, CITY CLERK

The Council of the City of Modesto met in regular session this date at 7:30 P.M., as provided by Section 2-1.01 of the Modesto Municipal Code, in the Council Chamber at the McHenry Public Library, 14th and I Streets, Mayor Marks presiding.

The City Clerk called the roll and there were

Present: Councilmen: Anderson, Arata, Hammond, Merrill, Robinson and
Mayor Marks
Absent: Councilmen: Adams

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

A few moments of silent prayer were observed.

APPROVAL OF MINUTES OF COUNCIL MEETING

Council members having received copies of the minutes of the Council meeting of October 19, 1955, and the same being available for public inspection, and there being no objections, the minutes were approved.

LETTER FROM AREA VETERINARY DETACHMENT RE: PARKING OF ARMY CARS

A letter received from Lt. J. D. Coltraine, local representative of the Area Veterinary Detachment 6002 A.S.U. was read, objecting that the government cars were being tagged for overparking in front of its office at 914 11th Street. He claimed that there was no detachment fund available for parking meters. He asked that arrangements be made by the city for the free parking of the army cars on 11th Street between I and J Streets.

City Attorney Grimes pointed out that this request should be considered along with the whole problem of state, federal, and county cars. The present ordinance, he stated, provides that city cars are exempt "when said vehicles are being used in line of duty". He asked if the Council wished to leave the ordinance as is or amend it so that it would apply to governmental cars in general "in the line of duty".

The City Manager stated that despite the provision exempting city vehicles on official business, he was reluctant to use it when a citizen might be getting a tag while parked next to the city car which was not being tagged. He reported that he had asked each city employee to put money in the meters the same as anyone else and had directed the Police Department to tag city cars the same as anyone else. He asked the Council to advise him if there was any disagreement with this policy. In the general Council discussion on the subject the following points were brought out:

1. That it was the individuals working for the various governmental organizations who are violating the law,
2. That the United States governmental cars could use the parking area in the rear of the postoffice,
3. That it should not be necessary for the city employees to put money in the meters due to the ordinance provisions,
4. That the parking area on 11th Street adjoining the City Fire Station had been purchased with city funds for the use of city cars and that it was not necessary to use the off-street parking lots or park in the streets,
5. That if the city employees have any problems with the street meters, they should take it up with the City Manager and an allocation of funds be made for them for parking purposes.

6. That the possibility of removing the exemption clause for the city cars from the ordinance could be considered.

Councilman Hammond moved, seconded by Councilman Robinson, and it was unanimously carried, that no change be made in the provisions of the ordinance (No. 778-N.S.). It was generally agreed by the Council that the City Manager should proceed on the present basis.

Councilman Anderson pointed out that this could mean that the city cars still should not be tagged and if an employee received a ticket, that he could legally fight it.

Mayor Marks stated that as a matter of public relations that the city employees should continue to put money in the meters.

The City Attorney pointed out that the present traffic ordinance was being revised and that any recommended change could be included in the draft.

(Councilman Merrill arrived at 7:53 P.M.)

REQUEST FROM PHILLIPS AGRICULTURAL SERVICE FOR THE CITY TO ERECT A HANGAR AND SHOP FOR RENTAL TO THEM ON A LONG TERM LEASE BASIS

A letter was read from the Phillips Agricultural Service requesting that the city give favorable consideration to erecting a hangar and shop for which they would be willing to pay a reasonable rental to the city on a long term lease basis. The letter was referred to the City Manager for investigation and recommendation.

LETTER FROM MODESTO TRANSIT ADVERTISING CO. RE: INSTALLATION OF BENCHES ON PRIVATE PROPERTY

A letter was read from W. R. Tomson of the Modesto Transit Advertising Company suggesting that the ordinance being drafted by the City Attorney regulating the installation of benches at bus stops include a clause regulating the installation of benches on private property which bear advertising material, since the existing city ordinances did not regulate this type of advertising.

He stated that although his competitor had already installed benches throughout the city, that as a matter of courtesy he had refrained from doing this while he was negotiating with the city for permission to place benches at bus stops.

The City Manager reported that at the time these benches were installed by the California Bench Company, the City Attorney had ruled that there was no regulations in the existing city ordinances which would prohibit their installation.

A general discussion was held by the Council on whether regulatory legislation should be adopted relating to the installation of benches, with advertising, on private property.

The City Attorney pointed out that the question of installation of benches on private property should be divorced from the question of bus benches.

Councilman Hammond suggested that these benches on private property should be treated similar to other commercial advertising, a fee be required and they be constructed of material required in fire zone #1. The City Attorney stated that this regulation would prohibit the installation of any benches on private property in this zone.

Mr. Armstrong, representative of the California Bench Company, stated that the company had held the benches for a period of six months before installing them. He asked that his company's position be made clear as it did not wish to create any animosity. He pointed out that all legislation had been thoroughly checked before the benches were placed, and that the benches were installed near telephone booths and grease racks where people waited for long periods. No other community in the state prohibits the placing of benches, with advertising, on private property, he stated.

Mr. Tomson stated that the whole idea behind this suggested control is where the benches are placed and that the thought behind the placing of benches was to help the Bus Company. He contended that he could have put benches out a long time ago but he wished to go along with any ordinance that would be passed allowing and controlling the benches.

Mayor Marks questioned whether the placing of benches on private property could be controlled. He asked the members whether they wished to control the advertising on the benches that are placed on private property.

Councilman Robinson pointed out that the city controlled all other types of advertising on private property.

The City Attorney pointed out that the Council could provide for the regulation of benches with advertising on private property by amending the sign ordinance.

Councilman Robinson moved, seconded by Mayor Marks, and it was unanimously carried, that the City Attorney be directed to prepare the necessary legislation for Council consideration providing for the inclusion of benches with advertising materials under the sign ordinance so that they would be maintained properly and the advertising signs be in good taste.

(Councilman Robinson was excused at 8:25 P.M.)

HEARING ON PROPOSED AMENDMENT TO MUNICIPAL CODE (ZONING ORDINANCE NO. 29-C.S.)

Mayor Marks announced that the hour of 8:00 P.M. had arrived, the time set for hearing objections to proposed amendments to the zoning regulations and changes in zone classifications and boundaries as shown on the Zoning Map of the City of Modesto.

A copy of Resolution No. 250, adopted by the Modesto Planning Commission, recommending the changes was read.

Director of Planning Smeath explained the proposed changes in the text of the ordinance and presented a map indicating the proposed changes in zone classifications. The Council indicated its approval of the following changes in the text and map:

PROPOSED CHANGES IN TEXT

1. That lodging houses, boarding houses, motels, hotels and membership hotels be permitted in the Neighborhood Commercial Zone;
2. That bottling plants, soft drinks plants be permitted in the Commercial Industrial Zone - C-M.
3. That Section 10-2.1701 of the Modesto Municipal Code be repealed (providing that while a nonconforming use exists on any lot, no new use may be established thereon even though such other use would be a conforming use)

The City Clerk reported that no written protests to the proposed change in the text had been received. Mayor Marks asked for oral protests. No protests were filed.

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PROPOSED CHANGES IN ZONE CLASSIFICATIONS

4. That the zone classification (Section Map No. 18) be changed from R-1 to R-3 (west side of Tully, south of M.I.D. Lateral No. 3)
5. That the zone classification (Section Map No. 19) be changed from One-Family Zone R-1 to Multiple Family Zone R-3 (Lot 12 in Block 6114 and Lot 1 in Block 6116 of the Glenwood Park Subdivision on Tully Road)
6. That the zone classification on both sides of McHenry Avenue be changed from Neighborhood Commercial - C-1, from the center lines of Downey and Needham Avenues, north to the M.I.D. Lateral No. 4 to General Commercial Zone, C-2 (Section Maps Nos. 28 and 29)

The City Clerk reported that no written protests had been filed. Mayor Marks asked for oral protests. No protests were filed.

A lengthy discussion was held on the recommendation of the Planning Commission that Lot 13 in Block 549 be changed from R-1, One-Family Zone to Multiple-Family Zone R-3 (Section Map No. 29).

Mr. Smeath reported that at the time the Planning Commission held its public hearing, no one appeared to protest the application for the rezoning of Lot 13 filed by Dr. B. E. Taylor, owner of lots 13-14-15. Inadvertently, the Planning Department staff neglected to check up on the history of this property before the hearing. However, since then, a complete check has been made of the minutes and they indicate that on numerous occasions during the period from 1948 up to the present time, the request for the rezoning of this particular lot has been rejected by the Commission due to protests of adjoining property owners.

Dr. Taylor stated that presently the rear portion of the property was being used for parking purposes. He stated that his plans were for the building of a four unit apartment building on the front part of the three lots, or possibly a duplex if the land was not large enough.

Mr. Donald South, owner of property adjoining Lot 13 protested the rezoning of the property. He suggested that if arrangements could be made for the issuance of a special permit to Dr. Taylor to put in a triplex or duplex, he would offer no objections, but he did object to the zoning of the property as R-3 because of the possibility that the property might change ownership and a large apartment could be built.

Mr. Smeath pointed out that it would be impossible to place conditions on zoning of property, that the land was zoned and not property owners.

The City Attorney pointed out the alternatives for the Council to consider, 1) approve the application for the rezoning; 2) ask for a further report from the Planning Commission, as provided in the Zoning Ordinance, or 3) delete the recommendation from the ordinance entirely and consider it at a later date.

Councilman Hammond moved, seconded by Councilman Merrill, and it was unanimously carried, that the Planning Commission be requested to submit a further report on the request of Dr. B. Taylor to rezone Lot 13 in Block 549 from R-1 zone to R-3 zone.

The City Attorney revised the ordinance he had prepared approving the various recommendations of the Planning Commission for the amendment of the Municipal Code, eliminating the recommendation on the rezoning on Lot 13 in Block 549. Councilman Anderson moved the introduction and passage to

print of

ORDINANCE NO. 47-C.S.

entitled: "AN ORDINANCE AMENDING SECTION 10-2.801 OF ARTICLE 8 AND SECTION 10-2.1001 OF ARTICLE 10 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE, REPEALING SECTION 10-2.1701 OF ARTICLE 17 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE, AND AMENDING SECTION MAPS 19, 28 and 29, AND ADDING SECTION MAP 18 TO THE ZONING MAP OF THE CITY OF MODESTO", which motion being duly seconded by Councilman Arata, was upon roll call carried and ordered printed and published by the following vote:

Ayes: Councilmen: Anderson, Arata, Hammond, Merrill, Mayor Marks

Noes: None Absent: Adams and Robinson

ACCEPT BIDS FOR STREET LIGHTING MATERIALS

A tabulation of the bids received for street lighting materials to be used in residential areas and subdivisions, which had been opened at 2:00 P.M., November 8, was presented for Council consideration. Councilman Anderson introduced

RESOLUTION NO. 55-483

seconded by Councilman Arata, accepting the bid of Weld-Rite Company of \$3,550 for Item 1 on 50 street lighting standards, as the lowest responsible bid and authorizing execution of agreement by the city's designated officials, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Anderson, Arata, Hammond, Merrill, and Mayor Marks

Noes: None Absent: Adams and Robinson

Councilman Arata introduced

RESOLUTION NO. 55-484

seconded by Councilman Anderson, accepting the bid of Westinghouse Electric Supply Company of Fresno of \$1,493.50 for Item 2, 50 street lighting luminaires, and bid of \$775.85 on Item 4 for one transformer, as the lowest responsible bid and authorizing execution of agreement by the city's designated officials, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Anderson, Arata, Hammond, Merrill and Mayor Marks

Noes: None Absent: Adams and Robinson

Councilman Merrill introduced

RESOLUTION NO. 55-485

seconded by Councilman Arata, accepting the bid of Taper Tube Company of \$7,426.30 for Item 3, 35,000' of street lighting cable, as the lowest responsible bid and authorizing execution of agreement by the city's designated officials, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Anderson, Arata, Hammond, Merrill and Mayor Marks

Noes: None Absent: Adams and Robinson

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**APPROVE AGREEMENT WITH HELM MOTOR RENTAL DIVISION OF FRANK M. HELM CO., INC.
FOR OPERATION OF CAR AND TRUCK RENTAL CONCESSION AT AIRPORT**

As directed by the Council, the City Attorney presented for consideration, an agreement between the city and the Helm Motor Rental Division of Frank M. Helm Co., Inc. relating to the granting of a car rental concession at the Modesto City-County Airport. Terms of the agreement were briefly outlined for Council information. Councilman Arata moved the introduction and passage to print of

ORDINANCE NO. 46-C.S.

entitled: "AN ORDINANCE APPROVING AN AGREEMENT WITH THE HELM MOTOR RENTAL DIVISION OF FRANK M. HELM CO. INC., RELATING TO THE GRANTING OF A CAR RENTAL CONCESSION AT THE MODESTO CITY COUNTY AIRPORT", which motion being duly seconded by Councilman Anderson, was upon roll call carried and the ordinance ordered printed and published by the following vote:

Ayes: Councilmen: Anderson, Arata, Hammond, Merrill, Mayor Marks

Noes: None Absent: Adams and Robinson

**ACCEPT CONSTRUCTION OF SANITARY SEWER LATERAL EXTENSION TO GARRISON SCHOOL
BY CARMEN & HALBACH**

The Director of Public Works reported that the construction of the sanitary sewer lateral extension to Garrison School had been completed to his satisfaction by contractor, Carmen and Halbach. He recommended acceptance of the project by the Council, filing of Notice of Completion and authorization of payments due, as provided by the contract. Councilman Merrill introduced

RESOLUTION NO. 55-486

seconded by Councilman Anderson, accepting the project, as recommended by the Director of Public Works, from Carmen & Halbach, directing the City Clerk to file Notice of Completion with the County Recorder, and authorizing payments due as provided by the contract, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Anderson, Arata, Hammond, Merrill, Mayor Marks

Noes: None Absent: Adams and Robinson

**AUTHORIZE PURCHASE OF COLLATOR AND APPROVE APPROPRIATION TRANSFER OF \$431 TO
FINANCE DEPARTMENT**

Benefits and savings which would be derived from the purchase of a Collator Machine for the Service Section of the Finance Department which could be used to assemble multilith reports, were briefly reported by Director of Finance Lawrence. He recommended the purchase of a floor model, ten sheet machine, at a cost price of \$431.00.

Councilman Hammond introduced

RESOLUTION NO. 55-487

seconded by Councilman Arata, approving the appropriation transfer of \$431.00 from the General Reserve to the Finance Department for the purchase of a Collator Machine, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Anderson, Arata, Hammond, Merrill, Mayor Marks

Noes: None Absent: Adams and Robinson

ACCEPT PROJECT FOR REPLACEMENT AND RECONSTRUCTION OF A PORTION OF CARVER ROAD BETWEEN 99 HIGHWAY AND ORANGEBURG AVENUE FROM CONTRACTOR STANDARD MATERIALS, INC.

A report was submitted by Director of Public Works Ray recommending the acceptance by the Council of the replacement and reconstruction of a portion of Carver Road between 99 Highway and Orangeburg Avenue completed by contractor, Standard Materials, Inc. filing of the Notice of Completion and authorizing payment of \$9,055.71.

Councilman Arata introduced

RESOLUTION NO. 55-488

seconded by Councilman Hammond, accepting the project as recommended by the Director of Public Works, filing of Notice of Completion with the County Recorder, authorizing payment from the sewer bond fund in the amount of \$7,055.71 and \$2,000 from the Public Works-Streets, capital outlay "Oil new streets and alleys", which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Anderson, Arata, Hammond, Merrill and Mayor Marks

Noes: None Absent: Adams and Robinson

AUTHORIZE ERECTION OF YIELD RIGHT OF WAY SIGNS ON OXFORD WAY, FAIRMONT AVENUE AND KEARNEY AVENUE

Reports submitted by Traffic Engineer Carmody recommending the installation of Yield Right of Way signs on Oxford Way and Fairmont Avenue at their intersection with Sunrise Avenue, and on Kearney Avenue at its intersection with Roseburg Avenue, were considered by the Council. Councilman Anderson introduced

RESOLUTION NO. 55-489

seconded by Councilman Hammond, authorizing the erection of Yield Right of Way signs on certain streets in the City of Modesto, as recommended by the Traffic Engineer, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Anderson, Arata, Hammond, Merrill, and Mayor Marks

Noes: None Absent: Adams and Robinson

DISCUSSION ON "NO PARKING" ZONE ON ELEVENTH STREET, SOUTH OF G STREET

Traffic Engineer Carmody reported that at the time the curb was painted by the city crew establishing a "No Parking" zone on the east side of 11th Street south of G Street, in front of the C. H. Williams Co., as provided by Resolution No. 10,421, two areas between the driveways were also painted red as they were too short to permit the parking of cars without blocking the driveways. He stated that although there was no specific direction from the Council to install the two extra no parking zones, Section 586 of the California Vehicle Code prohibits parking in front of all driveways. Mr. Williams has been using the no parking zones between the driveways as a reserved space for him and his customers.

Mr. Carmody stated that although the no parking zones between the driveways were not legally established by the Council that he would recommend they be legalized by resolution as the space is insufficient to allow a vehicle to park and any damage to a car parked in this inadequate space might result in a suit against the city.

Mr. Williams, who was present, stated that he would be willing to reduce the size of his driveways if the parking spaces between them were allowed to remain.

The City Manager stated this could be handled by a permit from the Department of Public Works. The reason this was reported was to clear the records on the illegal no parking zones. The City Manager was directed by the Council to help work out satisfactory arrangements with Mr. Williams.

DISCUSS ESTABLISHMENT OF "NO PARKING ZONES" ADJACENT TO INTERSECTIONS

Councilman Anderson stated that cars parked near the intersection of 13th and 14th Streets and Needham made it difficult for a driver to see down Needham Avenue when making a left turn onto Needham.

Traffic Engineer Carmody stated that a report would be submitted shortly on an overall program for establishing "No Parking" zones next to cross walks at unsignalized intersections.

REPORT ON MEETING WITH REPRESENTATIVES FROM TIDEWATER SOUTHERN RAILWAY

The City Manager reported on the meeting held with Rex Kearny and Jack Kenady, representatives of the Tidewater Southern Railway. He stated that the possibility of an interim arrangement until the relocation of the tracks could be resolved, was discussed. The company suggested a payment of \$1500/\$2000 annually for a temporary franchise. They pointed out that other cities were being paid at about this rate for the use of their streets. A suggestion was made to the representative that if a temporary franchise was worked out that it be retroactive to the expiration of the franchise, February 7, 1954.

To a question from Mayor Marks whether the granting of a temporary franchise would weaken the position of the city, City Attorney Grimes pointed out that it was a policy matter for the Council to consider. He stated that it would be difficult to evaluate the effect it might have on the final relocation. He stated that the temporary franchise could include a provision that it could be terminated on short notice by either party.

Mayor Marks stated that it would seem to indicate if the franchise was granted that the Council was giving tacit approval of the using of Ninth Street.

Councilman Hammond considered that it would not be weakening the position of the city since it would mainly be a means of obtaining revenue which was rightfully due the city.

Councilman Merrill stated it would be weakening the city's position.

The City Manager stated that the company representatives had assured the city staff that the granting of a temporary franchise would not hamper in any way the city's efforts to solve the removal problem. The company has submitted another proposal to the Southern Pacific Company to construct tracks east of the S.P. tracks and to use certain switches. The City Attorney pointed out that the temporary franchise arrangement was only for the Ninth Street tracks since the company owned the land on Virginia Avenue on which its tracks were located. The City Manager and City Attorney pointed out that no action was necessary at this time that it was up to the Council to make its decision, after studying the matter.

Councilman Hammond asked if the granting of a temporary franchise would be prejudicial.

The City Attorney stated that there could be a possibility that it might. The fact that the city has not given the company a franchise and has taken the consistent position since 1945 that the tracks should be re-

moved from Ninth Street. Also, there is a resolution in effect which asked the Company to remove its tracks from Ninth Street. He stated, however, a statement that could be included in the temporary franchise that the granting of the franchise would not prejudice the city rights. He stated that the company was interested that its position be recognized in the event there should be an accident involving the train. It wanted to be in the city by legal rights. He pointed out that the Council has taken the position for 10 years that it is opposed to the Tidewater Southern using Ninth Street and then if a temporary franchise is granted that it would be inconsistent as it applies to the community. Mayor Marks asked the City Manager and City Attorney if they thought of anything which would help the Council in resolving the problem to advise them. The matter was ordered held over for further consideration at a later date.

REPORT ON STUDY FOR PROVIDING CHURCHES IN CITY WITH LOADING ZONE FACILITIES

The City Manager reported that the Traffic Department had contacted all of the churches in the city concerning their need for passenger loading zones, parking lots and any other traffic involvements, as requested by the Council. A number of changes were made, he stated, to correct minor traffic conditions.

DISCUSS DEVELOPING PARKING LOT ON SIERRA DRIVE AND FIRST STREET

Plans for the development of a 37 stall parking lot for the intersection of Sierra Drive at First Street, at an estimated cost of \$3,000 was discussed. The report submitted by the Traffic Engineer indicated that \$500.00 of the expenses would be paid by the Church of the Brethren. The development of the parking lot would involve the Sierra Boulevard between First Street and Rosedale Avenue and then adding the street area to the triangular island to form the parking lot. The Schools recognize the need for the parking area, Traffic Engineer Carmody reported, but do not have any funds available to participate in the development of the project. It was pointed out parking facilities would be more desirable than planting the small island area with plants as it is too small and requires a large amount of maintenance. He suggested that the city develop and assume the maintenance of the parking area if the initial development costs of \$3,000 were raised from other than city sources, such as the Church of the Brethren and the Modesto High School.

The City Manager pointed out that a further alternative to consider would be to close the street between the church and the park area and sell the property to the church.

Mayor Marks pointed out that there were similar cases throughout the city involving island parks area.

A representative from the Church of Brethren, who was present, stated that the development of the parking area might fit in with the proposed plans for church expansion now under consideration, and it might not be necessary for the church to purchase additional land if the area could be developed as a parking area and the church assume all the costs.

Members of the Council objected to the expenditure of any city funds in improving the lot and agreed to make a personal inspection of the property.

It was finally agreed that the Church should work with the City Manager and if a workable plan was developed that it be placed again on the agenda for Council consideration.

SET DATE OF DECEMBER 14 FOR REVIEW OF CIVIL DEFENSE PROGRAM

The City Manager was asked to make arrangements with the State Office of Civil Defense for a representative to be present at the meeting of December 14 to review the Civil Defense program for the City of Modesto.

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CLEAR PURCHASE OF PARCEL "B" OF DURAND PROPERTY FOR GOLF COURSE

The City Manager was directed to present for Council consideration the necessary legal documents to take up the option to purchase Parcel "B" from Kenneth Durand to be used in the development of the 18 hole golf course. This option also called for the transfer of Parcel "D" to Mr. Durand. (1½ acres of walnuts belonging to the City.)

FURTHER CONSIDERATION OF CAPITAL IMPROVEMENT PROGRAM

The City Manager reported that a review of the Capital Improvement Program was being prepared for Council consideration which would be filed shortly.

AUTHORIZE INSTALLATION OF PARKING METERS AND PARALLEL PARKING ON 12TH STREET BETWEEN K AND L STREETS

Upon the recommendation of the Traffic Engineer, Councilman Anderson introduced

RESOLUTION NO. 55-490

seconded by Councilman Hammond, establishing parallel parking on both sides of Twelfth Street, between K and L Streets, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Anderson, Arata, Hammond, Merrill and Mayor Marks

Noes: None Absent: Adams and Robinson

Councilman Arata introduced

RESOLUTION NO. 55-491

seconded by Councilman Hammond, establishing a parking meter zone on both sides of Twelfth Street, between K and L Streets, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Anderson, Arata, Hammond, Merrill, Mayor Marks

Noes: None Absent: Adams and Robinson

CONSIDERATION OF PROPOSAL TO PROVIDE UNIFORMS FOR RESERVE POLICE

The City Manager reported that a report would be submitted shortly for Council consideration relating to furnishing uniforms for reserve police officers.

FINANCIAL REPORT FOR MONTH OF OCTOBER FILED

The City Manager filed financial statement for month of October.

STRUCTURAL REPORT OF ERNEST D. FRANCIS ON POLICE BUILDING

A report filed by Ernest D. Francis on the structural condition of the City Police Station was briefly reviewed. Mr. Francis reported that the condition of the building appears to be good except a conspicuous defect in the sag of all floors towards the vault. He stated that the building did not provide the earthquake safety required by the Uniform Building Code; the roof and second floor lack rigidity and anchorage; and the vault in its settling condition might seriously increase the danger to occupants. Corrections could be made but combining these with the vault work would run the cost beyond the value of the building.

ACCEPT GRANT DEEDS FROM PROPERTY OWNERS IN BLOCK 2020 FOR ALLEY PURPOSES -
IMPROVEMENT DISTRICT NO. 5

The City Attorney presented for Council consideration grant deeds from certain property owners in Block 2020 on land to be used for alley purposes in Improvement District No. 5 (LaLoma Sanitary Sewer).

Councilman Arata introduced

RESOLUTION NO. 55-492

seconded by Councilman Merrill, accepting the grant deeds from Arthur Garcia, et ux, Virginia Williams, Vernon E. Brown, et ux, Henry Abernathy, et ux, and Edward Olander, et ux, and authorizing their recordation with the County Recorder, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Anderson, Arata, Hammond, Merrill, and Mayor Marks

Noes: None Absent: Adams and Robinson

REPORT ON AVAILABILITY OF FEDERAL FUNDS FOR STUDY OF POSSIBLE ACQUISITION
OF WATER COMPANIES

The City Manager reported that there was a possibility that federal funds, on a loan basis without interest, would be available for the financing of an investigation on acquiring the private water systems within the city. He asked if the Council wished 1) a further investigation on the basis a loan would be made to the city, and 2) if the city could get the loan on an even basis it should proceed on "getting at the problem".

Mayor Marks moved, seconded by Councilman Merrill, and it was unanimously carried, that the staff proceed to assemble costs and information on a study on the possible acquiring by the city of all the private water systems within the city and report to the Council.

Councilman Hammond moved, seconded by Mayor Marks, and it was unanimously carried, that the City Manager submit a report to the Council on the basis federal funds would be made available to the city for this project.

REPORT ON PROPOSAL TO PAVE A PORTION OF THE JOHN MUIR PARK AREA

The City Manager reported that property owners in the John Muir Park area had presented a proposal for the paving of a smaller area than was first considered by the Council. He asked if the Council would still consider the 20% participation in paving cost (on a cash basis) as was formerly approved and whether it would proceed on a smaller project. He pointed out that the city would also have to pay paving and curb and gutter costs around the park area in addition to the 20% cost. He pointed out the advantage to the city's proposed street program if one area was paved and used as an example for other areas. The Council indicated its approval for the staff to prepare more data on a program for the smaller area.

REPORT ON REVISED PROPOSAL FOR FIRE PROTECTION AT MUNICIPAL AIRPORT

The City Manager reported on a revised proposal for additional fire fighting equipment at the airport. He stated that an Ansul Dry Chemical Unit could be purchased at one-fourth of the amount budgeted for the equipment which would furnish adequate fire protection at an approximate cost of \$1300. Councilman Arata moved, seconded by Councilman Hammond, that the staff be authorized to proceed on this basis.

REPORT ON OILED STREETS REWORKED DURING 1955 SEASON

A report on oiled streets reworked during the 1955 season prepared by the Director of Public Works was briefly discussed. The report indicated

that 9.4 miles of streets were completed and 1.4 miles of alleys were oiled during the period the street reoiling program was underway.

REQUEST OF MODESTO THEATRES TO PARK NATIONAL GUARD VEHICLES ON J STREET ADJACENT TO THE STATE THEATRE

A request was filed by the Modesto Theatres to park the National Guard vehicles on J Street in front of the State Theatre on November 23 for the purpose of putting on an official recruiting campaign at the theatre in conjunction with the production of "To Hell and Back". The Council indicated that if the request had been filed by the Guard instead of a private business concern, that the streets could be so used.

Councilman Merrill moved, seconded by Councilman Anderson, and it was unanimously carried, that the City Manager contact the National Guard to determine whether it was sponsoring the proposed program and if such permission were requested by the Guard, that the city staff be authorized to work out the necessary arrangements.

REPORT ON ACQUISITION OF AIRPORT LAND

The City Manager presented for Council consideration an option for the purchase of 26 acres of land adjoining the airport, to be used in the airport expansion project, from Walter G. Olsen for the sum of \$22,500. He reported that Councilman Arata, who had been delegated by the Council to work with the staff, and representatives from the County, had approved the proposed purchase and indicated willingness to proceed providing it is satisfactory to the County Board of Supervisors. He stated that a further report would be made to the Council shortly after the Board had considered the matter. Councilman Arata moved, seconded by Councilman Merrill, and it was unanimously carried, that the Council indicate its approval of the option subject to approval by the County of Stanislaus.

REPORT ON DECISION OF PUBLIC UTILITIES COMMISSION ON BUS FARE INCREASE REQUEST FILED BY WILLIS KLEINENBROICH, DBA MODESTO MOTOR BUS SERVICE

A copy of Decision No. 52211 of the Public Utilities Commission on Application No. 37217 (First Amendment) filed by Willis M. Kleinenbroich, dba the Modesto Motor Bus Service, was read. The Commission authorized the company to increase passenger fares as requested.

ADJOURNMENT

Councilman Anderson moved, seconded by Councilman Merrill, and it was unanimously carried, that the meeting now in session adjourn. The meeting was adjourned at 11:06 P.M.

ATTEST:


 REX E. GAILFUS, CITY CLERK

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The Council of the City of Modesto met in regular session this date at 4:00 P.M., as provided by Section 2-1.01 of the Modesto Municipal Code, in the Council Chamber at the McHenry Public Library, 14th and I Streets, Mayor Marks presiding.

The City Clerk called the roll and there were

Present: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson
and Mayor Marks
Absent: Councilmen: None

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

Rev. Howard Clarke, pastor of the Second Baptist Church gave the invocation.

APPROVAL OF MINUTES OF COUNCIL MEETING

Council members having received copies of the minutes of the Council meeting of October 26, 1955, and the same being available for public inspection, and there being no objections, the minutes were approved.

LETTER FROM G. T. MCCOY, STATE HIGHWAY ENGINEER, RE: MEETING ON FREEWAY

A letter was read from G. T. McCoy, State Highway Engineer, replying to the city's letter of October 27, 1955, regarding the proposed freeway agreement for the U.S. 99 Freeway through the city. Mr. McCoy suggested that a meeting between the city and state representative would be beneficial. He stated that he would be pleased to arrange such a meeting in Sacramento for any date after December 12, that would be satisfactory to the city.

City Manager Miller reported on the State Division of Highway announcement which had appeared in the Modesto Bee, November 15, relating to the tying in of Kansas Avenue with Maze Boulevard, which would also tie in with the proposed freeway through the city. He reminded the Council that the hearing was scheduled at the County Center on December 5, 1955.

He recommended that the city proceed immediately on its study of the grade separation. He suggested that the railroads, Tidewater and Southern Pacific, and the Division of Highways be contacted to determine the type of information needed to prepare the report so that time would not be wasted. He asked for Council authorization to proceed on that basis.

Councilman Merrill moved, seconded by Councilman Robinson, and it was unanimously carried, that the City Manager be authorized to proceed immediately on the study of the grade separation.

Councilman Arata suggested that the meeting to discuss the grade separation with the state be held in Modesto instead of Sacramento, as suggested by Mr. McCoy's letter.

Councilman Arata moved, seconded by Councilman Robinson, and it was unanimously carried that Mayor Marks be authorized to acknowledge receipt of Mr. McCoy's letter and ask that the meeting be held in Modesto. (December 14 was suggested).

INVITATION FROM RED CROSS TO ATTEND "OPEN HOUSE"

An invitation from the Red Cross to attend its "Open House" on November 17 between 7:00 and 10:00 P.M., at its new location, 329 Kimble Street, was read.

FINAL ADOPTION OF ORDINANCE NO. 43-C.S. SALE OF SURPLUS PROPERTY

Ordinance No. 43-C.S., entitled: "AN ORDINANCE PROVIDING FOR THE SALE OF SURPLUS, USELESS AND UNCLAIMED PERSONAL PROPERTY", having been heretofore introduced and ordered printed and published at the regular meeting of November 2, 1955, Councilman Anderson moved, seconded by Councilman Robinson, that the ordinance be finally adopted, which motion was upon roll call carried by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Merrill, Robinson and Mayor Marks
 Noes: None Absent: Hammond

ORDINANCE ESTABLISHING 35 MILE SPEED LIMIT ON CARVER ROAD

Traffic Engineer Carmody briefly reported on the need for the establishment of a speed limit on Carver Road which is located partly inside and partly outside the city limits. The County had adopted an ordinance establishing the limit at 35 miles and the proposed city ordinance which the City Attorney presented for Council consideration will establish the same limit on the one-half road from Highway 99 to Orangeburg Avenue. Councilman Anderson moved the introduction and passage to print of

ORDINANCE NO. 50-C.S.

entitled: "AN ORDINANCE AMENDING ORDINANCE NO. 345-N.S. ENTITLED 'AN ORDINANCE REGULATING TRAFFIC UPON THE PUBLIC STREETS OF THE CITY OF MODESTO', AS AMENDED, TO AMEND SECTION 36.2 THEREOF, RELATING TO TRAFFIC REGULATION AND REPEALING SECTION 4 OF ORDINANCE NO. 45-C.S.", which motion being duly seconded by Councilman Arata, was upon roll call carried and ordered printed and published by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Merrill, Robinson and Mayor Marks
 Noes: None Absent: Hammond

ORDINANCE AMENDING PLUMBING CODE TO REVISE SECTION RELATING TO PERMIT FEE FOR SWIMMING POOLS

The City Attorney presented for Council consideration an Ordinance which would amend the Municipal Code to permit the collection of permit fees for swimming pool construction under provisions of the Building Code, Plumbing Code and Electrical Code, and which would eliminate an existing duplication and point of confusion. Councilman Merrill moved the introduction and passage to print of

ORDINANCE NO. 51-C.S.

entitled: "AN ORDINANCE AMENDING SECTION 9-2.09 OF CHAPTER 2 OF TITLE IX OF THE MODESTO MUNICIPAL CODE RELATING TO THE PLUMBING CODE", which motion being duly seconded by Councilman Adams, was upon roll call carried and ordered printed and published by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Merrill, Robinson and Mayor Marks
 Noes: None Absent: Hammond

ORDINANCE APPROVING ANNEXATION OF NORTHGATE ADDITION TO THE CITY

Mayor Marks announced that the hour of 4:15 P.M. had arrived, the time set for hearing protests to the proposed annexation of Northgate Addition to the City of Modesto.

The City Clerk filed an affidavit that no written protests had

been filed, and that notices had been given as required by law.

Mayor Marks asked if there were any oral objections, or any statements to be made by any person. There being no oral or written protests, Mayor Marks declared the hearing closed.

The City Manager presented a report, dated November 16, 1955, entitled: "Growth--an asset and a responsibility", a copy of which is on file in the office of the City Clerk. He asked and was granted permission to read the report before the vote was taken on the ordinance which would approve the annexation of Northgate Addition. He pointed out that the report was presented to assist the Council in making its decision, not to deter them from the action before them. He stated, "Although, we should face the fact that growth immediately increases responsibility and costs, we believe orderly growth is desirable from the community point of view and is sound economically in the longer run."

(Councilman Hammond arrived at 4:25 P.M.)

Mayor Marks pointed out that the Council had two things to consider in the annexation of areas to the city:

- 1) Annex the area, make it part of this community, bring its services up to the level of the city while raising the services in the older portion of the city, or
- 2) Let the area surrounding the city develop by itself in a helter-skelter fashion, as was done in the past.

He pointed out that the most economical way to furnish services to an area was by annexation to the city. Mayor Marks stated annexation would provide orderly growth and was essential not only to the people outside, but to the people inside the city. However, it must not be forgotten, he stated, that annexation does cost money.

The City Manager stated that for the benefit of the Council, he wished to make it clear that this was why the city's expenditures continue to increase each year.

Councilman Arata suggested that a study be made of the annexation of new subdivisions to determine whether the costs should be increased to the subdivider or the property owners to take care of some of the city's cost to furnish services. The older part of the city should not have to take care of the new subdivisions when it is doing without badly needed street repairs, etc.

The City Manager stated that the staff was presently reviewing the subdivision ordinance and asked if the Council wished a report on the fees now paid by the subdividers and any recommendation for changes in these fees.

Councilman Merrill suggested that this report also cover the question of trees planted in new subdivisions where only a few houses were built and occupied and it was up to the city to keep the trees watered on the vacant lots. He suggested that a look be taken at the new subdivisions to see that the costs for furnishing services is scattered among those who receive the benefit. He stated that he welcomed subdivision annexations but that the cost should be pro-rated over the subdivision.

Mayor Marks pointed out that it was a well known fact that the business of serving residential areas alone was a losing proposition.

The City Attorney pointed out that the question was--who is to pay, the subdivider or the people who purchase the property. A number of cities are adopting legislation which requires those who annex to the city to pay a fixed sum to cover their share of the improvements already made in the city. This fee is determined at the time annexation proceedings are filed and this charge is added to the property taxes for a certain number of years. This is the trend throughout the United States, he stated.

The City Manager stated that there was substantial interest in this system and that if the Council wished to think it over, he would obtain information on what other cities are doing. He stated that he would like to point out that before the city got into any major additional annexations, that the Council should take a look at its annexation policy to determine the responsibility for the cost of many of the city services as had been suggested by Councilmen Merrill and Arata. He stated that there was a need for a general review of the basic plan on which the Council had been working on annexation.

Mayor Marks pointed out that this Council was making decisions for posterity, that it does cost the present taxpayers money but to do it later would cost them twice as much, that a program of orderly growth for a community, required annexations. He stated that the question raised by Councilman Arata was a definite one--would it not be valid to charge a fee tantamount to what it is going to cost the city to bring an area up to the present level of service in the city. The question is whether or not the people in the subdivision should be asked to furnish additional facilities which the city provides or the real estate subdividers.

Director of Planning Smeath pointed out that there were two major problems involved: 1) as it has to do with new subdivisions, uninhabited areas which are to be subdivided, on which the Planning Commission does not make an economical study; if the subdivision is located so that it can properly be served by the city, it is approved; and 2) annexation of inhabited territories. He pointed out that there were many methods of handling annexation cost assessments to property owners or subdividers when this type of area was annexed to a city.

Mayor Marks pointed out that the city, during the previous years, had discouraged annexation on the basis that it would cost the taxpayers money, with the result now, that it will be costly to acquire private water systems which have been built up in the community. He pointed out that in 1951, the Council gave all the surrounding areas an opportunity to annex at one time but this was turned down. The Council was on record and has done everything possible to encourage an orderly annexation program. The Council is in a good sound position if from now on it is deemed necessary to increase annexation costs. He pointed out that the key to the whole economical growth of the community was the acquiring of the private water systems so that the services can be standardized throughout the city.

The City Attorney stated that a small portion of the Northgate Subdivision was located in the Sylvan School District but that it was agreed by the City School District and the Sylvan School District that if the area was annexed, it should all be included in the Modesto City School District.

Director of Public Works Ray reported on the necessity to install sewage pumping facilities in a small portion of the addition, which will be paid for by the subdivider and maintained by the city, due to the location of Cavil Drain across the area in an east-west direction.

Councilman Merrill moved the adoption and passage to print of

ORDINANCE NO. 48-C.S.

entitled: "AN ORDINANCE ANNEXING UNINHABITED TERRITORY KNOWN AS THE NORTH-GATE ADDITION TO THE CITY OF MODESTO", which motion was seconded by Councilman Robinson, was upon roll call carried and ordered printed and published by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent: None

ORDINANCE APPROVING ANNEXATION OF GREGORY GARDENS #2 ADDITION

Mayor Marks announced that the hour of 4:30 P.M. had arrived, the time set for hearing protests to the proposed annexation of Gregory Gardens Addition No. 2 to the City of Modesto.

The City Clerk filed an affidavit that no written protests had been filed, and that notice had been given as provided by law.

Mayor Marks asked if there were any oral objections or any statements to be made by any person. There being no oral or written protests, Mayor Marks declared the hearing closed.

Councilman Arata moved the introduction and passage to print of
ORDINANCE NO. 49-C.S.

entitled: "AN ORDINANCE ANNEXING UNINHABITED TERRITORY KNOWN AS THE GREGORY GARDENS NO. 2 ADDITION TO THE CITY OF MODESTO", which motion being duly seconded by Councilman Anderson, was upon roll call carried and ordered printed and published by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent: None

CONTINUATION OF PUBLIC HEARING ON APPLICATION OF LOIS LANE DBA RED TOP TAXI COMPANY FOR ONE ADDITIONAL PERMIT

Mayor Marks announced that the hour of 4:35 P.M. had arrived, the time set for the continuation of the public hearing on the application of Lois Lane, doing business as Red Top Taxi Company, for one additional taxicab certificate.

As requested by the Council, Traffic Engineer Carmody submitted a report, which he read, in full, relating to the advisability of issuing another certificate. The report covered in detail the following points, as required by Section 4-6.203 of the Municipal Code:

- (a) the demand of the public for additional taxicab service;
- (b) the adequacy of existing mass transportation and taxicab service;
- (c) the financial responsibility and experience of the applicant;
- (d) the number, kind and type of equipment and the color scheme to be used;
- (e) the effect which such additional taxicab service may have upon traffic congestion and parking
- (f) whether the additional taxicab service will result in a greater hazard to the public;
- (g) such other relevant facts as the Council may deem advisable or necessary.

The Traffic Engineer recommended that since the city was not overloaded with taxicabs, that the request of Mrs. Lane for one additional certificate be granted. He reported that during his investigation of this matter, several conditions were brought to light that appeared to warrant

attention, 1) confusion regarding certificates, and 2) various rules in the Municipal Code are not being followed. He recommended that in order to minimize this non-conformance that the following procedure be followed:

- "1. The present rules prescribe that rates be shown on a card inside the cab. It would appear desirable to paint the rates on the outside of the cab and perhaps retain the rates inside the cab if desirable. At least one operator favors this proposal.
2. A periodic inspection of all cabs would eliminate the other infractions. Part of the confusion may result because the responsibility for taxis is spread through so many departments. The Municipal Code specifically names the City Clerk, Chief of Police, and the Traffic Engineer as being responsible for various parts of the program. In addition, the Director of Finance is the man who collects the various fees in this matter. An Administrative study of this matter appears in order. This Department (Traffic) is willing to assume full or partial responsibility as you may see fit."

The Traffic Engineer pointed out that at the present time the Yellow Cab Company has one more cab stand than it has cabs. If the permit were granted the reassignment of the Yellow Cab stand at 10th and J Streets to Red Top would result in no decrease in parking space availability.

Mayor Marks stated that this matter could be divided in two parts: 1) the granting or not granting of the certificate to Mrs. Lane; and 2) recommendations of the Traffic Engineer for changes in the code regulations for taxis, which can be considered separately by the Council at some future date.

Councilman Merrill expressed willingness to approve the application for one additional certificate for Mrs. Lane, but not the granting of one more parking space.

The City Clerk reported that no written protests to the application of Mrs. Lane for one additional certificate had been filed. Mayor Marks asked if there were any oral protests or any statements to be made by any person.

Sam Secreto, operating the Yellow Cab Company, stated that he did not believe that the public convenience and necessity required the operation of another taxicab. He stated that he was negotiating for the purchase of an additional cab and would need his space at 10th and J Street and objected to the transferring of it to Mrs. Lane as recommended by the Traffic Engineer.

Councilman Merrill introduced

RESOLUTION NO. 55-493

seconded by Councilman Hammond, granting a certificate of public convenience and necessity to operate one additional taxicab in the city to Lois Lane, dba Red Top Taxi, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent: None

DISCUSSION ON PURCHASE OF SEWER RODDING MACHINE

The Director of Public Works outlined the need for the purchase of a sewer rodding machine. He compared the operation of the new type machine with the presently owned machine which required new rods at a cost

of \$500, and three men to operate instead of two men required for the new type. He reported on the present year round program for cleaning of sewer pipe which was eliminating the number of emergency calls during storms. The City Manager stated that if approval was given for the purchase that it would be necessary to transfer the funds from the General Reserve as the \$4500 required for the purchase had not been budgeted. Councilman Arata moved, seconded by Councilman Adams, and it was unanimously carried that the purchase of the new sewer rodding machine for \$4500 (including freight) be authorized, upon the availability of the money. The City Manager reported that an appropriation transfer would be presented for council consideration at the next meeting.

CONSIDER FURNISHING UNIFORMS TO RESERVE POLICE OFFICERS

The City Manager proposed for Council consideration, the purchase by the city of uniforms for the Reserve Police Officers who render many hours of service for the city without compensation. He recommended that jacket, trouser, cap, shirt and black uniform tie be supplied for 30 active members of the 50 members of the force. Informal bids have been received which indicate that the uniforms could be purchased for approximately \$2,000, he stated. These uniforms would be owned by the city and transferred from one officer to another when necessary.

Councilman Anderson moved, seconded by Councilman Arata, and it was unanimously carried that the City Manager be authorized to obtain firm quotations on the equipment needed and report to the Council.

GRANT EXTENSION TO C. BOYCE ASHFORD TO FILE FINAL MAP ON ASHFORD TRACT #2

Upon the recommendation of the City Manager, Councilman Robinson introduced

RESOLUTION NO. 55-496

seconded by Councilman Anderson, granting a further extension of 60 days, from November 17 to January 17, 1956, to C. Boyce Ashford, to file final map on Ashford Tract #2, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Anderson, Adams, Arata, Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent: None

ESTABLISH "NO PARKING" ZONE ON NEEDHAM AVENUE AT COLLEGE AVENUE

Upon the recommendation of Traffic Engineer Carmody, Councilman Adams introduced

RESOLUTION NO. 55-495

seconded by Councilman Robinson, establishing a "no parking" zone on Needham Avenue at its intersection with College Avenue, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent: None

MATTERS FOR THE CONSIDERATION OF THE COUNCIL AND GOOD OF THE COMMUNITY

Mayor Marks asked if there were any matters for the consideration of the Council and good of the community.

Tod Campbell, owner of property located in the Civic Center, asked for information on the progress being made on the City Hall building.

Councilman Anderson reported that the joint committees had met this morning and it was agreed that the following items be placed on the study:

1. What should be the major street pattern, as related to Civic Center;
2. What should be the land use patterns adjacent to the Civic Center area;
3. What kinds of Civic Centers should be studied as alternates;
4. Where should the City Hall be located and in what relationship to the Civic Center;
5. What alternate methods of financing the city hall are available.

He stated that various studies were progressing simultaneously on such things as methods of acquiring land, floor space needs, availability of parking, so that enough facts could be accumulated and turned over to the Architect.

An invitation was issued to Tod Campbell and other property owners who were present to confer with the City Manager and Director of Planning to see what has been done and what still remains to be done before the necessary answers are obtained.

SET DATE FOR HEARING PROTESTS TO PROPOSED ANNEXATION OF ZLAB SUBDIVISION

A report was submitted, as requested by the Council, from the Modesto City Planning Commission recommending the annexation of Zlab Subdivision, located on Coffee Road, across from the Downey High School.

Councilman Robinson introduced

RESOLUTION NO. 55-494

seconded by Councilman Arata, setting the date of December 28, 1955, at 8:00 P.M. in the Council Chamber at the McHenry Public Library, 14th and I Streets, as the time and place for considering the petition of Joe Zlab for the annexation of Zlab Subdivision to the City of Modesto, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson Arata, Hammond, Merrill, Robinson and Mayor Marks

Noes: None Absent: None

APPROVE REFUND OF PORTION OF REMAINDER OF CASH BOND FILED BY PHIL HUMPHREYS, ET AL, TO GUARANTEE IMPROVEMENTS ON PORTION OF LOT 2 OF FRESNO TRACT

A recommendation was filed by the Director of Public Works that a portion of the remainder of the cash bond filed by Phil Humphreys, et al. to guarantee improvements on portion of lot 2 of Fresno Tract, be refunded.

Councilman Adams introduced

RESOLUTION NO. 55-498

seconded by Councilman Anderson, approving the refund of \$1300 of the \$1600 cash bond remaining, which had been filed by Phil Humphreys, et al, leaving a remainder of \$300, which resolution was regularly adopted by the following vote:

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Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson
and Mayor Marks

Noes: None Absent: None

EXTEND TIME FOR CONTRACTOR TO COMPLETE WORK AND IMPROVEMENTS IN IMPROVEMENT
DISTRICT NO. 3 - FREMONT-GRANGER ADDITIONS

The City Manager reported that W. M. Lyles Company, contractor of the Improvement District No. 3, had been unable to obtain delivery of all the street lighting materials, and he recommended that a further extension of time be granted the company from November 16 to, and including, January 18, 1956.

Councilman Anderson introduced

RESOLUTION NO. SP 859

seconded by Councilman Robinson, approving the extending of time for W. M. Lyles Company to complete the work and improvements in Improvement District No. 3, from November 16 to January 18, 1956, inc., which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson and
Mayor Marks

Noes: None Absent: None

The Director of Public Works reported that the sewer lateral construction in the district had been completed by the contractor. The Company has agreed that the property owners could connect to the sewer at this time without waiting for the entire contract to be completed and the assessment roll prepared and adopted by the Council.

Mayor Marks was authorized to write a letter of appreciation to the contractor, W. M. Lyles.

ACCEPT GRANT DEEDS FOR ALLEY PURPOSES IN BLOCK 2020

The City Attorney presented for Council consideration, grant deeds covering alley rights of way in Block 2020, from Theobald Duncan, et ux, and W. Harold Coverley, et ux. Councilman Anderson introduced

RESOLUTION NO. 55-497

seconded by Councilman Arata, accepting the grant deeds and authorizing recordation with the County Recorder, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson and
Mayor Marks

Noes: None Absent: None

DISCUSSION ON AIRPORT LEASES

A request was filed by the Dave Wilson Nursery to terminate its leases with the city on two parcels of land which had been used for farming purposes, at the Modesto City-County Airport.

A letter was received from Nakagawa Farms offering to lease the land for a period of five years for the sum of \$8,000, payable in advance.

Councilman Anderson moved, seconded by Councilman Arata, and it was unanimously carried, that the City Manager investigate the proposals and report to the Council at a later date.

11-16-55 Page 9

SEE CORRECTED PAGE 9

CORRECTED PAGE

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson and
Mayor Marks
Noes: None Absent: None

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Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson and
Mayor Marks
Noes: None Absent: None

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Councilman Anderson moved, seconded by Councilman Arata, and it was unanimously carried, that the City Manager investigate the proposals and report to the Council at a later date.

LETTER FROM ALBERT R. NISH, JR. PROTESTING TO PAYMENT OF USE TAX ON AUTOMOBILE PURCHASED OUTSIDE THE CITY

A letter was read from Albert R. Nish, Jr. protesting the levying of sales tax on automobiles purchased outside the city on the basis that it was discriminatory. He based his objection, he stated, on the fact that the city levied this use tax against a particular field of purchasers, namely automobile buyers. He stated that through state automobile registration records, the names of new car purchasers were available to the city, but purchases of other commodities, such as household furniture, was not available and was not taxed.

The City Manager pointed out that cars were not the only thing the city collected use tax on, that it was levied on all tangible personal property used within the city, which was subject to sales tax. He stated that the city did use the state registration records and sent out statements to those who had purchased cars outside the city to determine if a sales tax had been paid in the city where the cars were purchased.

The City Attorney pointed out that instead of being a discriminatory tax, it was an equitable one. It protected the merchants inside the city from unfair competition from merchants outside the city. Upon the recommendation of the City Manager, Councilman Anderson moved, seconded by Councilman Hammond, and it was unanimously carried, that the protests be denied and the City Manager advise Mr. Nish the reasons why his protest was denied by the Council.

AUTHORIZE EMPLOYMENT OF EXTRA HELP FOR POUNDMASTER .

The City Manager suggested that the Council consider the employment of extra help for a temporary period of 3-4 months to assist the Poundmaster in the city's special survey on dogs. He stated that there would be sufficient funds in the Police Department budget without appropriating other funds.

Police Chief Neel stated that all police officers had been instructed to be on the look-out for dogs during this emergency, but that the department needed the extra help to meet its responsibility in this particular situation.

DISCUSSION ON PROPOSED PROGRAM FOR CONSIDERING BUDGETS OF CITY

Councilman Hammond suggested for Council consideration, that a program be adopted of examining and discussing budgets of the various departments at Council meetings, possibly one or two each month, at which meeting the Department Head could be present. He pointed out that if the Council started this program of examining these departments as it goes along, instead of waiting to consider the budget as a whole, that it would have a better knowledge of what items are in the budget or services which should be eliminated from the city functions.

It was agreed by the Council that Councilman Hammond and the City Manager should work out a regular format, plus the schedule for the departments and meetings, for Council consideration.

The City Manager stated that the staff welcomed the idea and pointed out that the budget of a city should be open to all people from the very beginning. He suggested that the Chamber of Commerce be asked to set up committees to sit in on consideration of each departmental budget.

FURTHER REPORT ON TIDEWATER SOUTHERN RAILWAY FRANCHISE

A further discussion was held on the question of whether the granting of a temporary franchise to the Tidewater Southern Railroad would be a reversal of the city's position for the past ten years and

whether it would jeopardize its position. The following points were brought up for discussion:

1. That there was no way of getting the company's tracks off of Ninth Street except through the Interstate Commerce Commission, unless the Company volunteered to remove them;
2. That it would take an indeterminate number of years to relocate the tracks from Ninth Street. In the meantime, the question is---should the city, since the company indicates it is willing, enter into a temporary franchise agreement subject to whatever reservation need to be made and which would not jeopardize the city's rights.

The City Attorney stated that legally the franchise could be so written that it would not jeopardize the city's position, but psychologically, "you can't say".

The City Manager stated that the company would prefer to be operating under a franchise.

Councilman Arata suggested that the city contact Vernon Gant, Attorney, representing a group of property owners on Ninth Street, regarding the city's position, in granting a temporary franchise.

Mayor Marks appointed a committee, composed of Councilman Arata, Councilman Hammond, City Attorney Grimes and the City Manager, to apprise Mr. Gant of the situation. The City Attorney was asked to arrange the meeting with Mr. Gant.

REPORT ON CLAIMS FOR HOLIDAY PAY FOR POLICE AND FIRE DEPARTMENT PERSONNEL

The City Manager filed a report, dated November 15, 1955, on the subject, "Claims for Holiday Pay", relating to claims filed by members of the Police and Fire Department personnel for holiday pay. Mayor Marks recommended that the following portion of the report be read into the record of this meeting:

"On September 23, 1955, claims which total \$75,092.92 were filed by Attorney Elledge with the city for holiday pay, on behalf of 17 presently employed members of the Police Department. Claims had previously been filed on behalf of six former members of the Police Department amounting to \$10,686.54. This includes the claim of former Chief Pickering for holidays. (He has also claimed an additional amount of \$1,122.33 for accrued vacation.) Attached hereto is a tabulation of the names of the claimants, with the amounts claimed to be due them.

While no formal claims have been filed on behalf of any present or former members of the Fire Department, we have had discussions with the members of the department regarding the problem. As pointed out in my memo to you dated October 14, 1954, 'Representatives of the Fire Department have submitted a resolution dated July 27, signed by all of the members, proposing to settle on the basis of payment in cash of 60% of the total number of holidays each member had worked.' (Attached to this resolution was a tabulation of the employees and the holidays claimed to have been worked.) A copy of this resolution is also attached for your information. On August 9, 1954, I replied to this communication as follows:

'I wish to acknowledge receipt of the resolution of July 27 signed by twenty-six members of the Fire Department relating to payment for holidays. While this is addressed to me and to the members of the City Council, you advised me that it would be agreeable for us to give this some con-

sideration at the administrative level before a suggestion is presented to the Council. We will go over it together and check it further with representatives of your department before taking any further action.'

Since that time the status of this matter has been reviewed informally with representatives of the department. The lack of records of time worked in the Fire Department raises a problem but it is my firm conviction that their rights in this matter should not be jeopardized by the fact that the records were inadequate and do not show actual days worked. I believe that if policemen are paid, the firemen should also be paid, even if it is necessary to estimate, and possibly compromise, the amounts due.

Attached is a copy of a memo dated October 18, 1955, addressed to me by the City Attorney on this matter. As he points out in the last paragraph of his letter, if no action is taken the claims of the 17 members of the Police Department will automatically be rejected on November 22, 1955, which is sixty days after they were filed. After this date suit may be brought by the claimants to enforce their claims. We have reviewed the whole problem again, and we believe that it would be to the best interests of all concerned to clear this matter one way or another. Continued uncertainty is an unsettling influence on the personnel concerned and is detrimental to morale in the departments. Possible alternatives are:

1. Take no action on the claims and await further action by the claimants.
2. Approve the claims for payment as presented.
3. Approve the claims adjusted on the basis of an audit of the amounts due under provisions of the resolution.
4. Pay those who no longer work for the city in cash, and grant those still employed by the city time off in lieu of the holidays on which they worked, or pay them part in cash and allow the balance in time off.
5. Offer to pay on a reduced, compromise basis.

From the opinion of the City Attorney, it appears that there is a legal obligation for the payment of appropriate claims for compensation under the resolution, based on an audit of the personnel records of the Police Department of the City. The claims filed on behalf of police employees, present and former, total approximately \$85,000. A preliminary audit indicates that such claims on behalf of present and former members of the Police Department may actually approximate roughly \$20,000, more or less.

It is recommended, on the basis of the opinion of the City Attorney that the city is obligated to either approve the claims on the basis of the city's audit or grant time off in lieu of holidays which were worked, that the city face this obligation and provide for its liquidation. It might be difficult or impossible (although much more desirable) to pay in cash immediately, but a definite schedule of clearing this should be set up and followed until the obligation is cleared. In any case it would be necessary to pay in cash valid claims of former employees. It is possible that claimants still working for the city might be willing to settle for cash payment on a reduced basis, in lieu of taking off the time which they have coming over an extended period.

The City Attorney has pointed out that the claims of former employees cannot legally be paid unless unexpended funds which could have been used for this purpose were available at the close of the fiscal year in which employment was terminated. The Director of Finance advises me that there were some such funds available at the end of each of the fiscal years in which claimants terminated their employment."

Mayor Marks suggested that the best way to handle the problem would be to appoint a committee to fully consider the matter and come up with a firm recommendation to the Council. He appointed Councilman Arata, Chairman, Councilmen Merrill and Anderson.

COUNCILMAN HAMMOND REQUEST INFORMATION ON LEAVE GRANTED CITY EMPLOYEES FOR HOLIDAYS, VACATION AND SICK LEAVE

At the suggestion of Councilman Hammond, the City Manager was asked to send a copy of the regulations relating to sick leave, holidays, and vacations granted city employees, to each Council member for his information.

FURTHER REPORT ON PARK PROPOSALS

The City Manager reported further on the capital improvement projects relating to acquisition of park sites. He stated that the Council committee was presently working on the proposal for a park site in the general location of the new Garrison School; preliminary discussion had been held by the Council on the possibility of establishing a park on the Kewin property on LaLoma Avenue. He stated that this was presently being considered and that a further report would be presented for consideration by the Council.

He asked the Council to indicate if it is interested in acquiring a portion of the Franklin School property for a park site if the proposed freeway took a major portion of the Maze Wren Park. He pointed out that if this park was lost to the city that use of a portion of the school property would be the best opportunity the city would have to provide a substitute park in this general area. He asked that the Council express its interest at this time so that he could write a letter to the schools and advise them of the city's interest. It was agreed that the City Manager should notify the Modesto City Schools that the city would be interested in considering the feasibility and desirability of acquiring a portion of the Franklin School property if Maze Wren Park was taken for the freeway project.

CITY ATTORNEY REPORT ON NIMLO CONFERENCE TO BE HELD IN MIAMI

The City Attorney reported that the annual conference of the National Institute of Municipal Law Officers was being held in Miami, Florida, November 20-22, 1955. He stated that although the 1955-56 budget provided for his attendance, that he did not plan to attend.

ADJOURNMENT

Councilman Anderson moved, seconded by Councilman Adams, and it was unanimously carried, that the meeting now in session adjourn. The meeting was adjourned at 6:55 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 Chamber at the McHenry Public Library, 14th and I Streets, Mayor Marks presiding.

The City Clerk called the roll and there were

Present: Councilmen: Adams, Anderson, Arata, Hammond, Merrill and Mayor Marks
Absent: Councilmen: Robinson

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

Rev. Ray Thompson, pastor of the McHenry Grace Brethren Church gave the invocation.

APPROVAL OF MINUTES OF COUNCIL MEETING

Council members having received copies of the minutes of the Council meeting of November 2, 1955, and the same being available for public inspection, and there being no objections, the minutes were approved.

LETTER FROM MR. AND MRS. GLENN E. SCHACH RE: INSTALLING OF STREET LIGHTS ON YOSEMITE BOULEVARD

A letter from Mr. and Mrs. Glenn E. Schach was read, protesting to the installation of any type of street lights on Yosemite Boulevard in front of their store building.

City Manager Miller pointed out that there had been meetings and discussions with the property owners along Yosemite Boulevard regarding the possibility of installing the mercury type lights, but no public hearing had yet been set on the proposed improvement district in this area.

City Attorney Grimes pointed out that this letter could not be considered a formal written protest to any further Resolution of Intention to do the work. City Clerk Gailfus was asked to so inform Mr. and Mrs. Schach and also advise them when the public hearing would be held.

INVITATION FROM CITIZENS' COMMITTEE TO ATTEND COMMUNITY WORKSHOP ON JUVENILE DELINQUENCY

An invitation was read from the Citizens' Committee asking the city to send representatives to a meeting to be held Wednesday, December 7, 1955, at 7:45 P.M. in the North Hall, Modesto Junior College, to discuss and consider the establishment of a Family Service Agency for this area. The City Manager was asked to arrange for city representation at the meeting. He asked for any members who desired to attend, to notify him.

(Councilman Anderson arrived at 7:36 P.M.)

LETTER FROM NATIONAL COMMITTEE ON URBAN TRANSPORTATION

A letter was read from the National Committee on Urban Transportation regarding the possibility of Modesto being selected as a pilot city in which the methods and procedures being developed by the National Committee might be tested.

The City Manager stated that a further check would be made of the proposal if the Council was interested in participating in the program. At the time the representative from the organization is present to discuss the mechanics, procedures, and purposes, he stated, Council members will be advised.

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Mayor Marks stated, and the Council members concurred, that the Council was interested in exploring the proposal further since Modesto definitely has a transportation problem.

LETTER FROM THE STATE DIVISION OF HIGHWAYS RE: PUBLIC HEARING TO CONSIDER THE RELOCATION OF HIGHWAY 132 BETWEEN SAN JOAQUIN RIVER AND FUTURE RELOCATION OF U. S. 99

A letter received from J. G. Meyer, District Engineer of the State Division of Highways, District X, was read. Mr. Meyer advised that a public hearing had been scheduled for Monday, December 5, 1955, at 7:30 P.M. at the Stanislaus County Center No. 3 on Scenic Drive to consider the relocation of Highway 132, between the San Joaquin River and the future relocation of U.S. 99. He stated that two general routes are being considered for the development of this unit of the Federal Interstate Highway System to a freeway facility. The State Highway Engineer had tentatively concluded that Plan A, which called for a relocation between the San Joaquin River and the proposed relocation of U.S. 99, parallel and adjacent to the South side of Kansas Avenue and connecting with the future U.S. 99 at a point midway between Kansas Avenue and Elm Avenue, should be adopted, he advised.

The City Manager stated that the city had not been informed by the state of an earlier meeting on this in Modesto, but had learned of the meeting through the Modesto Bee and had insisted on being present at the meeting. He presented a draft of a letter for Council consideration which he recommended be sent by the Mayor to Mr. Meyer asking that the city be allowed time to go over the proposal in detail and recommending that no action be taken by the state until adequate discussion has been held on the local level.

Mayor Marks suggested that the wording of the letter be revised to include a statement

"that no action be taken by the state until the representatives of the City Council and staff have an opportunity to examine the plans and make recommendation."

The City Manager pointed out that the public hearing being held by the state was not a regular formal hearing but was a preliminary hearing. It was generally agreed by the Council that it was its position to request the state that no action be taken by the state until further investigations could be made by its members and the city staff. Councilman Merrill moved, seconded by Councilman Hammond, and it was unanimously carried, that Mayor Marks be authorized to send the letter as revised to J. G. Meyer, District Engineer of the Division of Highways, on behalf of the Council.

LETTER FROM PARK COMMITTEE OF THE EL VISTA SCHOOL, PARENTS-TEACHERS ASSOCIATION RE: PARK FACILITIES

A letter was read from Mrs. Harvey F. Grote, Chairman of the Joint Park Committee of the El Vista School, Parent-Teachers Association, expressing approval of the proposal to purchase the Kewin property on LaLoma as an addition to Thousand Oaks Park site. Mrs. Grote stated that the committee required a few more weeks to finish its studies on park needs for this portion of the city.

The City Manager stated that the proposal to purchase the Kewin property was discussed very briefly with the Council Committee appointed to consider the purchase of the park area adjacent to the Garrison School. Since that time, however, he stated, a further check has been made with Mrs. Kewin and the people who have their property listed and the city was advised informally today that the property can be purchased for less than was previously discussed. He suggested that this committee or possibly another Council Committee be appointed to work with the staff on the project.

Mayor Marks suggested that in addition to this committee, that all the Council members go out and walk through the area.

Councilman Hammond asked for a comparative report on the cost of acquiring improved, as compared to unimproved property for park purposes.

City Manager Miller suggested, to which the Council concurred, that at 9:30 A.M., Friday, November 25, a meeting be held to consider the alternatives on acquiring the Kewin property.

A general Council discussion was held on the possibility of holding a special Council meeting to discuss only the capital improvement program, and it was agreed to adjourn this meeting until 3:30 P.M., Tuesday, November 29, at which time only the Capital Improvement Program would be discussed.

The City Manager pointed out that the Moose Lodge's offer to sell its property located in the Civic Center could be considered at this meeting also.

FINAL ADOPTION ORDINANCE NO. 46-C.S. APPROVE AGREEMENT WITH HELM MOTOR RENTAL DIVISION OF FRANK M. HELM CO. INC., RELATING TO GRANTING OF CAR RENTAL CONCESSION AT THE MODESTO CITY-COUNTY AIRPORT

Ordinance No. 46-C.S. entitled: "AN ORDINANCE APPROVING AN AGREEMENT WITH THE HELM MOTOR RENTAL DIVISION OF FRANK M. HELM CO., INC., RELATING TO THE GRANTING OF A CAR RENTAL CONCESSION AT THE MODESTO CITY-COUNTY AIRPORT", having been heretofore introduced and ordered printed and published at the regular meeting of November 9, 1955, Councilman Adams moved, seconded by Councilman Arata, that the ordinance be finally adopted, which motion was upon roll call carried by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill and Mayor Marks

Noes: None Absent: Robinson

FINAL ADOPTION ORDINANCE NO. 47-C.S. AMEND CODE RELATING TO ZONING

Ordinance No. 47-C.S. entitled: "AN ORDINANCE AMENDING SECTION 10-2.801 OF ARTICLE 8 AND SECTION 10-2.1001 OF ARTICLE 10 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE, REPEALING SECTION 10-2.1701 OF ARTICLE 17 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE, AND AMENDING SECTION MAPS 19, 28 and 29 AND ADDING SECTION MAP 18 TO THE ZONING MAP OF THE CITY OF MODESTO", having been heretofore introduced and ordered printed and published at the regular meeting of November 9, 1955, Councilman Merrill moved, seconded by Councilman Arata, that the ordinance be finally adopted, which motion was upon roll call carried by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill and Mayor Marks

Noes: None Absent: Robinson

ADOPT RESOLUTION OF INTENTION TO AMEND RESOLUTION OF INTENTION NO. 248, IMPROVEMENT DISTRICT NO. 4 - DOWNTOWN LIGHTING DISTRICT

The City Attorney presented for Council consideration a resolution which would amend Resolution of Intention No. 248, adopted by the Council on October 5, 1955, to include H Street, between 12th Street and 14th Street, in the boundaries of Improvement District No. 4 - Downtown Lighting District, as petitioned by the property owners on this particular street. Councilman Arata introduced

RESOLUTION NO. 860-S.P.(a)
RESOLUTION OF INTENTION NO. 249

seconded by Councilman Hammond, adding the following work to the work proposed to be done in Improvement District No. 4, and to add to the plans therefor the following work:

The furnishing and installing of street lighting materials and appurtenances on H Street, between 12th Street and 14th Street;

and that the boundaries of the district proposed to be assessed to pay for the cost of said work be changed to include this additional area; and that Wednesday, the 14th day of December, 1955, at the hour of 8:00 P.M. in the Council Chamber be set as the time and place when and where the Council will consider whether the changes and additions to the work shall be made, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill and Mayor Marks

Noes: None Absent: Robinson

APPROVE APPROPRIATION TRANSFER OF FUNDS FOR PURCHASE OF SEWER RODDING MACHINE

The City Manager presented for Council approval appropriation transfer of \$4,500 from the General Reserve fund for the purchase of a sewer rodding machine. Councilman Merrill introduced

RESOLUTION NO. 55-499

seconded by Councilman Anderson, approving the appropriation transfer of \$4,500 from the General Reserve to the Public Works Service Division, General, (Capital) for the purchase of sewer rodding machine, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill and Mayor Marks

Noes: None Absent: Robinson

REPORT BY PLANNING COMMISSION ON REZONING OF BLOCK 549, LOT 13, B. S. TAYLOR PROPERTY

Resolution No. 257, adopted by the Planning Commission on November 15, reaffirming its recommendation to the Council that Zoning Ordinance No. 29-C.S., be amended to rezone lot 13, Block 549, from R-1 zone to Multiple Family Zone R-3, was read.

Councilman Merrill stated that he could not go along with the Planning Commission's recommendation. If this request was granted, he stated, it would open the door for other requests to encroach on residential property. He pointed out that the adjoining property owners were opposed to the rezoning of the property to Zone R-3.

Mayor Marks stated that he did not agree with the decision of the Planning Commission and pointed out that it was possible to build a duplex on the property as it was presently zoned.

The City Manager advised the Council that the staff's recommendation to the Commission was "that the Planning Commission recommend to the City Council denial of this amendment."

Mrs. Donald South reviewed the history of the purchase of the property by Dr. B. S. Taylor. She pointed out that this was not a "hardship case"; that Dr. Taylor was aware of the conditions when he purchased the property and that he had originally talked of building a duplex but since that time had changed his mind and wanted to put a four unit building. She opposed

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the granting of the request on the basis that it would permit the building of a large apartment house and certain types of businesses would be permitted.

Councilman Merrill introduced

RESOLUTION NO. 55-500

seconded by Councilman Adams, denying the request of Dr. B. S. Taylor for the rezoning of Lot 13 of Block 549 to Multiple Family R-3 zone, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill and Mayor Marks
Noes: None Absent: Robinson

REPORT BY PLANNING COMMISSION ON REZONING LOT 6, BLOCK 6075

Resolution No. 254, adopted by the Planning Commission on November 15, 1955, was read, recommending to the Council that Zoning Ordinance No. 29-C.S. be amended to rezone Lot 6, Block 6075 from one-family residential zone to the two-family residential zone.

Director of Planning Smeath stated that the reclassification of this property would continue the pattern of two-family and multiple family zoning on either side of Tully Road and would serve as a buffer between Tully Avenue and the residential area.

Councilman Adams introduced

RESOLUTION NO. 55-501

seconded by Councilman Arata, setting the date of December 14, 1955, at 8:15 P.M., in the Council Chamber as the time and place for the public hearing on the proposed amending of the Modesto Municipal Code (Zoning Ordinance No. 29-C.S.) as recommended by the Planning Commission and authorizing publication of notice as required by law, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, and Mayor Marks
Noes: None Absent: Robinson

REQUEST BOARD OF SUPERVISORS STANISLAUS COUNTY TO CANCEL CITY'S SHARE OF TAXES ON PORTION OF NEW GOLF COURSE

The City Attorney stated that despite the fact that a portion of the property to be used for the 18 hole golf course had been acquired by the city and annexed prior to the lien date in this fiscal year, the County had assessed the entire property. He recommended the adoption of a resolution requesting the County Board of Supervisors to cancel the 1955-56 county and city taxes on one-fourth interest acquired by the city.

Councilman Anderson introduced

RESOLUTION NO. 55-502

seconded by Councilman Arata, requesting the Board of Supervisors of Stanislaus County to cancel one-fourth of the 1955-56 county and city taxes on city owned property acquired for the 18 hole golf course which was recently annexed to the city (Tax Bill No. 36936) in amount \$162.72, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill and Mayor Marks
Noes: None Absent: Robinson

APPROVE AGREEMENT WITH STATE DEPARTMENT OF PUBLIC HEALTH FOR THE ADMINISTRATION OF POLIO-MYELITIS VACCINE PROGRAM

Upon the recommendation of the City Manager, Councilman Merrill introduced

RESOLUTION NO. 55-503

seconded by Councilman Anderson, approving agreement between the city and the State Department of Public Health providing for the administration by the city of a local poliomyelitis vaccine program, during the period July 1, 1955, to February 14, 1956, inc., which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill and Mayor Marks
Noes: None Absent: Robinson

REPORT OF COUNCIL COMMITTEE ON TIDEWATER SOUTHERN RAILROAD FRANCHISE MATTER

OS
Councilman Arata reported on the meeting held with Attorney Vernon Gant on Monday, November 21, to discuss the matter of the Tidewater Southern Railway franchise, which also had been attended by Councilman Hammond, City Manager Miller and City Attorney Grimes. He stated that it was Mr. Gant's recommendation that the city should not grant a franchise to the company except on the condition that the company would guarantee, secured by a surety bond, that in a certain number of years the tracks would be removed from Ninth Street. It was also considered advisable by those attending the meeting that the city should not grant a temporary franchise while the program for a grade separation was being considered. The granting of any franchise might have some bearing on how soon this program could be brought to a successful completion. Mr. Gant would write a letter to the city after he had met with his clients. It was also considered that the granting of a temporary franchise might influence the company to delay efforts to remove its tracks from Ninth Street. By the end of 6 months or a year, the program for the development of the U.S. 99 freeway and grade separations will be finalized and at that time it can again be reconsidered.

The City Manager suggested that no action be taken on the franchise at this point until both the studies had been completed 1) grade separation and 2) relocation of the tracks. He asked for authorization to write to the company advising that the city did not wish to consider further the granting of any franchise at this time and that the city wished to proceed as soon as possible on the problem of relocation of the tracks and work out a grade separation program and that the matter of granting a temporary franchise would be held in abeyance until these studies had been made. Councilman Hammond moved, seconded by Councilman Anderson, and it was unanimously carried, that the City Manager be authorized to notify the Tidewater Southern Company as stated above.

AUTHORIZE TRANSFER OF FUNDS FOR PURCHASE OF DURAND PROPERTY TO BE USED FOR 18 HOLE GOLF COURSE - REPORT ON SALE OF WALNUTS

A report was submitted by the City Manager on proceeds received from the sale of walnuts on city owned property which amounted to \$853.64. He stated that \$503.70 of this amount was received from walnuts sold on the 18 hole golf course site and suggested that it could be used for golf course purposes. Unless this amount is transferred to the special fund for capital outlay, he stated, it will automatically remain in the general fund. It was generally agreed by the Council that all the proceeds should remain in the general fund.

Upon the recommendation of the City Manager, Councilman Arata introduced

RESOLUTION NO. 55-504

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seconded by Councilman Hammond, approving appropriation transfer of \$35,000 from the Special Capital Outlay Reserve to Capital Improvement Program for the Dryden Park Municipal Golf Course to exercise the option with Kenneth Durand for the purchase of Parcel B; for payments on Architect's fee; and for miscellaneous expenses of taxes, title fees and surveys, etc., which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill and Mayor Marks
 Noes: None Absent: Robinson

The City Manager reported that the staff had held a second review of the grading plans with Architect Bell, that in approximately two weeks the final grade plans will be completed. As soon as these are cleared, he stated the ground can be staked. When this is checked and approved by the architect, volunteer workers with their earth moving equipment can get started. He suggested that a notice be posted on the bulletin board at the golf course when the workers could get started. He also suggested that the Mayor write a letter to the Committee from the Golf Course Association who volunteered to assist in the work.

ACCEPT DEEP WELL PUMP FROM BORG-WARNER CORPORATION

A report was filed by the Director of Public Works recommending that the deep well turbine pump furnished and installed by Borg-Warner Corporation at Pump Station #2 be accepted. Councilman Adams introduced

RESOLUTION NO. 55-505

seconded by Councilman Hammond, accepting the deep well pump from Borg-Warner Corporation, as recommended by the Director of Public Works, authorizing the recordation of Notice of Completion with the County Recorder and payment of amounts due as provided by the contract, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill and Mayor Marks
 Noes: None Absent: Robinson

FURTHER CONSIDERATION OF BUS BENCHES

The City Attorney reported that the proposed specifications for the granting of a franchise for the placing of bus benches with advertising throughout the city were reviewed at a conference attended by the City Manager, Traffic Engineer, representatives from the Modesto Transit Advertising Company and the California Bench Company and himself. The following changes were made, 1) basis of payment of fee changed from monthly to quarterly; 2) amount of bond was reduced from \$2500 to \$1000. He reported that there were still two items which could not be resolved at this conference which would have to be resolved by the Council:

- 1) Ratio of bus benches to be installed in the commercial and industrial zones with advertising as compared to the residential zones without advertising;
- 2) No agreement could be reached with regard to painting the bus schedule as to size or location.

He stated that after the conference, the Traffic Engineer had gone over the bus routes with the representatives of the two companies 1) to make a survey of the desirable locations, 2) an equitable ratio and 3) where the schedules were to be located on the bench. He pointed out that if the ratio was too high that the city would not receive any bids. It was roughly agreed that a ratio of 7-1 would be satisfactory; 7 benches in the commercial or industrial zones and one in the residential.

The City Manager read a letter from Mr. Kleinenbroich recommending that the bus schedules be placed on the front side of the back section of the benches and that the size be a minimum of 9" x 12", at no cost to him.

A report filed by the Traffic Engineer, relating to his survey, was read. His recommendations were as follows:

1. That two bus benches be allowed where the number of people waiting for benches indicate that two or perhaps three would be desirable. The location be left to the discretion of the City Manager;
2. That the placing of the schedule in a prominent position on the bench in large letters would be more helpful to the bus company in keeping and attracting patronage;
3. That the placing of benches should be closely controlled to insure that they are placed primarily as a service to bus company patrons and not as an advertising medium;
4. That approximately 25 locations with about fifteen in the downtown area would go a long way to satisfy the need for benches.

Mr. Tomson presented for Council inspection a paper model of a bench back showing the placement of an advertisement along with the printed bus schedule in 9" x 12" size, which he proposed to use if he was awarded the franchise.

Mr. Armstrong stated that his company would conform to whatever requirements the Council imposed but pointed out that it might be difficult to fit this size schedule in with all types of ads which would appear on the benches (Because of its statewide program, this company preferred to see no schedules installed and if they were, they suggested that the schedules be attached or painted on the bench in a 3" x 7" area on or below the seat).

It was generally agreed by the Council that the size be 9" x 12" and placed on the front of the back section of the bench.

Mr. Tomson stated that in the survey which had been made of the locations where benches could be installed at bus stops, there was a need for 66 benches at 55 bus stops in the city, 9 in the residential, 56 in the commercial and one in the industrial. He recommended a ratio of 7-1 as being an economical ratio for the companies, which was also approved by Mr. Armstrong. The 7-1 ratio was approved by the Council.

The City Attorney pointed out there was one other location requirement that was "a little tight" which provides that no bus benches could be located where the distance from the face of the curb to the property line was less than ten feet. He suggested, to which the Council concurred, that the City Manager be given the same authority as was done in subsection (c), which permitted the City Manager to waive the requirements if he considered that it would result in inconvenience or hardship. He pointed out that there were a number of locations in the business area where the sidewalk area was less than 10 feet. The City Attorney outlined the specification changes which had been approved by the Council as follows:

SECTION 3--General Conditions

Subsection 3.3--Advertising Space: These words are to be added, "Bus schedules shall be of a maximum size of 9" x 12" and shall be placed on the front of the bench back".

Subsection 3.4--Approval of Location:
(b) these words are to be added:

"provided that whenever, in the opinion of the City Manager, observance of this requirement would result in inconvenience or hardship, this requirement may be waived by the City Manager."

Subsection 3.6--Changed to read:

"Ratio of benches between commercial and residential areas: For each seven (7) benches installed in areas zoned for commercial uses, at least one (1) bench shall be installed in areas zoned for residential uses."

Councilman Anderson introduced

RESOLUTION NO. 55-506

seconded by Councilman Adams, approving the specifications and franchise documents, as amended, and authorizing the call for bids, said bids to be filed with the City Clerk on or before December 5, 1955, at 2:00 P.M., which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Mayor Marks
Noes: None Absent: Robinson

Mr. Tomson asked if it would be necessary for the bidding companies to pay for all benches regardless whether they were located in the residential without advertising and income to the company. He contended that these were "free benches" and the companies should not be penalized by being required to pay for them.

The City Attorney stated that there were no "free benches" in his opinion. That it would be necessary to include them in the bidding to have a record at all times on the locations of the benches installed.

APPLICATION OF RED TOP TAXI COMPANY FOR ADDITIONAL TAXI STAND

A request was filed by Lois Lane, operating the Red Top Taxi, that the taxi stand assigned to the Yellow Cab Company at 10th and J Street, but which, she stated, was not presently being used by this company, be reassigned to her.

Councilman Hammond moved, seconded by Councilman Anderson, and it was unanimously carried, that the request be tabled until a further report was submitted to the Council by the Traffic Engineer on the number of stands, certificates and recommended changes in the taxicab regulations, as discussed at the Council meeting of November 16, 1955.

Councilman Merrill reminded Mrs. Lane that he had approved her application for an additional taxi, but had made it clear that he opposed granting her another stand.

GRANT VARIANCE FOR CURB CUT

A request for a variance for a driveway of 36 feet to serve a building presently under construction on Block 319, Lot 35 at Helen and McHenry Avenues, was filed by John W. Bomberger, agent for Dan Mellis. Councilman Merrill introduced

RESOLUTION NO. 55-507

seconded by Councilman Arata, granting variance, as requested, to Dan Mellis, for a 36 foot curb cut on Helen Avenue to construct a driveway approach to his building under construction, as provided by Section 7-1.106 of the Modesto Municipal Code, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill and Mayor Marks
 Noes: None Absent: Robinson

APPROVE AGREEMENT WITH MODESTO CITY SCHOOLS FOR SCHOOL NURSING SERVICES

Upon the recommendation of the City Manager, Councilman Anderson introduced

RESOLUTION NO. 55-508

seconded by Councilman Adams, approving agreement between the City and the Modesto City School District, the Modesto High School District and the Modesto Junior College District for nursing services to the schools for the period September 1, 1955, to July 1, 1956, which resolution was regularly adopted by the following vote:

Ayes: Councilmen. Adams, Anderson, Arata, Hammond, Merrill and Mayor Marks
 Noes: None Absent: Robinson

AUTHORIZE PURCHASE OF MIST TYPE SPRAYER

A report submitted by Service Division Superintendent Rifenburg on his investigation of various types of mist sprayers, was considered. He pointed out that the Bean #100 Roto-Mist furnished by the Howk Well & Equipment Company was the only one that would meet the city's requirements. Director of Parks & Recreation Lowrey recommended that this sprayer be purchased.

Councilman Adams introduced

RESOLUTION NO. 55-509

seconded by Councilman Arata, approving the purchase of a Bean #100 Roto-Mist sprayer from the Howk Well & Equipment Co. for \$2,985.50 (this includes trade-in allowance of \$1500 for the city's 1949 spray unit) which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill and Mayor Marks
 Noes: None Absent: Robinson

AUTHORIZE APPROPRIATION TRANSFER FOR ADDITIONAL TAXES ON CITY PROPERTY LOCATED OUTSIDE CITY LIMITS

The City Manager reported that due to the increase in county assessed valuation of all property, that an additional amount of \$410.00 would be needed to pay the taxes on city owned property located outside the city limits. Councilman Merrill introduced

RESOLUTION NO. 55-510

seconded by Councilman Anderson, approving appropriation transfer of \$410.00 from the General Reserve to Airport Division (\$327.00) and Park Division (\$83.00), which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill and Mayor Marks
 Noes: None Absent: Robinson

CITY MANAGER TO DISCUSS POSSIBLE ANNEXATION OF AIRPORT PROPERTY TO THE CITY OF MODESTO

The City Attorney pointed out that city would still be subject to taxes on the airport property. Councilman Arata suggested that the Council should

give further consideration to annexing the airport property to the city.

The City Attorney stated that the annexation would have to be completed by February 1, 1956, to escape county taxes on the city's portion of the airport for the fiscal 1956-57 tax year.

Councilman Merrill moved, seconded by Councilman Arata, and it was unanimously carried, that the City Manager should indicate to the Board of Supervisors that it is the city's desire to annex the airport property to the City of Modesto and to report back to the Council for action.

APPROVE PROPOSED PROJECT APPLICATION TO STATE FOR STREET ENGINEERING AND ADMINISTRATION FUND

The City Manager stated that pursuant to 1955 amendment to the Streets and Highways Code, which provided that an allocation of \$6,000 could be made to the city to be used for engineering and administrative work with respect to city streets, a project statement had been prepared by the Public Works Department for Council consideration. This application which is to be filed with the State Department of Public Works, Highway Division, provides for \$3356 for advance planning surveys for preparation of a master street plan and \$2616 for a study of runoff data in the northerly section of the city in order to determine the required size of drainage facilities on McHenry Avenue, and other lines in that area, making a total of \$5,972. He pointed out that after the state had approved the application that a regular project form agreement would be presented for Council approval. Councilman Anderson moved, seconded by Councilman Arata, and it was unanimously carried, that the City Manager be authorized to submit the project statement as requested.

APPROVE AGREEMENT WITH STANISLAUS COUNTY FOR RECREATION FUNDS

Upon the recommendation of the City Manager, Councilman Adams introduced

RESOLUTION NO. 55-511

seconded by Councilman Hammond, approving agreement with the County of Stanislaus for the allocation by the County to the city of the sum of \$14,595.47 for expenditure by the city for community recreation for the fiscal year 1955-56, and authorizing its execution by the city's designated officials, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill and Mayor Marks

Noes: None Absent: Robinson

MATTERS FOR THE CONSIDERATION OF COUNCIL AND GOOD OF THE COMMUNITY

Mayor Marks asked if there were any matters for the consideration of the Council and good of the community.

Mr. Pete Ruffino pointed out the need for traffic lights on Santa Cruz and Yosemite Boulevard.

Mayor Marks assured Mr. Ruffino that the Council was aware of the need for traffic lights at this intersection and that they were included in a list of other traffic lights for consideration by the Council next week.

REPORT ON YOSEMITE STREET LIGHTING PROJECT IN CONNECTION WITH IMPROVEMENT DISTRICT NO. 5

The Director of Public Works reported that since the time set by the
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Council for the acceptance of cash payment for sewer laterals in the Laloma area, Improvement District #5 expired on November 19, final plans could be prepared by the Public Works Department for the construction of sanitary sewer laterals and the furnishing of materials for street lights. He stated that several meetings had been held with Yosemite Avenue property owners and merchants to discuss the installation of mercury type lights in the commercial area. He pointed out that if residential type street lights were installed on this street, that they would be a total loss when the other type was installed later on. Polls of two different areas surrounding the commercial area on Yosemite Boulevard indicated that the majority of property owners reporting opposed the commercial type street lights. Because of this, it is the recommendation of the staff that the Council should direct the preparation of plans for the Improvement District without street lights on Yosemite and areas immediately adjacent to the commercial area.

Mr. Ruffino stated that many of the property owners adjacent to Yosemite Avenue were opposed to commercial type lights but they did wish fire hydrants.

Upon the recommendation of the City Manager, Councilman Arata moved, seconded by Councilman Anderson, and it was unanimously carried, that the staff be authorized to proceed with plans and specifications for sanitary sewer laterals and residential type street light materials for all streets except Yosemite Boulevard.

REPORT ON PAVING IN JOHN MUIR PARK AREA

A report was submitted on the cost for the proposed paving of the streets in the John Muir Park area which indicated the city's share to be approximately \$12,120. It was agreed by the Council that further consideration would be given to this project at the time the capital improvement program was discussed.

CITY MANAGER POINTS TO SERVICE RENDERED THE CITY BY COUNCIL MEMBERS

The City Manager stated that he wished to state for the record that Council members had spent many, many hours during the past weeks at various committee meetings and conferences, without monetary compensation. On numerous occasions, he continued, he had pointed out to various citizens that the Council members were rendering endless hours of service to the city for the nominal fee of \$5.00 per Council meeting. Lots of people believe that the members receive a large salary for doing this work. He stated, "I believe in letting the people know you are putting it on the line without compensation."

Mr. Ruffino contended that the Council should be reimbursed for their work.

Mayor Marks stated, "I believe in the right of people to govern themselves, to elect the people to office. The people who run for office feel they have a debt to their community to pay back. They do not do it for the money involved."

PROGRESS REPORT ON AIRPORT DEVELOPMENT

(b) Plans

Tentative plans for the development of the airport have been reviewed by the joint city-county committee and a number of the members of the Board of Supervisors, the City Manager reported. Mr. Ray presented and briefly explained the proposed plans, which he stated must be presented to the Engineer of the C.A.A. by Monday, November 28, for examination and filed in final form by December 15.

The City Manager stated that it was agreed between the city and county staff that the plans for the airport would be prepared by the city, and the Dennett Dam plans by the County and costs be jointly shared.

(a) Land acquisition

Councilman Arata reported that agreement had been reached by the city, county and Jack Hagedorn and Harold Bowen, on a purchase price of \$130,000 for 83 acres (city's share \$65,000). Title to the property is to be transferred by January 1, 1956, but under the contract, the property owners are to receive the revenue for sand fill taken out by the County for its bridge project at Mitchell Avenue up to February 1; in exchange, Mr. Hagedorn will spray the trees immediately. After February 1, the revenue from the fill will be shared jointly by the county and city.

The City Attorney pointed out that the title to the property is being taken in the name of the city and county and he suggested that the Council approve at this time the adoption of a resolution as set forth in the agreement on the airport, officially changing the name of the airport to the Modesto City-County Airport.

Councilman Arata introduced

RESOLUTION NO. 55-512

seconded by Councilman Adams, changing the official name of the Modesto Municipal Airport to the Modesto City-County Airport and authorizing the City Clerk to send a copy of this resolution to the County Board of Supervisors, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill and Mayor Marks
Noes: None Absent: Robinson

Councilman Arata moved the introduction and passage to print of

ORDINANCE NO. 53-C.S.

entitled: "AN ORDINANCE AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY BY THE CITY OF MODESTO FROM HAROLD W. BOWEN AND PATRICIA BOWEN, AND JACK HAGEDORN AND BARBARA HAGEDORN", which motion being duly seconded by Councilman Hammond, was upon roll call carried and ordered printed and published by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill and Mayor Marks
Noes: None Absent: Robinson

The City Attorney presented for Council approval an ordinance which would authorize the purchase of the W. G. Olson property consisting of approximately 25 acres at a total cost of \$22,500, city's share \$11,250, as provided by the agreement previously approved by the Council Airport Committee. Councilman Arata moved the introduction and passage to print of

ORDINANCE NO. 52-C.S.

entitled: "AN ORDINANCE AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY BY THE CITY OF MODESTO FROM WALTER G. OLSON AND BONNIE E. OLSON", which motion being duly seconded by Councilman Anderson, was upon roll call carried and ordered printed and published by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill and Mayor Marks
Noes: None Absent: Robinson

The City Manager stated that the appraisal on the 20 acres of land owned by J. J. Maggi is approximately \$25,000. Mr. Maggi's offer to the city for this property was \$80,000. He was requested to submit his best offer by letter but to date this has not been received. This has been discussed with the County and it is generally agreed that the city staff should be authorized to institute condemnation proceedings to be assured that the city and county will have the land by the time it is needed.

Councilman Arata moved, seconded by Councilman Anderson, and it was unanimously carried, that the City Manager and City Attorney be instructed to prepare the necessary documents and present them to the Council for final consideration.

(c) Consider additional applications for federal assistance

The Director of Public Works reported that the present project agreement with the C.A.A. did not include the Maggi property because there was not sufficient federal funds for participation. However, he stated, the engineer of the C.A.A. advised this date by telephone, that the city and county should submit an amended project application for this parcel by December 1. If this is approved by the Council it can be done Monday, November 28, at which time he will be in the office of the C.A.A. in Los Angeles. The County has already approved this amended project application, he stated. If there is an overage in the cost of acquisition of land, an additional application can be submitted at any time for an amended agreement. He pointed out that there were provisions in the regulations of the C.A.A. which would permit them to pay additionally up to 10% of their present application which would be approximately \$9,000. This does not have to be done by December 1. He called the attention of the Council to small parcels of land which could be considered for purchase to "square out the airport property" and would assist the county in working out their rights of way.

Councilman Arata introduced

RESOLUTION NO. 55-513

seconded by Councilman Anderson, authorizing the submission of an amended application to the Civil Aeronautics Commission for federal funds to assist in the purchase of parcel #4, ^{11, 12, 13, 14, 15} as shown on the map of the Modesto City-County Airport Land Acquisition, dated November 29, 1955, and authorizing the execution by the city's designated officials, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill and Mayor Marks

Noes: None Absent: Robinson

DISCUSS FURTHER APPLICATIONS TO C.A.A. FOR FUNDS

The Director of Public Works reported that copies of federal airport forms for submission of new projects which might be contemplated during the next four years had been received this date.

The C.A.A. Engineer had advised that it was not necessary to submit any project at this time if the city did not wish to, but if the city did decide to later submit an application for any project, that it be done far enough in advance for consideration in any year. He suggested that a letter be written by the city to the C.A.A. stating that it did not propose any projects for next year other than those under consideration and ask that the city's rights be reserved and that it be given an opportunity to apply for any such work prior to March 1, 1956. Councilman Anderson moved, seconded by Councilman Merrill, and it was regularly adopted, that the City Manager be authorized to write this letter to the C.A.A.

DISCUSSION ON ASSESSED VALUATION OF PROPERTY IN COUNTY

Mayor Marks called attention to the low assessed valuation placed on the Maggi property by the county, as compared to the appraised valuation. He suggested that there should be a complete re-appraisal throughout the county by someone not connected with the county, to see that there is equity. He pointed out that the Council represented the home owners in the city and that there should be equity between the urban, rural and city assessments. He pointed out that the people would go along with a logical equitable assessment but when there are inequities in assessments it presented a problem. He pointed out that inequities in assessment was not fair to the tax payers, or the County Assessor.

The City Manager pointed out that this would be discussed at the City-County Committee meeting to be held in Modesto on November 28.

MR. RUFFINO DISCUSSES INSTALLATION OF WELL AND FIRE HYDRANTS ON HIS PROPERTY IN THE LALOMA COMMERCIAL AREA

Mr. Ruffino asked the Council whether it would be advisable for him to install a well on his property in the commercial area on Yosemite and Santa Cruz so that he could install his own fire hydrants to reduce his fire rates.

The City Manager pointed out that the reduction of fire rates would be up to the Board of Fire Underwriters of the Pacific.

Mayor Marks outlined the city's proposed program to study the feasibility of acquiring the private water systems so that the same fire rate would apply throughout the city.

REPORT ON TULLY ROAD DRAINAGE

Councilman Hammond reported that the Council Committee had conferred with the Board of Directors of the Modesto Irrigation District regarding the use of the M.I.D. Lateral #4 for the drainage of the Tully Avenue area during storms. There is general agreement that satisfactory arrangements can be resolved along the lines previously discussed by the Council, he stated.

The Director of Public Works reported that the city had completed its plan for checking with all the industries involved and had obtained a list of the materials they used. It is now proposed, he stated, to request assistance from the Shell Development Company to determine if there is anything in the industrial waste discharge which would be harmful to agriculture. The City Manager stated that a further report would be submitted later after arrangements had been completed.

REPORT ON CAVIL DRAIN

Councilman Hammond reported that the right of way width necessary for the Cavil Drain through the Northgate Subdivision had been discussed but no definite agreement has been reached.

ADJOURNMENT

Councilman Anderson moved, seconded by Councilman Merrill, and it was unanimously carried, that this meeting be adjourned to 3:30 Tuesday, November 29, to discuss the Capital Improvement Program. The meeting was adjourned at 10:55 P.M.

ATTEST: 
 REX E. GAILFUS, CITY CLERK

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The Council of the City of Modesto met in adjourned regular session this date at 3:30 P.M., as provided by Section 2-1.01 of the Modesto Municipal Code, the meeting having been adjourned from the regular session held on November 23, 1955, in the Council Chamber at the McHenry Public Library, 14th and I Streets, Mayor Marks presiding.

The City Clerk called the roll and there were

Present: Councilmen: Adams, Anderson, Arata, Hammond, Merrill and Mayor
Marks
Absent: Councilmen: Robinson

DISCUSS TRAFFIC REGULATIONS

Councilman Anderson asked and was granted permission by the Council, to clarify certain provisions of the traffic ordinance, for the benefit of the Council, public, and administrative staff, since there had recently been a large number of violations. He stated that many persons did not know they were violating the ordinance when they stopped between cross streets in the business district to load and unload passengers. He read Section 34 of Ordinance No. 345-N.S.

This section, he pointed out, prohibits the stopping of any car between two corners to double park while discharging passengers at any time. He also read Section 31 of this ordinance.

This provision means, he pointed out, that a person may stop to load or unload passengers in bus zones, loading zones, and taxi zones or drive around to the alley. He pointed out that the police department was not trying to persecute any particular person but was trying to enforce the ordinance. In double parking to unload passengers, he stated, many times two violations occur, 1) jay walking, and 2) stopping vehicle in an unauthorized location, which might result in accidents. Also many times cars following will swerve around the stopped car which often times cause accidents.

Councilman Anderson also asked to clarify further the provision of Section 13 of Ordinance No. 778-N.S. (parking meter regulations) which provides:

"Vehicles owned or operated by the City of Modesto shall be exempted from the provisions of this ordinance when said vehicles are being used in line of duty."

He stated that it was his understanding that the "ordinance was to stand as it is---city vehicles on official business not to receive tickets, but I was wrong evidently".

The City Attorney reported that it was his understanding that the City Manager put to the Council the matter of continuing the present practice of issuing citations for city cars and that other than objections from Councilman Anderson, no objections were raised by the Council.

The City Manager outlined the present practice of tagging city cars and if it was demonstrated that the car was on official business that a letter so stating was written by the Chief of Police to the Judge. He stated that the reason for this practice was 1) if a city employee is at lunch or had stopped on private business and parked, he should be given a ticket, and 2) that it was difficult to explain to some citizen why a city car is not cited when everybody else is. "If there is any real question on the part of the Council," he stated, "we will be glad to do whatever the Council desires."

Councilman Anderson contended that if the Council went along with this practice, to give the city car a ticket, it would be a violation of the ordinance. He stated that until the ordinance was changed that the Council should not do anything that would violate the intent of an ordinance.

Mayor Marks suggested that city cars carry a placard or sign when they were on official duty, which could be placed on the windshield.

A general council discussion was held on the fact that certain city cars were subject to call at all times, such as the Police and Fire Department cars and they could not be parked 2 or 3 blocks away.

The City Attorney stated that the new traffic ordinance which he had prepared and which would be presented later for Council consideration, had been modeled after the League of California Cities model traffic ordinance.

Councilman Merrill pointed out that it had been the practice of certain city employees to "feed the parking meters". He pointed out that "we are the ones to set the example and we should not feed the meters for our cars." The City Manager stated their "feeding" the meters was not illegal as long as the time limit was not exceeded. He stated that if any such infractions of city employees were brought to his attention he would correct them.

After considerable further discussion, Councilman Anderson moved, seconded by Councilman Merrill that it be the position of this Council that it is better policy not to mark any city cars unless there is a valid, immediate, obvious, reason to believe that they are not on official duty, until such time as the ordinance may be changed. Mayor Marks declared the motion carried.

DISCUSS CAPITAL IMPROVEMENT PROJECTS

The City Manager presented for Council consideration the following proposed allocation of funds for the Capital Improvements Program:

	Expended 1954-55	1955-56	1956-57	1957-58	1958-59
1. Del Webb Ball Park	\$13,638	-	-	-	-
2. Golf Course	24,572	\$35,000	\$25,000	\$25,000	\$65,000
3. Airport Land	37,776	20,000			
4. Airport Construction		88,000			
5. Dennett Dam		45,000			
6. City Hall & Police Building	35	120,000	60,000	60,000	60,000
7. Park Site Acquisition		35,000	35,000		
8. Downey Swim Pool		25,000			
9. Water Companies - Survey		10,000			
10. Water - Sand Traps		3,500			
11. Street Paving Program		15,000	50,000		
12. Traffic Signals		25,000	25,000		
13. Park Development		3,000	35,000	35,000	35,000
14. Fire Stations - Relocations			45,000		
Unallocated Reserves		11,574	50,000	205,000	165,000
Totals	\$76,021	\$436,074	\$325,000	\$325,000	\$325,000

	Expended	1955-56	1956-57	1957-58	1958-59
	1954-55				

Resources:

Available Carry-Over		\$86,074			
Estimated Sales Tax Revenue		350,000*	325,000	325,000	325,000

*Only \$315,000 estimated in 1954-55 budget

1. Municipal Ball Park \$13,638 - 1954-55 expenditure. This represents the difference between the insurance recovery and the cost of repairs to the Del Webb Field which were completed and paid for in the 1954-55 fiscal year.
2. Golf Course \$24,572 - 1954-55 expenditure. Cost of acquisition of Parcel A of the Durand property and other expenses for the development of the Dryden Park Municipal Golf Course which was expended during fiscal year 1954-55. The sum of \$35,000 was allocated for this fiscal year and will be used to purchase Parcel B of the Durand property and architect fees and other miscellaneous expenses.
3. Airport Land \$37,776 allocated but not expended during the fiscal year 1954-55 and \$20,000 proposed to be allocated for the current fiscal year, total of \$57,776 represents the city's share of the cost of land acquisition for the airport development project. The City Manager stated that the best information available at this time indicates that this will be the city's cost but it may vary either way.
4. Airport Construction \$88,000 proposed to be allocated in the 1955-56 budget is the closest estimate available at this time of the city's cost for the airport construction project--runway and taxiway construction, which is jointly being shared by the county and the federal government. Mr. Ray reported that the federal government had recently advised that the 1948 law, providing for federal participation, had been changed 3 or 4 months before the new law became effective, granting the 54.2% participation under which these projects are being handled. He pointed out that the project application must be filed with the C.A.A. by December 15 and the city must have the cash on hand this fiscal year.

The City Manager pointed out that the city could go to bid on this project without having the cash in the bank, if the revenue is anticipated during that fiscal year. The City Attorney pointed out that money must be in the budget or anticipated during the year the bid is called.

The City Manager pointed out that the first four items, Del Webb Ball Park, Golf Course, Airport Land and Airport Construction, were projects which were either unanticipated or stepped up in priority and have absorbed a substantial portion of the current funds (\$219,638). He stated that proposed allocations for subsequent years should be considered only as a guide to possible expenditures. A careful review should be made in connection with the budget each year, at which time tentative allocations can again be made for the years ahead.

5. Dennett Dam \$45,000 proposed to be allocated in the 1955-56 budget--estimated one-half of the cost. The County is preparing the plans and bids will be called for well in advance so that it will be in the current year.
6. City Hall & Police Building \$120,000 proposed to be allocated for the fiscal year 1955-56. The City Manager pointed out that \$60,000 of this amount had been allocated during the fiscal year 1954-55 but unexpended. At this time, he read a report dated November 29, 1955, entitled, "Financing City Hall and Police Building", a copy of which is on file with the records of this meeting. He called attention to the fact that the proposed alloca-

tion of funds report called for the continued allocation of \$60,000 for this project for the years 56-57, 57-58, and 58-59. To a question from Councilman Merrill, he stated that the cost of building the police building might be of the order of \$200,000, although no actual estimates had been made. Whereupon Councilman Merrill suggested that for a nominal cost the present city hall building could be converted into a police building. Councilman Arata suggested that a study be made of this proposal. It was also suggested that in this study the proposed building of the police building adjoining the Fire Station #1 on 11th Street so that communication facilities could be shared jointly at a reduced cost, be also considered.

7. Park Site Acquisition \$35,000 proposed to be allocated for the fiscal year 1955-56 and \$35,000 for year 56-57. The City Manager reported that the \$35,000 proposed to be allocated for the current year could be used to purchase a specific park, if the Council desired. He pointed out that this was in addition to approximately \$20,000 received from subdividers for park fees.

8. Downey Swimming Pool \$25,000 proposed to be allocated. The City is waiting to hear from the schools whether funds will be available for joint participation in this project. If this project is not constructed, the funds can be used for other purposes.

9. Water Companies-Survey \$10,000 The City Manager stated that the city would endeavor to secure federal funds on a loan basis, without any interest, for this project. The City Attorney reported later in the meeting that he had contacted City of Stockton Officials who were also trying to secure federal funds for a similar project. Mayor Marks pointed out that this amount could also be transferred to the unallocated reserve if the city was successful in obtaining a federal loan.

10. Water--Sand Traps \$3,500 proposed to be allocated in the 1955-56 budget. This item had been suggested by the Council to eliminate some of the sand problem.

11. Street paving program \$15,000 proposed to be allocated for 1955-56 and \$50,000 for 56-57. The City Manager pointed out that the only project now under consideration by the Council was the small area surrounding the John Muir Park--but this might be the "yeast" for some other projects.

12. Traffic Signals \$25,000 proposed to be allocated for 1955-56 and \$25,000 for 56-57. The City Manager suggested that the report submitted to the Council September 29, showing the estimated construction costs, suggested priority of both city street intersections and city street-state intersections be changed as follows:

Priority	Location	Cost to City
1.	19th and H Streets	\$3,300
0.2	14th and J Streets	1,500
0.3	Tully Road and U.S. 99	3,300
0.4	Kansas Ave. and U.S. 99	3,300
0.5	Needham and U.S. 99	included in Tully & U.S.99
0.6	Yosemite Blvd. & LaLoma	1,100
0.7	Yosemite Blvd. & S. Santa Cruz	1,100
0.8	14th and Grand Streets	2,500
2.9	LaLoma at Santa Ana	750
3.10	11th and H Streets	3,000
4.11	5th and H Streets	3,300
5.12	11th and K Streets	3,000
	Total	\$26,150

The reason for this suggested change, he stated, is state participation would assure the city of more traffic signals. Some revision of this might be indicated before all are completed. Traffic Engineer Carmody reported that applications for all the various locations where there would be state participation, had already been filed with the State and could possibly be completed this fiscal year. The City Manager stated that the other two suggested intersections, 11th and L Streets and 10th and D Streets, would be considered at a later time. He pointed out that until the city had allocated funds, the state could not commit itself on participation.

Mayor Marks suggested for Council consideration, a proposal that the funds for traffic signals this year be taken from the Capital Improvement Funds but if the parking district was not formed by the dead line of June 22, as provided in the zoning ordinance, that the \$25,000 be repaid from the parking meter funds to the Capital Improvement Fund.

Since 75% of the revenue derived from on-street parking meters has been allocated to the parking fund instead of 50% as was formerly done, funds have not been available to purchase traffic signals, he stated. Councilman Arata recommended that it not be decided at that time and asked "why should we tie it up now".

Councilman Anderson asked why this should be brought up now and suggested waiting until the end of the year since the city might have some other use for the money at that time, and that the city should not commit itself at this time.

Mayor Marks questioned whether traffic signals could be considered capital improvement. He pointed out that as the parking law was written, it should come from parking meter money particularly when the increase was made from 50% to 75%.

Councilman Arata contended that traffic signals could be considered a capital improvement expenditure. Councilman Hammond recommended that no action be taken until the year had expired.

Mayor Marks pointed out that he did not wish to change the plan to withhold the parking program for a year, that his suggestion was that the \$25,000 be taken from the Capital Improvement Fund and that in the event no improvement district is formed for parking, that the funds be taken from the parking meter fund.

A report, prepared at the request of the Mayor, was distributed to the Council giving excerpts from the various Council meetings when the parking program and zoning ordinance had been discussed. He pointed out that there was nothing in the minutes to indicate that this Council has determined not do anything about parking for a year. The zoning ordinance postpones the parking regulations for one year.

Mayor Marks pointed out that the city had to have traffic signals and although he did not approve the plan to allocate funds from the capital improvement funds, that he was willing to go along and take the \$25,000 from the capital improvement fund for this year. He pointed out that this Council was the first Council considering the distribution of capital improvement funds. "Other Councils following through the years will be guided by our decisions. Therefore, the decisions made today should be carefully considered so that funds will not be expended for things which are logically not capital improvement projects."

Traffic signals The Council indicated its approval of the proposed plans for priority of signals on the condition that before each signal was installed that it be presented for Council consideration.

13. Park Development \$6,550 proposed to be allocated for the 1955-56 budget, \$35,000 for each succeeding year. The City Manager pointed out that proposed projects for the 1955-56 fiscal year had previously been discussed with the Council, but would need to be cleared.

14. Fire Stations-Relocations \$45,000 allocated in 1956-57 budget. The City Manager pointed out that the city is faced with the fact that its fire stations should be in better locations to properly and efficiently serve the city, that additional manpower is needed.

Several specific recommendations worked out with the Board of Fire Underwriters of the Pacific relative to facilities and manpower will be considered with the next year's budget.

The City Manager reported that the revenue from the one-half sales tax for this fiscal year had been estimated as \$315,000. It now appears, he stated, that this will be exceeded by approximately \$35,000.

REPORT ON MEETING WITH Y.M.C.A. REGARDING PURCHASE OF MOOSE PROPERTY LOCATED IN CIVIC CENTER AREA

The City Manager reported on a meeting which had been attended by representatives from the Y.M.C.A. and Moose Lodge relative to the sale of the Lodge's property located in the Civic Center area, to the Y.M.C.A. and which had been offered to the city for \$12,800, net to the seller.

Bill Shimmon, representing the Moose Lodge, agreed that if the city did not wish to purchase this property that the Y would be given a chance. Robert Babington spoke on behalf of the Y. He pointed out that the Lodge was anxious to dispose of this property immediately and that it would be ideally situated for the Y and agreed that if acquired by the Y, it would be developed in conformity with the proposed plans for the Civic Center. After a general Council discussion, Mayor Marks moved, seconded by Councilman Arata, and it was unanimously carried, that the City Attorney be authorized to prepare the necessary documents for Council consideration, providing for the purchase by the City of the Moose Lodge property for \$12,800 net to seller.

FURTHER DISCUSSION ON PARK SITE ACQUISITION

The City Manager reported on a further meeting which had been held relating to the possible acquisition by the city of the Kewin property for a park area, which would connect with the Thousand Oaks Park. He stated that two basic questions were raised, 1) is a park really needed in this area, and 2) how does it tie in with a general park plan.

Director of Parks and Recreation Lowery displayed a map showing the area served by the present city parks and indicating the locations where parks were needed. He pointed out that the Kewin property is ideally located to fit in with the city's park plan. As requested by Councilman Hammond, he reported on the comparative costs to the city for acquiring a developed park area such as the Kewin property versus an undeveloped area such as the Garrison School park site.

The City Manager reported that Mrs. Kewin, through her agent, had offered her property, which consists of approximately 8 acres, for the sum of \$33,000 net to the sellers. Councilman Robinson has agreed to give the city an easement across his property and Mrs. Charles Carroll, owner of the remaining portion of land which would be needed to complete the park area has indicated that she would expect some compensation for approximately one-half acre owned by her. He pointed out to the Council that, "There is nothing that you can do for a city which pays greater dividends than to purchase land for a park. This park, or any park, will still serve generation after generation." He pointed out that it would be possible to pur-

chase this site as well as another park site this year if funds paid by subdividers for parks were also used.

Councilman Hammond pointed out that this property could be connected with the Moose Lodge property by a foot bridge.

City Appraiser Knorr reported on the valuation of property in both the LaLoma Park area and Garrison School park area.

The City Manager pointed out that the El Vista P.T.A. committee had written a letter to the Council approving the proposed purchase of the Kewin property and that consideration could be given later to a park area near the school.

Mayor Marks pointed out so far the capital improvement funds were being spent for the benefit of adults, such as the airport, golf course and ball park and that the expenditure of funds for children should be considered. Councilman Arata moved, seconded by Councilman Adams that the City Manager be instructed to get a firm price quotation from Mrs. Charles Carroll on her property, and it was unanimously carried.

ADJOURNMENT

Councilman Arata moved, seconded by Councilman Hammond, and it was unanimously carried, that the meeting now in session adjourn. The meeting was adjourned at 6:45 P.M.

ATTEST:



REX E. GAILFUS, CITY CLERK

Council Meeting
December 7, 1955

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 Chamber at the McHenry Public Library, 14th and I Streets, Mayor Marks presiding.

The City Clerk called the roll and there were

Present: Councilmen: Adams, Arata, Hammond, Robinson and Mayor Marks

Absent: Councilmen: Anderson and Merrill

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

A few moments of silent prayer were observed.

During the temporary absence of Mayor Marks, Mayor Pro Tempore Adams presided.

APPROVAL OF MINUTES OF COUNCIL MEETINGS

Council members having received copies of the minutes of the Council meetings of November 9 and 16, and the same being available for public inspection, and there being no objections, the minutes were approved.

LETTER FROM TEAMSTERS UNION SERVICE--APPRECIATION

A letter from the Teamsters Union Service, expressing appreciation to the Council for granting permission for the special display at 10th and J Streets during its Green Cross Safety, was read and ordered filed.

LETTER FROM CALIFORNIA ROADSIDE COUNCIL RE: BILLBOARDS

A letter from the California Roadside Council relating to billboards was read.

(Mayor Marks arrived at 4:10 P.M.)

REQUEST OF HARRIS CONSTRUCTION CO. INC. FOR THE CLOSING OF JEFFERSON STREET

A request was filed by Harris Construction Co. Inc., that Jefferson Street between California and Paradise be closed during the construction of the agricultural building of the Modesto High School in order to permit heavy trucks and equipment to load and unload with greater public safety and the storage of building materials.

A report prepared by Traffic Engineer Camody outlining various alternatives and recommendations for Council consideration was read. He stated that the company wished to start construction December 12th, and if permit was granted, he would recommend that the street be closed for a period of three months upon the provision that "if the work progressed faster than expected, he would have the right to request that the street be opened when, in his opinion, the closing was no longer necessary or not in the public's interest, and with certain other requirements." The City Manager was directed by the Council to make a further check of the request and in the meantime the Company would be permitted to use one-third of the street for its operations as permitted by the Municipal Code.

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LETTER OF APPRECIATION FROM MODESTO CITY EMPLOYEES ASSOCIATION

A letter of appreciation was received from the Modesto City Employees' Association for the retroactive salary increases granted for the fiscal year 1955-56.

PETITION FROM RESIDENTS REQUESTING THE OPENING OF DEHARRO STREET TO SANTA CRUZ AVENUE

A petition signed by 43 persons requesting that "the city put in usable condition, for the use of the public, the avenue designated on the map as De Harro." The petition set forth the fact that "De Harro Avenue opens on Kerr Avenue and leads to Santa Cruz Avenue. The opening of this street would relieve traffic at the intersection of Kerr and Yosemite Boulevard, inasmuch as a considerable amount of traffic would travel across De Harro Avenue to Santa Cruz Avenue". Councilman Arata moved, seconded by Councilman Robinson, and it was unanimously carried, that the petition be referred to the City Manager and if it is required that he refer it to the Modesto Planning Commission.

LETTER FROM MODESTO THEATRES RE: PARKING OF BICYCLES IN FRONT OF THEATRES

A letter was received from the Modesto Theatres requesting the City to make a study of the matter of parking bicycles in front of the various theatres. Councilman Robinson moved, seconded by Councilman Arata, and it was unanimously carried, that the matter be referred to the administrative staff for investigation.

LETTER FROM STATE DIVISION OF HIGHWAYS RE: PUBLIC MEETING ON FREEWAY DEVELOPMENT OF HIGHWAY 132

A letter, dated November 28, 1955, from J. G. Meyer, District Engineer of the Division of Highways, relating to the public meeting to be held in Modesto December 5, in regard to freeway development of Highway 132, between the adopted relocation of U.S. 99 and the San Joaquin River, was read.

The City Manager reported that the Council was represented at the public meeting by Councilman Merrill and Arata. The state representatives were advised that the Council had taken the position that a study was required and that no decision be made until that had been accomplished. The State indicated that this position was reasonable. Councilman Hammond moved, seconded by Councilman Adams, and it was unanimously carried, that the matter be referred to the City Manager for study.

NOTICE FROM RECLAMATION BOARD RE: PUBLIC HEARING IN LOS BANOS ON PROPOSED FLOOD CONTROL PLAN ON THE SAN JOAQUIN RIVER

A notice of a public hearing to be held in Los Banos on December 12 for the consideration of a proposed flood control plan on the San Joaquin River was received from A. M. Barton, Chief Engineer and General Manager of the Reclamation Board. The City Manager pointed out that the city was not directly concerned or interested, and unless someone wanted to attend, no action need be taken.

REQUEST OF GREYHOUND BUS COMPANY TO TEMPORARILY USE PORTION OF G STREET FOR LOADING AND UNLOADING PASSENGERS DURING REPAIR OF DEPOT

L. S. Leavitt appeared before the Council on behalf of the Greyhound Bus Company and requested permission to temporarily use (for a period of two weeks) the north side of G Street between 10th Street and the alley in Block 54, during the time the depot driveway was being repaired, for loading and/or unloading of passengers. City Attorney Grimes suggested that the Council indicate its position and that he be directed to prepare a resolution which would accomplish this action. Mr. Leavitt stated that the driveway was already partially demolished and that the space would be needed

before the next Council meeting. Councilman Robinson moved the adoption of a resolution, which was seconded by Councilman Arata, authorizing the use of the north side of G Street between 10th Street and alley between 9th and 10th Street for the parking of buses during the period of construction of driveway subject to conditions under which a previous request was granted. At the suggestion of City Attorney Grimes, Councilman Robinson withdrew his motion and Councilman Arata his second, so that the previous resolution could be brought to the Chamber from the City Hall for inspection

ACCEPT BID OF STOCKTON CONSTRUCTION COMPANY FOR CONSTRUCTION OF THOUSAND OAKS-COFFEE ROAD TRUNK SEWER

Tabulation of the bids received for the construction of Thousand Oaks-Coffee Road trunk sewer, which had been opened in the office of the City Clerk November 29, 1955, at 2:00 P.M. was considered by the Council. Director of Public Works Ray recommended that the bid submitted by the Stockton Construction Company of \$31,364.05 be accepted as the lowest responsible bid. Councilman Robinson introduced

RESOLUTION NO. 55-514

seconded by Councilman Arata, accepting the bid of the Stockton Construction Company of \$31,364.05 for the construction of the Thousand Oaks-Coffee Road trunk sewer, as recommended by the Director of Public Works, as the lowest responsible bid and authorizing the execution of a contract for the completion of the work by the city's designated officials, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Arata, Adams, Hammond, Robinson and Mayor Marks

Noes: None Absent: Anderson and Merrill

CONSIDER AWARD OF BID AND GRANTING FRANCHISE FOR BUS BENCHES

The City Manager reported that two bids had been received and opened on December 5, at 2:00 P.M. for the granting of an exclusive franchise for the right to place and maintain benches with advertising on the streets and sidewalks of the city. Modesto Transit Advertising Co.'s bid was \$3.00 per quarter per bench and the bid of the California Bench Company \$3.03 per quarter per bench.

He read a letter from the Modesto Transit Advertising Co., a local concern, which pointed out that there were 9 different sections in the bench franchise ordinance in which the City Manager had a direct responsibility in the control and maintenance of the bus benches and that the high bidder, California Bench Co., did not maintain a local office with full time personnel. The letter pointed out that since the difference of money bid was insignificant, that it would be to the best interest of the city, its bus lines, and its citizens to award the franchise to the local concern.

A letter received from Willis M. Kleinenbroich, owner of the Modesto Motor Bus Service, requesting that the Council award the bid to a local concern, was read.

The City Attorney pointed out that there was no justification for awarding the bid on the grounds that the bidder was a resident of the city or maintained a local office. The only justification for awarding bids to a local concern, as outlined in the charter, is that the "quality and price being equal". In this case, he stated, the prices are not equal. Both bidders have met the specifications, he stated, and if the Council desires, it has the power to reject all bids.

Councilman Hammond believed the Council should have more leeway in awarding bids, since the local bidder would be in a better position to maintain the benches and to change the schedules; that the service could be handled easier by a local concern and with less expense and effort by the city administrative staff.

The City Manager pointed out that in the matter of bids, the Council should keep to the letter of the law. If the Council did not wish to award the bid to the highest bidder, it would be better to reject the bids and start all over with new specifications.

Councilman Hammond contended that the local merchants should have more protection from the "curbstone bidders", since they paid local taxes.

The City Manager pointed out that the city was required to accept bids only from "responsible bidders".

Councilman Arata pointed out that the only reason for benches was to assist the bus operator.

Mr. Tomson pointed out the small additional revenue the city would receive over the lifetime of the franchise if the high bid was accepted.

Councilman Arata introduced

RESOLUTION NO. 55-515

seconded by Councilman Hammond, rejecting the bids received for the granting of an exclusive franchise for the right to place and maintain benches with advertising on the streets and sidewalks of the city, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Arata, Hammond, Robinson and Mayor Marks

Noes: None Absent: Anderson and Merrill

ADOPTION OF ORDINANCE NO. 50-C.S. AMEND TRAFFIC ORDINANCE NO. 345-N.S. SPEED LIMITS

Ordinance No. 50-C.S. entitled: "AN ORDINANCE AMENDING ORDINANCE NO. 345-N.S. ENTITLED, 'AN ORDINANCE REGULATING TRAFFIC UPON THE PUBLIC STREETS OF THE CITY OF MODESTO', AS AMENDED, TO AMEND SECTION 36.2 THEREOF RELATING TO TRAFFIC REGULATION AND REPEALING SECTION 4 OF ORDINANCE NO. 45-C.S.", having been heretofore introduced and ordered printed and published at the regular meeting of November 16, 1955, Councilman Adams moved, seconded by Councilman Arata, that the ordinance be finally adopted, which motion was upon roll call carried by the following vote:

Ayes: Councilmen: Adams, Arata, Hammond, Robinson and Mayor Marks

Noes: None Absent: Anderson and Merrill

ADOPTION OF ORDINANCE NO. 51-C.S. AMEND MUNICIPAL CODE RELATING TO THE PLUMBING CODE

Ordinance No. 51-C.S. entitled: "AN ORDINANCE AMENDING SECTION 9-2.09 OF CHAPTER 2 OF TITLE IX OF THE MODESTO MUNICIPAL CODE RELATING TO THE PLUMBING CODE", having been heretofore introduced and ordered printed and published at the regular meeting of November 16, 1955, Councilman Robinson moved, seconded by Councilman Arata, that the ordinance be finally adopted, which motion was upon roll call carried by the following vote:

Ayes: Councilmen: Adams, Arata, Hammond, Robinson and Mayor Marks

Noes: None Absent: Anderson and Merrill

ADOPTION OF ORDINANCE NO. 52-C.S. AUTHORIZING PURCHASE OF OLSON PROPERTY FOR EXPANSION OF AIRPORT

Ordinance No. 52-C.S. entitled: "AN ORDINANCE AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY BY THE CITY OF MODESTO FROM WALTER G. OLSON AND BONNIE E. OLSON", having been heretofore introduced and ordered printed at the regular meeting of November 23, 1955, Councilman Arata moved, seconded by Councilman Robinson, that the ordinance be adopted, which motion was upon roll call carried by the following vote:

Ayes: Councilmen: Adams, Arata, Hammond, Robinson and Mayor Marks
 Noes: None Absent: Anderson and Merrill

ADOPTION OF ORDINANCE NO. 53-C.S. AUTHORIZING PURCHASE OF HAGEDORN AND BOWEN PROPERTY FOR EXPANSION OF AIRPORT

Ordinance No. 53-C.S. entitled: "AN ORDINANCE AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY BY THE CITY OF MODESTO FROM HAROLD W. BOWEN AND PATRICIA BOWEN, AND JACK HAGEDORN AND BARBARA HAGEDORN", having been heretofore introduced and ordered printed and published at the regular meeting of November 23, 1955, Councilman Adams moved, seconded by Councilman Robinson, that the ordinance be adopted, which motion was upon roll call carried by the following vote:

Ayes: Councilmen: Adams, Arata, Hammond, Robinson and Mayor Marks
 Noes: None Absent: Anderson and Merrill

ORDINANCE TERMINATING LEASES WITH WILSON NURSERY FOR AIRPORT LAND

The City Attorney reported that an agreement terminating two leases for the rental of land for farming purposes had been executed by the Wilson Nursery. He presented for Council consideration an ordinance which would approve the termination agreement. Councilman Arata moved the introduction and passage to print of

ORDINANCE NO. 54-C.S.

entitled: "AN ORDINANCE APPROVING AN AGREEMENT WITH DAVE WILSON, ISABEL WILSON, JOHN WYNNE AND BETTY ANN WYNNE, DOING BUSINESS AS THE DAVE WILSON NURSERY RELATING TO THE TERMINATION OF CERTAIN AIRPORT LEASES", which motion being duly seconded by Councilman Robinson, was upon roll call carried and ordered printed and published by the following vote:

Ayes: Councilmen: Adams, Arata, Hammond, Robinson and Mayor Marks
 Noes: None Absent: Anderson and Merrill

ORDINANCE APPROVING LEASE WITH NAKAGAWA FARMS ON AIRPORT PROPERTY

Councilman Robinson moved the introduction and passage to print of

ORDINANCE NO. 55-C.S.

entitled: "AN ORDINANCE LEASING CERTAIN CITY OWNED AIRPORT PROPERTY TO NAKAGAWA FARMS AND AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT IN CONNECTION THEREWITH", which motion being duly seconded by Councilman Adams, was upon roll call carried and ordered printed and published by the following vote:

Ayes: Councilmen: Adams, Arata, Hammond, Robinson and Mayor Marks
 Noes: None Absent: Anderson and Merrill

FURTHER DISCUSSION ON RESOLUTION GRANTING PERMIT FOR TEMPORARY PARKING OF BUSES ON G STREET

After inspection of Resolution No. 54-39, which was adopted February 3, 1954, granting temporary permit for the parking of buses on G Street, the City Attorney outlined the necessary provisions to be included in a resolution to grant the request of the Greyhound Bus Company for the use of a portion of G Street during the temporary repairs of the depot at 10th and G Streets.

Councilman Arata introduced

RESOLUTION NO. 55-516

seconded by Councilman Robinson, resolving that effective December 8, 1955, and continuing for a period of twenty-one (21) days thereafter, it shall be unlawful for the operator of any motor vehicle, other than those operated by a public carrier of passengers for hire, certificated by the California Public Utilities Commission, to stop or park such vehicle in the following place in the City of Modesto:

Beginning at the property line on the West side of Tenth Street and continuing West on the North side of G Street for a distance of 150 feet

and the Traffic Engineer is hereby directed to cause the above location to be marked and posted in accordance with the provisions of this resolution, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Arata, Hammond, Robinson and Mayor Marks

Noes: None Absent: Anderson and Merrill

CONSIDERATION OF AIRPORT MATTERS

Director of Public Works Ray reported on his investigation of the request filed by Phillips Agricultural Services for the construction of a building at the Municipal Airport to be leased to the company to house its operations. The approximate cost of constructing a Butler type building of prefabricated steel, which could be reassembled at another location, when and if it was not needed at this location, would be \$18,000. This could be financed, he stated, with funds already available to the city as follows: (1) \$8,000 remaining in the special airport gas tax fund; 2) advance rentals on the building from both Phillips and Nakagawa Farms; and 3) \$8,000 paid by Nakagawa Farms as advance payment for rental of airport land. He outlined the benefits of this type of building and pointed out that it could be used as a city warehouse when not needed for airport purposes and was the most economical type of construction for hangar space.

Airport Manager Sham pointed out that it would be the only hangar at the airport which would be large enough to store the twin engine type of plane such as is being purchased by Nakagawa Farms.

The City Manager stated that further report would be submitted before final action was taken. Councilman Arata moved, seconded by Councilman Robinson and it was unanimously carried, that the staff be authorized to proceed with the preparation of plans for the Council's approval.

Airport Rates

Director of Public Works Ray recommended Council consideration to the raising of tiedown rates at the airport from \$6.00 per month per plane

to \$7.50 and that the rental on the 10 unit individual hangar be changed from \$20.00 to \$25.00 per month. He reported on a rate survey made of other cities, which indicated that Modesto's rates were low. He stated that in view of the expansion and the expenses at the airport and increased demand for facilities that this change be considered as an additional revenue source. He stated that further recommendation would be made on changes in commercial type rates. Councilman Arata moved, seconded by Councilman Robinson, and it was unanimously carried that the City Attorney be instructed to prepare for Council consideration the necessary documents to increase the tiedown and rental fees at the airport as recommended by the administrative staff.

INTRODUCTION OF ORDINANCE AMENDING MUNICIPAL CODE RELATING TO THE DEFINITION OF "PERSON"

The City Attorney presented for Council approval an ordinance which would amend the Municipal Code to clarify the definition of "person" as applied to the Building Code. Councilman Adams moved the introduction and passage to print of

ORDINANCE NO. 56-C.S.

entitled: "AN ORDINANCE AMENDING CHAPTER 1 OF TITLE IX OF THE MODESTO MUNICIPAL CODE TO ADD SECTION 9-1.04.1 ENTITLED "DEFINITION OF PERSON" THERETO", which motion being duly seconded by Councilman Robinson, was upon roll call carried and ordered printed and published by the following vote:

Ayes: Councilmen: Adams, Arata, Hammond, Robinson and Mayor Marks

Noes: None Absent: Anderson and Merrill

ORDINANCE AMENDING THE MUNICIPAL CODE RELATING TO BENCH SIGNS

As directed by the Council, the City Attorney presented for Council consideration an ordinance which would amend the Municipal Code to provide regulations for "bench signs". Councilman Robinson moved the introduction and passage to print of

ORDINANCE NO. 57-C.S.

entitled: "AN ORDINANCE ADDING SECTION 9-6.21-1, ENTITLED "BENCH SIGNS" TO CHAPTER 6 OF TITLE IX OF THE MODESTO MUNICIPAL CODE", which motion being duly seconded by Councilman Adams, was upon roll call carried and ordered printed and published by the following vote:

Ayes: Councilmen: Adams, Arata, Hammond, Robinson and Mayor Marks

Noes: None Absent: Anderson and Merrill

INTRODUCTION OF ORDINANCE AMENDING THE MUNICIPAL CODE RELATING TO SIGNS ATTACHED TO MARQUEES

The City Attorney presented for Council consideration an ordinance providing that signs attached to or hung from a marquee shall be constructed of incombustible material. Mayor Marks moved the introduction and passage to print of

ORDINANCE NO. 58-C.S.

entitled: "AN ORDINANCE AMENDING SECTION 9-6.29, ENTITLED 'MARQUEES' OF CHAPTER 6 OF TITLE IX OF THE MODESTO MUNICIPAL CODE", which motion being duly seconded by Councilman Robinson, was upon roll call carried and ordered printed and published by the following vote:

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Ayes: Councilmen: Adams, Arata, Hammond, Merrill and Mayor Marks
 Noes: None Absent: Anderson and Merrill

INTRODUCTION OF ORDINANCE AMENDING THE MUNICIPAL CODE RELATING TO COUNCIL MEETINGS

City Attorney Grimes recommended that the Municipal Code be amended to include changes made by the State legislature regarding special meetings and quorum requirements. Councilman Adams moved the introduction and passage to print of

ORDINANCE NO. 59-C.S.

entitled: "AN ORDINANCE AMENDING SECTIONS 2-1.02 and 2-1.07 OF CHAPTER 1 OF TITLE II OF THE MODESTO MUNICIPAL CODE RELATING TO CITY COUNCIL MEETINGS", which motion being duly seconded by Councilman Hammond, was upon roll call carried and ordered printed and published by the following vote:

Ayes: Councilmen: Adams, Arata, Hammond, Robinson and Mayor Marks
 Noes: None Absent: Anderson and Merrill

DELAY CONSIDERATION OF BIDS ON IMPROVEMENT DISTRICT NO. 4--DOWNTOWN STREET LIGHTING

The City Manager presented for Council consideration, a tabulation of the bids received for the furnishing and installing materials in Downtown Street Lighting Improvement District No. 4, which had been opened in the office of the City Clerk at 2:00 P.M. November 28, which indicated that the low bid was submitted by the Industrial Electrical Company.

Councilman Robinson stated that he had been informed by telephone this date by a local merchant that General Electric Company had just announced a new type of light which would be three times more powerful with one-half of the electrical energy used, as the type of lights proposed for this improvement district. He suggested that consideration of the bids be held over for one week so that a further investigation could be made by the staff.

The Director of Public Works pointed out that if the specifications were changed that it would mean that the entire district proceedings would have to be done over.

Councilman Hammond moved, seconded by Councilman Arata, and it was unanimously carried, that the bids be tabled for one week pending further investigation of the new type lights announced by the General Electric Company.

HOLD OVER APPROVAL OF AGREEMENT WITH KENNETH DURAND RELATING TO THE PURCHASE OF ADDITIONAL REAL PROPERTY FOR THE DRYDEN PARK MUNICIPAL GOLF COURSE

At the suggestion of City Manager Miller the introduction of an ordinance approving the agreement of Kenneth Durand, et ux, relating to the purchase of additional real property for the Dryden Park Municipal Golf Course was held over until a further investigation was made on the sewer easement across the property.

REPORT FILED BY TRAFFIC ENGINEER ON "TAXIS"

Traffic Engineer Carmody filed a report on suggested changes in legislation regulating the operation of taxicabs in the city. Mayor Marks suggested, and the Council members concurred, that the consideration of the report be held up for one week until the Council members and taxicab operators could study the report.

CONSIDERATION OF PURCHASE OF MOTION PICTURE PROJECTOR FOR THE LIBRARY

The City Manager reminded the Council that \$500 had been included in the Library budget for the purchase of a projector with the provision that the purchase not be made until approved by the Council.

Librarian Hamilton reported that there was a definite need for another projector which could be loaned to groups to show available films. He reported on the number of persons who had viewed films with the present projector during the past few years, which indicated a large increase each year. Many groups fail to use films because there is no projector available, he reported, and much more film usage would result. He reported that the Library Board had recommended the purchase of the additional machine and that he also recommended it. He compared the cost of renting a machine on a monthly basis, to the outright purchase, which indicated a savings to the city over the lifetime of a machine. He pointed out that this would be another means to get ideas and information to the public. Various questions were raised by the Council:

- 1- What is the reason for the demand for the city to get into the business of furnishing these facilities?
- 2- What are other cities doing?

Mr. Hamilton pointed out that the showing of films and records are new developments being made available by cities to educate the public.

Councilman Robinson recommended that the city only furnish the film and the groups make their own arrangement for the showing of the films. He also suggested that the city should charge for use of the projector.

The responsibility of groups using the projector was discussed and it was brought out that other departments were not permitted to rent out equipment for private groups or individuals. Whether this service would be in competition to private companies who rent projectors, was discussed. Mr. Hamilton stated that he had checked out this possibility and the business concerns had offered no objections.

A discussion was held on the possibility of the city renting the equipment at a charge of \$20.00 per month and a nominal charge be made for the use of the projector to amortize the rental charge to the city. It was pointed out that it would be the responsibility of the company to maintain the equipment if this arrangement was made.

The Council questioned whether this was the type of service the city should provide since once it was started it would be difficult to discontinue. The question also was raised whether the city could afford to furnish this service.

The City Manager pointed out that the library board, appointed by the Council to administer the affairs of the library had recommended this purchase. He recommended that Mr. Hamilton check back with the board and report on the discussion held by the Council and to report further to the Council.

Mr. Hamilton pointed out that if the city purchased the equipment and charged a fee for the rental that the income would be turned over to the county under the present joint operation agreement.

Mayor Marks asked Mr. Hamilton to check back with the Library Board and get its reaction to the questions raised by the Council and the

proposal for a nominal rental fee for the use of the projector so that the city could break even on the rental charge of \$20 per month.

ACCEPT DEED FOR WIDENING OF TULLY AVENUE, ETTA HEMMINGER, ET AL

The City Attorney presented for Council consideration, a grant deed from Etta Hemminger, George W. and Norma Hemminger, and Roger S. and Forrest M. Hemminger, on real property to be used for the widening of Tully Avenue.

Councilman Arata introduced

RESOLUTION NO. 55-517

seconded by Councilman Hammond, accepting the deed and authorizing its recordation with the Recorder of Stanislaus County, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Arata, Hammond, Robinson and Mayor Marks
Noes: None Absent: Anderson and Merrill

ACCEPT DEED FOR ALLEY PURPOSES IN BLOCK 925 OF CAMPUS HEIGHTS SUBDIVISION

The City Attorney presented for Council consideration, a grant deed from Joe Nunes, Jr. and Kathryn Nunes, and Arthur J. Wylie and Florence E. Wylie on real property to be used for the widening of an alley in Campus Heights Subdivision (Block 925). Councilman Adams introduced

RESOLUTION NO. 55-518

seconded by Councilman Robinson, accepting the grant deed and authorizing its recordation with the Recorder of Stanislaus County, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Arata, Hammond, Robinson and Mayor Marks
Noes: None Absent: Anderson and Merrill

FURTHER CONSIDERATION OF PURCHASE OF THE KEWIN PROPERTY FOR PARK PURPOSES

The City Manager reported that Mrs. Charles Carroll had agreed to accept \$500 net to her for the one-half acre of land adjoining the Kewin property in the LaLoma area on the condition that the city provide and maintain a hedge in the rear of her property. A written offer on the Kewin property has also been received, he reported, from Mrs. Kewin's agent, offering to sell the property for \$33,000 net to the owners which includes the real estate commission. One condition is that the city will plant and maintain a hedge along the northerly property line of the remaining portion of the lot upon which the Kewin house is located, to screen it from the portion of the lot being purchased by the city. The only remaining consideration is the securing of an easement from Councilman Robinson, the City Manager stated. He stated that the cost of constructing curb and gutter had been computed for this park and it is estimated that the saving to the city would be approximately \$3500 since these are already installed.

Councilman Robinson stated that he would not stand in the way of the city's proposal to purchase the property for a park, but that it had been informally agreed by Mrs. Kewin when she sold the property to him that the portion of land on which his summer house was located, which is on Mrs. Kewin's land, would be deeded to him if she sold her property. The Council informally agreed not to include this portion of the Kewin property when the transaction was made with Mrs. Kewin.

The City Manager pointed out that the property owners were anxious to know the Council's decision and he asked that the Council indicate its position so that further proceedings could be concluded. Mayor Marks moved, seconded by Councilman Adams, and it was unanimously carried, that the City Attorney be directed to prepare for Council consideration the necessary documents and th staff to go about acquiring the property and that the funds be taken from the Capital Improvement Fund-park acquisitions.

RESOLUTION TRANSFERRING FUNDS FROM SPECIAL CAPITAL OUTLAY RESERVE FOR LAND ACQUISITION AT MUNICIPAL AIRPORT

Upon the recommendation of the City Manager, Councilman Arata introduced

RESOLUTION NO. 55-519

seconded by Councilman Robinson, approving appropriation transfer of \$40,000 from the Special Capital Outlay Reserve to the Capital Improvement program for the acquisition of land for the airport improvements (agreed federal share of city participation in purchase price of Bowen-Hagedorn and George Olsen properties for expansion of the Modesto City-County Municipal Airport), which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Arata, Hammond, Robinson and Mayor Marks

Noes: None Absent: Anderson and Merrill

FURTHER DISCUSSION ON CAPITAL IMPROVEMENT PROGRAM

The City Manager asked that if the Council was generally in agreement on the items discussed at the adjourned meeting of November 29, on the Capital Improvement Program, that a further summary would be submitted for final consideration.

Park Development \$6550 proposed to be allocated. He stated that this consisted of three items, 1) \$310 for sidewalks at Maddux Youth Center; 2) \$2100 for a cooling system at Maddux Youth Center; 3) curbs and gutters at Whitmore Park, item has already been completed and charged to the general fund. It will be necessary to transfer this charge to the Capital Improvement Fund.

Sand Traps \$3500 and Traffic Signals \$25,000 Councilman Adams voiced a protest to the proposed allocation on the basis that these items should not be included in the Capital Improvement Fund. When the Capital Improvement Program was established, he stated, the understanding was that it would be a building program. Records of the Forward Modesto Committee will show that this type of expenditure was not considered as capital improvement. If these items are approved it should be on a loan basis with arrangements for the repayment to the capital improvement fund over a period of time so that a precedent will not be established.

The City Manager stated that the expenditure for sand traps could properly be handled in the regular manner and the expenditure for traffic signals would be considered when the other parking problem was resolved--- one way or other. He did not believe the intent originally was that this type of item should come out of the building fund.

Councilman Hammond questioned whether a person could say this year what would be needed in a community 15 years from now. He contended that the definition of capital improvement would change with the years.

The City Attorney pointed out that the Municipal Code provides that "the one-half cent sales tax money" shall be deposited and paid into the special capital outlay fund of the City and shall be expended solely for capital outlay purposes.

Councilman Robinson stated he did not think that the expenses of the operation of the city, replacement items, was the concept of capital improvement funds. These items were fundamentally a part of the operation costs. He also questioned the possibility of establishing a precedent for years to come if such items were purchased with capital improvement funds.

Mayor Marks stated that he had always felt that a portion of the parking meter revenue should be used for the purchase of traffic signals. He stated that he would not object to using the capital improvement funds for signals if the Council would recognize that "we agreed to leave the parking funds inviolate only so the people had an opportunity to form a parking district. If we decide on taking it out of the capital improvement funds, it is because parking funds are temporarily tied up."

Councilman Arata suggested that this decision could be made at the time the year had elapsed in June, that possibly the traffic lights could be delayed until that time. He pointed out that the provisions of the municipal code relating to capital expenditures should not be amended to spell out the uses for which the funds could be used because this year would be the only time such a situation would occur.

The Council members generally agreed that no change should be made.

The City Attorney pointed out that if it was changed to spell out the capital improvement, that it would take a vote of the people to change the provisions. This would prove a handicap if there were emergencies which were not foreseen.

The City Manager asked if it was the position of the Council that because of the status of the parking program, that the Council is willing to take the funds for traffic signals from the capital improvement funds at this point for this year, that the sand traps were to be financed through the general funds.

Mayor Marks stated, "Traffic signals have to come out of this money, final source to be determined in June." The Council generally agreed on this. It was agreed that the City Manager would present the necessary documents to formalize the expenditure of money as agreed.

DISCUSSION ON OLD JOHN MUIR SCHOOL BUILDING

A report was submitted by the Council committee on the old John Muir School building recommending

- 1- That proposals be requested and bids be let for the major repairs as necessary for occupancy
- 2- That the Parks & Recreation Department be authorized to plan for alterations and repairs necessary to accommodate their occupancy of the quarters reserved for them
- 3- The Parks and Recreation staff to operate and manage the building during the time necessary to complete the major alterations and repairs. Meeting rooms to be made available at a reasonable rental on a permanent assignment or single occupancy basis, tenants to furnish and redecorate rooms as necessary for satisfactory use.

Specifications for converting to a multipurpose room and for installing the kitchen to be prepared and bids let.

- 4- Beginning with the 1956-57 fiscal year, the operation of the building to be on a self-supporting basis by the Parks and Recreation Department staff or by an organization selected by the Council after reviewing proposals for such operation.

The City Manager suggested that if these recommendations met with the Council approval that the staff would 1) consider with the organizations which have expressed interest in operating the building and with any other organizations who may be interested, an arrangement under which they would assume the responsibility for management of the building on a basis which would be self-supporting and which would provide, if possible, for amortization of some of the city's original outlay; 2) set up a tentative rental schedule which would bring in revenue sufficient to cover all operating costs, and if possible, retire at least a portion of the original outlay by the city; 3) check with all interested organizations as to space requirements and rental fees; 4) draw up specific agreement to cover rentals for periods of 1-5 years.

The City Manager pointed out that it would be necessary to make an allocation of funds for the necessary repairs before the Parks and Recreation Department staff could be moved into the building. Mayor Marks pointed out the renovation of this building, so that it could be a community building, could logically be charged to the Capital Improvement Fund. Councilman Hammond recommended before the final program of improvements was authorized that an investigation be made to determine if the building would be self-supporting. Councilman Adams moved, seconded by Councilman Arata, and it was unanimously carried that the findings of the Council committee for the rehabilitating of the old John Muir School Building be accepted and the administrative staff be authorized to proceed on the basis outlined in this report.

Mrs. Hammaway, present at the meeting, asked various questions on the proposed improvements and rental arrangements.

ACCEPTANCE OF THE NINTH STREET PARKING LOT IMPROVEMENTS FROM M. J. RUDDY

The Traffic Engineer reported that this matter had not been cleared.

ESTABLISH ONE HOUR METERS ON EAST SIDE OF NINTH STREET BETWEEN I AND J STREETS

The City Attorney reported that no specific legislation had been adopted to establish a one-hour time limit and meter zone on the east side of Ninth Street between I and J Streets, which was presently in effect at this location. Councilman Arata introduced

RESOLUTION NO. 55-520

seconded by Councilman Hammond, establishing a parking meter zone on the east side of Ninth Street between I and J Streets, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Arata, Hammond, Robinson and Mayor Marks
Noes: None Absent: Anderson and Merrill

CONSIDER REMOVING OF DIAGONAL PARKING AT VARIOUS PLACES IN THE CITY

The Traffic Engineer recommended that the diagonal parking regula-

tions at the following locations be removed since the occupancy does not require more than 50% of the curb capacity:

Sixth Street between H and I Streets
 Thirteenth Street between G and H Streets
 East side of Fifteenth Street between Burney
 and E Streets
 South side of E Street between 15th and Burney Street.
 16th Street between H and I Streets
 18th Street between G and H Streets (west side)

Councilman Hammond moved, seconded by Councilman Arata, and it was unanimously carried, that the City Attorney be directed to prepare the necessary documents for Council consideration.

APPROVE INSTALLATION OF SCHOOL BUS LOADING ZONE ON ROSEDALE AVENUE

The Traffic Engineer reported that the construction of a new building at the Modesto High School required the moving of the existing loading zone from one location on Rosedale Avenue to another. Councilman Adams introduced

RESOLUTION NO. 55-521

seconded by Councilman Hammond, establishing a bus loading zone on the west side of Rosedale Avenue near its intersection with First Street and rescinding Resolution No. 9653-N.S. , which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Arata, Hammond, Robinson and Mayor Marks
 Noes: None Absent: Anderson and Merrill

ESTABLISHING A "NO PARKING" ZONE ON GRANGER AVENUE FOR THE LADY OF FATIMA CHURCH

The Traffic Engineer reported that the Lady of Fatima Catholic Church on Granger and Sherwood Avenues had recently constructed an off-street parking area and had filed a request that a "No Parking" zone be established between the two driveways and for a distance of one space on each side of the driveway to increase visibility and reduce congestion. Councilman Hammond introduced

RESOLUTION NO. 55-522

seconded by Councilman Arata, establishing a "no parking" zone on the north side of Granger Avenue between Sherwood and Enslin Avenues, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Arata, Hammond, Robinson and Mayor Marks
 Noes: None Absent: Anderson and Merrill

AUTHORIZE CONDEMNATION PROCEEDINGS TO ACQUIRE J. J. MAGGI PROPERTY FOR AIRPORT PURPOSES

As directed by the Council, City Attorney Grimes presented for Council consideration a resolution which would authorize the institution of condemnation proceedings to acquire the J. J. Maggi property to be used for the development of the Modesto City-County Airport. Councilman Arata introduced

RESOLUTION NO. 55-523

seconded by Councilman Robinson, authorizing the City Attorney to commence and maintain in the name of the City of Modesto such actions and proceedings of eminent domain in the Superior Court as are necessary for the purpose of condemning and acquiring the J. J. Maggi property to be used for the development of the Modesto City-County Airport, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Arata, Hammond, Robinson and Mayor Marks
 Noes: None Absent: Anderson and Merrill

RESOLUTION WITHDRAWING NORTHGATE SUBDIVISION FROM MCHENRY DRY CREEK FIRE PROTECTION DISTRICT

Upon the recommendation of the City Manager, Councilman Robinson introduced

RESOLUTION NO. 55-524

seconded by Councilman Adams, withdrawing the Northgate Addition from the McHenry-Dry Creek Fire Protection District by reason of its annexation to the City of Modesto, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Arata, Hammond, Robinson and Mayor Marks
 Noes: None Absent: Anderson and Merrill

REPORT ON USE TAX COLLECTION ON NEW CAR SALES

Director of Finance Lawrence submitted a report on the collection of Use Tax on new car purchases. He advised that the Finance Department was proceeding to collect through Small Claims action and attachment on those who failed to clear their use tax liability after reasonable notice from this office.

REPORT ON PROPOSED CLOSING OF A PORTION OF ROAD THROUGH BEARD BROOK PARK

A preliminary plan for the redevelopment of Beard Brook Park, which would eliminate the present through-drive in the park, was presented by Director of Parks and Recreation Lowrey for Council consideration. He pointed out that having a through-drive in a park created a traffic hazard for those using the park facilities, and many times cars tore up the lawn. He had discussed the plan with both the Police and Fire Department, he stated, and both departments agreed that the plan would be satisfactory. Councilman Arata moved, seconded by Councilman Hammond, and it was unanimously carried, that the plan be approved.

ADJOURNMENT

Councilman Adams moved, seconded by Councilman Arata, and it was unanimously carried, that the meeting now in session adjourn. The meeting was adjourned at 7:15 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 Chamber at the McHenry Public Library, 14th and I Streets, Mayor Marks presiding.

The City Clerk called the roll and there were

Present: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson and
Mayor Marks
Absent: Councilmen: None

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

Invocation was given by Rev. S. T. Zelmer, pastor of the Free Methodist Church.

LETTER FROM TUOLUMNE RIVER PARK ASSOCIATION

A letter from the Tuolumne River Park Association expressing appreciation for the Council's expression of approval of the application to the State for a State Park along the banks of the Tuolumne River, was read.

REQUEST FROM MODESTO CITY EMPLOYEES' ASSOCIATION--AMEND CONTRACT INCLUDE CERTAIN AMENDMENTS TO RETIREMENT LAW

A request was filed by the Modesto City Employees' Association that the Council consider amending the present contract with the State relating to retirement for city employees to include certain 1953 amendments to the State Retirement Act. Councilman Arata moved, seconded by Councilman Robinson, and it was unanimously carried, that the request be referred to the City Manager to confer with the Personnel Commission and City employees and report back to the Council.

REQUEST FROM U.S. POST OFFICE FOR RESERVED PARKING AREA DURING CHRISTMAS SEASON

A request was filed by Marion H. Moorehead, Postmaster, that the parking area on the north side of I Street, east of Third Street, adjoining the substation, be marked off as a "No Parking" area during the Christmas Season. Councilman Anderson introduced

RESOLUTION NO. 55-525

seconded by Councilman Arata, prohibiting the operator of any motor vehicle other than those operated by United States postal employees to stop or park such vehicle on the east side of I Street between Third and Fourth Streets for the period December 14 until December 28, 1955, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson and
Mayor Marks
Noes: None Absent: None

LETTER FROM G. T. MCCOY, STATE HIGHWAY ENGINEER RE: MEETING WITH COUNCIL TO DISCUSS GRADE SEPARATION

A letter was received from the office of G. T. McCoy, State Highway Engineer, in answer to the city's request for a meeting to discuss a railroad grade separation study. The City Manager was asked to make arrangements for a meeting to be held January 11, 1956, at 4:00 P.M. with dinner at 5:30, and invite the press.

LETTER FROM MODESTO TRANSIT ADVERTISING CO. RE: FRANCHISE FOR PLACING AND MAINTAINING BUS BENCHES ON CITY STREETS AND SIDEWALKS

A letter was filed by the Modesto Transit Advertising Company, renewing its application for an exclusive franchise for the right to place and maintain benches with advertising on the streets and sidewalks of the city.

The City Attorney pointed out that there had been two separate applicants for this particular franchise; that bids had been called for and rejected; and that the bid of California Bench Co. was the best that had been submitted. He pointed out that during the last four years, the Council had never granted a franchise to any individual, other than the best bidder when more than one individual was interested in obtaining it. He stated that this was an indication of the past policy, but that there was no legal reason which prohibited the granting of the franchise, without calling for bids again.

Mr. Tomsen, together with a representative from the company manufacturing the benches presented for Council inspection a drawing indicating the superior quality and construction of the bench they proposed to install.

Councilman Merrill moved, seconded by Councilman Arata, and it was carried, that the City Attorney be instructed to draw up the franchise for presentation to the Council on the same terms that were included in the previous specifications and at the same price that was offered by the Modesto Transit Company.

Mayor Marks pointed out that the only reason the Council was interested in benches for the city was not because of the advertising revenue but because it was interested in doing everything to help the bus company to continue to operate. He pointed out that the Council had previously turned down a number of requests to install benches.

RESOLUTION NO. 95-526 CALL FOR BIDS FOR GASOLINE FOR YEAR ENDING JANUARY 15, 1957

Specifications for gasoline for the period from January 16, 1956, through January 15, 1957, were presented for Council consideration. Councilman Hammond introduced

RESOLUTION NO. 95-526

seconded by Councilman Anderson, approving the specifications and authorizing the call for bids. Said bids to be filed with the City Clerk on or before 2:00 P.M., Tuesday, January 3, 1956, which resolution was regularly adopted by the following vote

Ayes . Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson and
 Mayor Marks
 Absent: None

RESOLUTION NO. 95-527 CALL FOR BIDS FOR INDUSTRIAL ELECTRICAL COMPANY FOR FURNISHING AND INSTALLING FLUORESCENT STREET LIGHTING DISTRICT, IMPROVEMENT DISTRICT NO. 4

Director of Public Works Kay reported on his investigation, as requested by Councilman Robinson at the Council meeting of December 7, 1955, of the use of fluorescent lighting manufactured by General Electric, which might reduce costs of construction and operation. He reported that the use of fluorescent street lighting materials had been considered when plans and specifications were prepared for Improvement District No. 4 - Downtown Lighting District, but the staff had concluded that the most economical

street lighting available at this time was mercury-vapor without color correction. Councilman Hammond introduced

RESOLUTION NO. 863-S.P.

rejecting all bids or proposals for the furnishing and installation of street lighting materials in Improvement District No. 4 except that of the Industrial Electrical Company and awarding the contract for the doing of said work and improvement to the lowest responsible bidder, the Industrial Electrical Company, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson and
Mayor Marks
Noes: None Absent: None

HEARING ON CHANGE OF BOUNDARIES IN IMPROVEMENT DISTRICT NO. 4

Mayor Marks announced that the hour of 8:00 P.M. had arrived, the time set for hearing protests to proposed changing of the boundaries of the proposed assessment district, all in Improvement District No. 4 (adding two blocks, H Street between 12th and 14th Streets).

The City Clerk filed an affidavit that Resolution No. 860(a) S.P. had been published according to the provisions of the law and that no written protests had been filed.

Mayor Marks asked if there were any oral objections or any other statements to be made by any person with respect to the proposed change in boundaries of the improvement district. There being no oral or written protests, Mayor Marks declared the hearing closed.

Councilman Arata introduced

RESOLUTION NO. 864-S.P.

seconded by Councilman Anderson, changing the work and boundaries of Improvement District No. 4 to include two blocks on H Street, between 12th and 14th Streets, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson and
Mayor Marks
Noes: None Absent: None

ORDINANCE APPROVING AGREEMENT WITH EMPIRE FIRE DISTRICT

The City Attorney presented for Council consideration, an agreement and lease between the city and the Empire County Fire Protection District relating to the division of district assets and the leasing of Lot 13 in Block 2196 of Alta Vista Tract to the district. He reviewed the major points of the settlement worked out with the assistance of a council committee.

Councilman Arata moved the introduction and passage to print of

ORDINANCE NO. 60-C.S.

entitled: "AN ORDINANCE APPROVING AN AGREEMENT WITH THE EMPIRE COUNTY FIRE PROTECTION DISTRICT IN STANISLAUS COUNTY RELATING TO THE DIVISION OF DISTRICT ASSETS AND AUTHORIZING THE LEASE OF CERTAIN REAL PROPERTY TO THE DISTRICT", which motion being duly seconded by Councilman Robinson, was upon roll call carried and ordered printed and published by the following vote:

Agreed: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson and
Mayor Marks
None: None Absent: None

ORDINANCE APPROVING AGREEMENT FOR PURCHASE OF LAND FROM KENNETH H. DURAND
FOR USE BY CITY FOR GOLF COURSE PURPOSES

The City Attorney presented for Council consideration, an agreement between the city and Kenneth H. Durand for the purchase of Parcel No. 1030,000, plus 1.557 acres, more or less, of land owned by the city to be used in the development of the Bryden Park Municipal Golf Course. He reported that the description on the city's property had been revised to reserve the existing public easement across the property. Councilman Arata moved the introduction and passage to print of

ORDINANCE NO. 61-C.S.

entitled: "AN ORDINANCE AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY FROM KENNETH H. DURAND AND GLADYS S. DURAND FOR USE BY THE CITY OF MODESTO FOR MUNICIPAL GOLF COURSE PURPOSES, AND AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY OWNED BY THE CITY", which motion being duly seconded by Councilman Merrill, was upon roll call carried and ordered printed and published by the following vote:

Agreed: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson and
Mayor Marks
None: None Absent: None

MODESTO PLANNING COMMISSION RESOLUTION NO. 267 RECOMMENDING THAT THE COUNCIL
ACCEPT CERTAIN PROPERTY FOR PUBLIC RIGHTS OF WAY FROM RICHARD LYNG

Resolution No. 267, adopted by the Modesto City Planning Commission, December 6, 1955, recommending to the Council the acceptance of certain property for public rights of way from Richard Lyng, was read. This right of way would create an alley between Haney and Kearney, which could be used for public utilities instead of locating them in the street, and a partial street. The Commission recommended the acceptance on the condition that when the balance of the partial street is dedicated, the whole street, will be improved by the dedicant and shall include the installation of sidewalks, curbs and gutters on both sides of the street, and street pavement.

Robert Bomberger, agent for Mr. Lyng, questioned the provisions relating to the construction of sidewalks since this area was industrial instead of residential.

Director of Planning Smetta stated that these improvement requirements were the same for industrial as residential and it was the intent of the Commission to require sidewalks with the other improvements.

Mayor Marks moved, seconded by Councilman Robinson, and it was carried, that the recommendation of the Planning Commission, as outlined in its Resolution No. 267, be approved in principle and authorizing the staff to proceed with the preparation of the necessary documents, provided Mr. Lyng and his representative, Mr. Bomberger, would agree to all the conditions set forth in the above resolution.

The City Manager stated that if the staff encountered any problems, the matter would be brought back to the Council for its guidance and direction.

PUBLIC HEARING ON PROPOSED REZONING OF BLOCK 6075 - LOT 6 (BRENDemuEHL)

Mayor Marks announced that the hour of 8:15 P.M. had arrived, the time set for hearing protests to the zone reclassification of Lot 6 of Block 6075 of the Fremont Park Tract from R-1 one-family residential zone to R-2, two-family residential zone, owned by Wm. Brendemuehl.

The City Clerk filed an affidavit that the Notice of the hearing had been published as required by law and that no written protests had been filed.

Mayor Marks asked if there were any oral objections or any other statements to be made by any person with respect to the proposed zone reclassification.

Don Oliver, representing 13 adjacent property owners, protested the proposed rezoning. He filed a written protest with the City Clerk at this time signed by these owners. He asked that a variance be granted Mr. Wm. Brendemuehl, which the City Attorney pointed out would not be legal.

Director of Planning Smeath stated that the Commission had approved this request on the basis of its policy of zoning property along Tully as R-2 and R-3 to form a buffer for the residential area adjoining this major city street, which is heavily traveled.

The Council brought up the question of "spot zoning". Mr. Smeath explained that this area had recently been annexed to the city and all such areas automatically were zoned R-1 unless rezoned. He stated that this could not be considered spot zoning and until a land use study for the entire community was completed there would constantly be similar situations. He pointed out that it would be unfair to property owners to deny them the opportunity to apply for zone reclassifications until this study had been completed. The present zoning regulation requires that each application be considered, the Commission and Council must act on these applications, either grant or deny until such time as the studies are completed, he stated.

Mr. Oliver presented a copy of the "Declaration of Restrictions" applying to the Fremont Park, which had been filed with the Stanislaus County Recorder, March 16, 1955, which provided that "all of the lots in said tract are hereby designated as residential lots and shall be used for private residential purposes only".

The City Attorney pointed out that if the request was granted by the Council, there might be a possibility of civil court action by the property owners, to restrain the building of multiple residences because of the declaration of restrictions.

Mr. Smeath pointed out 1) that the Planning Commission felt that this would not be spot zoning that it was part of a plan of zoning, part of a pattern of multiple family use along Tully; and 2) the Planning Commission has, a number of times, specifically stated that it would not recommend zoning against private deed restrictions. The Commission was not aware of the restrictions on this lot at the time of the hearing.

Mr. Oliver stated that the F.H.A. would not grant a 90% loan on residential property adjoining a multiple family zone and would cut the percentage down to 75%.

Councilman Anderson moved, seconded by Councilman Robinson, and it was unanimously carried, that the matter be referred back to the Planning Commission for a further investigation and report.

DISCUSS CIVIL DEFENSE ORGANIZATIONAL SET UP FOR THE CITY OF MODESTO

Mayor Marks reported that this was the first meeting of a series at which the Council would consider different departments involved in the city government. Each week, he continued, a department will be reviewed in order that all departments can be considered prior to budget time. He suggested that a limit of 45 minutes be placed on each presentation, which would consist of a report by the department head and a question and answer session by the Council and administrative staff. He suggested that if there were any technical questions about any department which the members wished to raise that he go direct to the department and discuss it with the department head or ask that the unanswered questions be placed on the Council agenda for a future date.

The City Manager introduced E. J. Setzer, Regional Coordinator of Region 3 of the State Civil Defense, Mr. Morse, Assistant Coordinator, and Sergeant Jacobson of the Ground Observer Corps. The City Manager briefly reviewed the joint county-city civil defense organization, which had been established by ordinance.

Mr. Setzer reported on his conferences with the city and county officials which had been held this date regarding the civil defense program. The state, he reported, reduced its regions from 10 to 3; Modesto is in Region 3 which consists of 30 counties and 126 political subdivisions, with its main office in Chico. In case of disaster, this area is scheduled to care for the people who will be evacuated from the bay area and there must be an organization ready to function on short notice. He expressed approval of the present type of organization, using the city employees, to form a continuing type of disaster and civil defense organization. The reason, he stated, was that this type of organization, as compared to a volunteer citizen organization, could be placed into operation by the city officials in a short time in case of disaster. He offered to work with the City Manager and the various department heads to further effect organization of the groups.

He stated that certain funds have been allocated by the federal government which could be made available to the city which would cut down the city's costs for a training program. He offered his assistance in the preparation of the application to the federal government for the funds. He also suggested that the City Manager be authorized to work with him on a check of the possible necessity of a warning signal for the city. He pointed out that his office was available to the city at any time to assist in any phase of the civil defense program.

The City Manager outlined the city and county activities and stated that he wanted the Council to know what was being done and what was not being done; that only a "cadre" organization was being maintained, and that he would work with Mr. Setzer during the next 30-60 days to see if there are any necessary changes in the present ordinance relating to Disaster and Civil Defense.

Sergeant Jacobson spoke briefly on the "sky watch" program for the city which is being carried on at the tower jointly erected by the city and county in Roosevelt Park.

ALLOCATION OF FUNDS FOR AIRPORT CONSTRUCTION

The City Manager reported that the fiscal data relating to the capital improvement program for 1955-56 had not been cleared as yet for the necessary appropriation transfer of funds but he recommended the adoption of a resolution providing for the transfer of funds for airport construction.

Councilman Arata introduced

RESOLUTION NO. 55-527

seconded by Councilman Adams, authorizing the appropriation transfer of \$90,000 from the Special Capital Outlay Reserve of the Special Capital Outlay Fund to Capital Improvement Program for airport construction, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson and
Mayor Marks
Noes: None Absent: None

DISCUSS AGREEMENT WITH R. B. ASBILL ON RIGHT OF WAY FOR WIDENING OF D STREET

Terms of an agreement with R. B. Asbill relating to the dedication of a portion of Block 215 to the City for the widening of D Street was reviewed by the City Attorney. He reported that Mr. Asbill would agree to deed a portion of his property to the city without cost on the condition the city would agree to transfer at the same time, when and if the street was widened, a triangle area in exchange. This triangle area would be the remainder of the Pearsall property which the city would have to acquire for the widening of the street. Due to its size and location, he stated, it would be expedient for the City to acquire the entire Pearsall property and a small triangle area adjoining the Asbill property would probably not be needed in the street widening.

The City Manager asked that final approval of the agreement be held over until a further check could be made with Mr. Asbill on his reservation to deed the right of way to the city. He pointed out that Mr. Asbill had previously agreed to deed the property when the city needed it, and to sign an agreement. The Council considered there were too many "ifs" in the agreement.

CLARIFICATION OF COUNCIL COMMITTEES

The City Manager asked if it was the Council's desire to continue the parking committee as a temporary committee which had been appointed by Mayor Marks when the zoning ordinance hearings were held. He pointed out that this committee had not been included in the Council committees which had been approved for continuance at the meeting of July 20, and that all other outstanding committees had been dissolved. He pointed out that the "Garbage" and "County Funds for Recreation Program" committees had completed the matters before them and could be dissolved if the Council approved. He suggested that the committee on the claim of the police and fire department personnel for holiday pay and airport committee should also be added to the active list. Councilman Robinson moved, seconded by Councilman Hammond, and it was unanimously carried that the recommended changes be approved. The following Council committees were approved as still active:

Sewer: Adams, Merrill, Robinson

Old John Muir School: Arata, Merrill, Hammond

Dennett Dam: Adams, Arata

Civic Center-City Hall-Police Building: Anderson, Merrill, Robinson

Drainage on Tully (Use of M.I.D. Laterals for storm sewer):

Adams, Hammond, Merrill

Teresa Street School Park: Merrill, Adams, Hammond

Parking Committee: Hammond, Anderson, Adams

Holiday Pay for Policemen and Firemen: Arata, Merrill, Anderson

The City Clerk was directed to send a list of these committees to each Council member.

Airport Land Acquisition: Arata to work with administrative staff

SET TIME AND PLACE FOR HEARING ON RECLASSIFICATION OF ZONING

Resolution No. 260, adopted by the Modesto City Planning Commission, recommending to the Council that Section Map No. 19 of the zoning map be amended to reclassify the property owned by Charles T. Chadwick on the west side of Tully Road opposite Madrone Avenue, from R-1 zone to C-1 Neighborhood Commercial Zone, was read.

Councilman Anderson introduced

RESOLUTION NO. 55-528

seconded by Councilman Adams, setting the time of 8:00 P.M., January 11, in the Council Chamber at 14th and I Streets, as the time and place for the hearing of protests to the proposed amendment to the zoning map, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks
Noes: None Absent: None

Resolution No. 261, adopted by the Modesto City Planning Commission, recommending to the Council that Section Map 32 of the zoning map of the city be amended to reclassify lots 29, 30, 31 and 32 in Block 71 from General Commercial (C-1) to Commercial-Industrial (C-M), owned by Rose Menegan, was read. It was pointed out that due to the fact the official newspaper of the City was a weekly paper, and therefore publication could not be made this week, that the first possible date for the public hearing would be January 4. The City Attorney asked that the records of this meeting show the fact that it is impossible to get any publication in the official newspaper during the week the Council directs the action.

Mayor Marks asked the City Clerk to keep a record of such cases so that they can be considered at the time the bid was called for the official advertising. Councilman Merrill introduced

RESOLUTION NO. 55-529

seconded by Councilman Adams, setting the time of 4:15 P.M., January 4, 1956, in the Council Chamber, 14th and I Streets, as the time and place for the hearing of protests to the proposed amendment to the zoning ordinance, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks
Noes: None Absent: None

SET TIME AND PLACE FOR HEARINGS ON REQUESTS FOR UNCLASSIFIED USE PERMITS

Modesto Junior College-Building on Campus

Resolution No. 264, adopted by the Modesto City Planning Commission, recommending that the Council grant an unclassified use permit to the Board of Education of the Modesto City Schools to add a new auditorium, classroom and plant facilities to be located on the Modesto Junior College site, was read.

Resolution No. 265, adopted by the Modesto City Planning Commission, was read. The Commission recommended to the Council that an unclassified use permit be granted to Grace Ayer for the day care of 8 children at 205 Buena Vista Avenue.

Resolution No. 266, adopted by the Modesto City Planning Commission, was read. The Commission recommended to the Council that an unclassified use permit be granted to Grover C. Montgomery for the day care of 6 children on November 8, 1955.

Councilman Robinson introduced

RESOLUTION NO. 55-530

seconded by Councilman Adams, setting the time on the Modesto City School's application at 4:30 P.M., January 4; 4:35 P.M. for the Grace Ayer application; and 4:40 P.M. for the Grover C. Montgomery application, in the Council Chamber, 14th and I Streets, as the time and place for the public hearing on the aforesaid applications, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks
Noes: None Absent: None

The Director of Planning reported that there had been some parking problems raised on the School's application. A number of persons were in the audience, who were interested in this application. He pointed out that it would be best to withhold any discussion until the public hearing. Mayor Marks asked if anyone wished to discuss the application at this time. No one from the audience spoke on the matter.

APPROVE CHANGE IN VACATION RULE FOR CITY EMPLOYEES

The City Manager reported that the present method of computing vacation for city employees on the calendar day basis instead of the work day basis had caused some confusion. The various city employees' associations had requested a change to the work day basis. There would be no difference in time allowed but it would be more easily understood by employees. The deletion of the rule which provides that if a person was discharged or resigned in lieu of discharge or left the employ without giving sufficient notice would not lose his earned vacation, was also recommended by the Personnel Commission. The required public hearing on the proposed changes has been held by the Commission, as provided by Section 1109 of Article XI of the City Charter, he stated, and it is recommended that the Council give favorable consideration to the proposed changes. Councilman Arata introduced

RESOLUTION NO. 55-531

seconded by Councilman Merrill, amending Section 13.4 of the Personnel Rules and Regulations relating to Vacations, effective January 1, 1956, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks
Noes: None Absent: None

RESCIND RESOLUTION NO. 55-520 ESTABLISHING PARKING METER ZONE ON NINTH STREET BETWEEN I AND J STREETS

The City Attorney reported that Resolution No. 55-520, adopted December 7, establishing a parking meter zone on Ninth Street, between I and J Streets was unnecessary since this zone had previously been established

by Ordinance No. 813-N.S. He recommended that the resolution be rescinded. Councilman Merrill introduced

RESOLUTION NO. 55-532

seconded by Councilman Anderson, rescinding Resolution No. 55-520, entitled: "A RESOLUTION ESTABLISHING A PARKING METER ZONE ON THE EAST SIDE OF NINTH STREET BETWEEN I AND J STREETS IN THE CITY OF MODESTO", which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks
 Noes: None Absent: None

REPORT ON APPLICATION TO C.A.A. FOR AIRPORT FUNDS

Plans for the improvements at the Modesto City-County Airport were presented for Council inspection by the Director of Public Works. He reported that an extension of one week's time for the filing of the project application with the C.A.A. had been approved. Arrangements made by the County to delay its allocation of co-sponsor's funds for the complete project until the fiscal year 1956-57 did not meet with the approval of the C.A.A., he stated, and although the county had authorized execution of the application by the chairman of the Board of Supervisors, it may now be necessary to delay construction until early next fall. He pointed out that the approval of the application by the C.A.A. may be received sometime in January but he suggested that it would be to the city's advantage to delay the call for bids until September so that the work could begin in November or December, as a better bid could possibly be obtained from the contractors during the slack winter season. He estimated the project could be completed in 6-8 months.

The City Manager read a letter from the United Air Lines which indicated that it would be 1957 before there would be a need for the new runway for landing Convair planes.

Mayor Marks expressed the appreciation of the Council to Director of Public Works Marvin Ray and the personnel of the department for the "midnight" oil they had burned on the airport project.

Mr. Ray reported that the entire airport project would cost approximately \$637,000, federal government would assume 54.2% of the costs and each co-sponsor would have a total investment of approximately \$147,000.

Councilman Arata introduced

RESOLUTION NO. 55-533

seconded by Councilman Robinson, authorizing the City Manager to sign and submit a project application to the Civil Aeronautics Administration for federal aid in the construction and lighting of new primary runway with parallel taxiway at the Modesto City-County Airport, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks
 Noes: None Absent: None

AUTHORIZE CITY MANAGER TO SERVE ON LEAGUE COMMITTEE ON AVIATION

The City Manager asked and received Council approval to serve on a

League Advisory Committee on Aviation Problems. He reported that the committee had recommended to the League Board that legislation be considered on the following: 1) that the projects be scheduled over a full four year basis instead of a one year basis; 2) provisions be made to place the C.A.A. funds in escrow so that the co-sponsors would not be required to advance the funds for the entire project in advance and be repaid after completion of the project.

MAYOR MARKS ASKED TO SERVE ON LEAGUE COMMITTEE ON TAXES AND ASSESSMENTS

Mayor Marks reported that he had accepted an invitation from the League to serve on a committee on taxes and assessments.

FURTHER CONSIDERATION OF REQUEST OF HARRIS CONSTRUCTION COMPANY FOR TEMPORARY CLOSING OF JEFFERSON STREET BETWEEN PARADISE AVENUE AND CALIFORNIA

Traffic Engineer Carmody reported that he had checked with the residents adjacent to the intersection of Jefferson Street, California, and Paradise Road, regarding the request of Harris Construction Co. to temporarily close Jefferson Street during the construction of the agricultural building at the Modesto High School. The only person objecting to this proposal was the operator of the grocery store on Jefferson Street.

Mr. Carmody suggested that as an alternative, that California Avenue between Jefferson Street and Paradise Road be closed.

Councilman Hammond introduced

RESOLUTION NO. 55-534

seconded by Councilman Anderson, approving the temporary closing of California Avenue between Jefferson Street and Paradise Road for vehicular traffic use and granting a permit to the Harris Construction Company to use said area for the storage of construction materials required for the construction of an agricultural building of the Modesto High School, under certain conditions as set forth in the resolution, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks
 Noes: None Absent: None

DISCUSSION ON TAXI MATTERS

Mayor Marks suggested that the report dated December 6, 1955, submitted by the Traffic Engineer to the City Manager, on taxicabs, be considered point by point with the operators who were present:

1- All certificates should be recalled

No objections offered.

2- New certificates would be issued for each cab now operating. No excess certificates would be issued.

Sam Secreto objected to this recommendation. He stated that this had been done a short time ago and he objected to going through this procedure each year.

Mr. Carmody stated that the reason for this recommendation was that the Municipal Code required that the certificates be up to date

and one of the operators was in violation of the Code, since he had five certificates and was only operating two cabs.

Mr. Sequeira, operator of Joe's Taxicab, offered no objections.

Mr. Lawrence, operator of Smitty's Taxicab, asked whether there would be any delay in obtaining new certificates when cars were changed. The City Manager pointed out that under the new proposed set up, at the most, there would be a two weeks delay.

The Council offered no objections to the first two recommendations.

The City Attorney pointed out that unless the operator was willing to voluntarily give us his extra certificates, the only way they could be recalled by the Council was pursuant to the provisions of the Municipal Code.

- 3- Each operator should be required to display in a conspicuous place, the certificate for each cab in the cab described

Mr. Secreto objected to this recommendation on the basis that there was no safe place to display the certificate in the cab. No other objections were offered by the operators or Council members.

It was agreed that the operators should select a location which would be agreeable to the majority and notify the city of their decision.

- 4- As cabs are discontinued, companies should be required to surrender the certificate within ten days of the discontinuation

Mr. Carmody explained that this did not apply to the temporary breakdown of a taxicab that the same code regulations would remain in effect. No objections filed.

- 5- As cabs are replaced, new certificates should be required before operation of that cab. Applications for certificates for cab replacements should not require Council action if the request for the replacement is made within 15 days of the discontinuance of the preceding cab.

No objections offered.

- 6- Cab rates should be displayed on the front doors of the vehicle in 1½ inch or larger letters or numbers

It was generally agreed that the rates should be prominently displayed inside the car. If the operator wanted to place the rates on the outside, that he should also display the rates on the inside.

The City Manager pointed out that the operators were not complying with the code regulations at the present time on the posting of rates and that he wanted it understood that, with whatever changes the Council made, the code regulations would be strictly enforced.

- 7- All cab companies should be required to maintain adequate records of business and financial matters.

Unless adequate records are maintained, it is impossible for the city to determine whether a fare increase would be warranted and whether an application for a new permit would be justified.

Mr. Secreto objected that the city should have the right to inspect a company's records.

The City Manager recommended that if the Council was going to set rates or determine the number of cabs that a company could operate, that adequate records must be kept and be available for inspection by the city.

No other objections were raised by the operators or the Council members.

- 9- Section 4-6.202 regarding applications for certificates should be amended to require that the applicant state whether or not a cab stand is also sought. If a cab stand is also sought a suggested location or locations should also be given

No objections.

- 10- Section 4-6.801 allows the first cab stand to be free. This section might be revised to charge for all stands. This might have the effect of minimizing stands and encouraging the use of radio

Mrs. Lane stated that the Planning Department had advised it was impossible to obtain a permit for a radio unless they were located in an industrial zone. It was agreed by both the operators and the Council members that no consideration be given to this recommendation at the present time.

- 11- Section 4-6.501 might be changed to state that the Traffic Engineer shall designate the persons to inspect new taxis. In this case I (Mr. Carmody) would call upon the city's shop foreman, Bill R. Riffenburg, or assistant, to help in checking the condition of the taxis.

No Objections.

- 12- Section 4-6.503 should state that no unsafe taxi shall be operated. This statement tying in with the "right of entry" Section 4-6.502 would then give us the right to check for mechanical condition at any time after a certificate has been issued.

No objections

- 13- Section 4-6.706 requiring taxi drivers residence in the city is restrictive and should be noted.

The operators agreed that the section should remain as is and no change be made.

- 14- Section 4-6.802

It was recommended by the staff that cabs should be allowed to solicit business from a private off-street facility but not from a municipal parking facility and that parking of taxis should be permitted on private property anywhere while awaiting employment. No objections were offered by the operators.

- 15- That the primary responsibility would be consolidated in the Traffic Engineer

No objections.

Councilman Anderson moved, seconded by Councilman Robinson, and it was unanimously carried, that the City Attorney be instructed to prepare the necessary documents to amend the Municipal Code to include the recommended changes.

The City Manager suggested that a public hearing be held only on those matters where it is required.

MATTERS FOR CONSIDERATION OF THE COUNCIL AND GOOD OF COMMUNITY

Mayor Marks asked if there were any matters to be presented for the consideration of the Council and good of the community.

J. A. Hamilton, 409 I Street, commended Fire Chief Wemyss and personnel of the Fire Department on their prompt answer to a fire call in his neighborhood and the excellent manner in which the department worked as a crew to put out the fire.

Mayor Marks stated that the citizens of this city are very proud of its fire department.

PAYMENT OF FRANCHISE TAX BY THE MODESTO MOTOR BUS SERVICE

A letter from Willis M. Kleinenbroich, owner of the Modesto Motor Bus Service was read. Mr. Kleinenbroich withdrew his request of December, 1954, to the Council that the franchise tax be temporarily suspended. He enclosed his check in amount \$996.43 covering the franchise payment for period December 1, 1954, through October 31, 1955, based on gross receipts of \$62,707.91. The City Manager was authorized to write a letter of appreciation to Mr. Kleinenbroich for his cooperation during the past months.

HOLD OVER CONSIDERATION OF RESOLUTION REMOVING DIAGONAL PARKING ON CERTAIN STREETS

The consideration of adopting a resolution removing diagonal parking on certain streets was held over to a later meeting.

RESOLUTION OF INTENTION TO CLOSE DEL VALE AVENUE - SET DATE PUBLIC HEARING

Resolution No. 263 adopted by the Modesto City Planning Commission recommending to the City Council the abandonment of a portion of Del Vale Avenue, was read. The Commission's recommendation was based on the fact that this portion of the street was located in J. M. Pike Park and had never been improved and that the public welfare and convenience would be served if this portion of the street was abandoned.

Councilman Merrill introduced

RESOLUTION NO. 865-S.P.
RESOLUTION OF INTENTION NO. 250

seconded by Councilman Robinson, setting the date of Wednesday, January 11, 1956, at 8:30 P.M. in the Council Chamber, 14th and I Streets, as the time and place for hearing all persons interested in or objecting to the proposed vacation of that portion of Del Vale Avenue located in the J. M. Pike Park, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks
Noes: None Absent: None

CONSIDER MATTER OF BRET HARTE RECREATION FUND

Legal difficulties involved in the appropriation of funds by the County for the Bret Harte recreation program were explained by the City Manager. He suggested that the City could enter into an agreement with the County for the conducting of the program for that area which is located outside the city to expend only those funds allocated by the county and to maintain the records required by the county before funds could be allocated.

The City Attorney pointed out that it also would not be legal for the city to contract with the Bret Harte Association for the handling of the funds.

Councilman Hammond questioned whether the city should go outside its limits for additional work.

Mr. Hamilton stated that the County Counsel had advised him that the city could be considered a qualified agent to handle the funds.

Councilman Anderson moved, seconded by Councilman Adams, and it was unanimously carried that the matter be referred back to the administrative staff for study and solution.

APPOINTMENT OF COUNCIL MEMBER TO SERVE ON BOARD OF EAST MODESTO SANITARY DISTRICT

Councilman Hammond moved, seconded by Councilman Adams, and it was unanimously carried, that Councilman Lawrence Robinson be appointed as Council member to serve on Board of East Modesto Sanitation District.

RESOLUTION FROM PLANNING COMMISSION ON TUOLUMNE RIVER PARK

Resolution No. 268, adopted by the Modesto City Planning Commission, recommending to the City Council that appropriate action be taken to push forward the development of a state park along the Tuolumne River, was read.

Director of Planning Smeath stated that it was important that the city prepare a report for the State advising which lands would be made available for state park purposes and under what conditions such lands would be made available.

The City Manager reported on the meeting with the state officials and pointed out that the city should include in its report the specific portions of the river area which could be made available to the state for park purposes in sizeable chunks of land. He reported that there were two kinds of state funds available 1) any remainder of the \$5,000,000 allocated which was not specifically earmarked and which would be available on a matching basis, and 2) additional money from oil royalties which the State Park Commission is recommending be on a non-matching basis. He stated that he had suggested to the Commission that in the non-matching program that special consideration should be given to those who are willing to match the funds with land, etc. Some of the members of the Commission agreed to the suggestion if it is an appropriate part of the state park system.

A further report would be presented to the Council outlining specific areas for its consideration.

Mr. Smeath reported that the Tuolumne River Park Association would endeavor to obtain land grants from private individual property owners to submit to the state along with the city and county land. Councilman Robinson moved, seconded by Councilman Adams, and it was unanimously carried that

1) the Council take appropriate action to push forward the development of a state park along the Tuolumne River; 2) that the Council go on record as to which lands, if any, now owned by the city would be made available to the state; and 3) that the Council recommend to the Board of Supervisors that it have a specific Tuolumne River Park proposal prepared for submission to the State Division of Beaches and Parks.

ACCEPT DEEDS FOR WIDENING OF TULLY AVENUE

The City Attorney presented for Council consideration, grant deeds from Robert P. Bomberger, et ux, Maurice Zelda, and Travis P. Townsend, et ux, for the widening of Tully Avenue.

Councilman Anderson introduced

RESOLUTION NO. 55-535

seconded by Councilman Arata, accepting the grant deeds and authorizing their recordation with the Recorder of Stanislaus County, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks
Noes: None Absent: None

REPORT ON SALE OF SURPLUS PROPERTY

The City Manager reported that the proceeds from the sale of surplus property which was held on December 10, would be approximately \$2500.

REPORT ON STATUS OF DECLARATORY RELIEF CASE

The City Attorney reported briefly on the status of the city's declaratory relief case relating to contracts with members of the Valley Builders Exchange while Councilman Anderson was its executive secretary. He reported that the case was now being briefed by Counsel for both sides and that a decision should be rendered by the courts in approximately three months.

REPORT BY CITY ATTORNEY ON "PROHIBITED INTERESTS IN PUBLIC CONTRACTS"

The City Attorney submitted a report, dated December 7, on the subject "Prohibited Interests in Public Contracts", a copy of which is on file with the records of this meeting.

The City Manager pointed out that the city buys many things from many people in the regular purchasing procedure and if there were any interests involving Council members or administrative officials, that in fairness to the administrative staff, they be advised.

The report was generally discussed and Mayor Marks moved, seconded by Councilman Hammond that in order to protect the interests of the city, all members of the Council and fiscal officers of the city, that the Council does hereby establish a policy that each member of the Council shall be under a continuing obligation to disclose to the Council any direct or indirect interest he may possess in any contract, sale, purchase, lease or transfer of real or personal property to which the city may be a party before any such transaction is consummated by the city and that in the absence of any such disclosure, it may then be assumed that no such prohibited interest exists. The motion was unanimously carried.

REPORT ON RESPONSIBILITY OF CITY FOR ASSESSMENT OF PROPERTY

A report, dated December 14, on the subject "Responsibility of City for Assessment of Property", was read and filed by the City Manager, a copy of which is on file with the records of this meeting.

The City Manager recommended that the City Council support whatever action is required to determine the nature and degree of inequities, if any, that may exist in current assessments both inside the city and throughout the County. This action, he reported, should be taken in all fairness to both city and county officials who are ultimately responsible for establishing and maintaining assessments equitable to all property taxpayers and to clear many of the questions which have arisen. Since another lien date at which time assessments will again be established and which will later come before the local Board of Equalization for consideration, it is important that this should be cleared as promptly as possible.

In the general Council discussion on the report, the following points were brought out:

- 1- That someone from the outside should be hired to take a look at the picture to see if there is a problem. If there is, how best can it be handled.
- 2- That if this is done, that a sampling of 2-300 pieces of property could be taken and the survey completed in a few weeks.
- 3- That if the people of the city and county wish to have an outside firm, that there were quite a number of firms in this business willing to do it for a fee, if given an opportunity.

The City Manager recommended that the problem be discussed with the board and Assessor by the City Council, as a representative of the people of Modesto, to determine what is required and what is needed to sponsor the project to see what is needed to obtain the facts.

Councilman Arata stated that the Board should be encouraged to go ahead and do something about the problem. It was agreed that the Mayor should write a letter to the Board relating to this problem.

REPORT ON DISCUSSION WITH BOARD OF FIRE UNDERWRITERS ON IMPROVEMENT TO FIRE PROTECTION

The City Manager reported on the recent meeting held with the representatives of the Board of Fire Underwriters of the Pacific regarding the operation of the city's Fire Department, as outlined in the city's letter of December 1 (copies of which were previously sent to the Council members).

Reports starting to circulate around the city that Modesto would lose its #2 rating unless more firemen are hired immediately, is not true, he stated. A proposal to increase its man power next year, and to relocate some of its fire stations during the fiscal year 1956-57, was discussed with the Board months ago. The Board cannot tell the city what to do. The only thing it does is to rate the city. The city's rate depends, to a considerable extent, on what it provides in fire protection facilities. The city is constantly reviewing with the Board, requirements to maintain its #2 rating, he stated. The Board has assured us that they have no plans to make a resurvey of Modesto for rating purposes at this time. These surveys are normally made about every 10 years. The Board is anxious that when Modesto is turned over to the supervision of the National Board of Fire Underwriters, which occurs when a city's population reaches 25-35,000, it will be in the proper shape to maintain its #2 rate. One of the principal things to be maintained by a city is a high standard of building construction.

Any persons who are "passing the word around that Modesto is about to lose its #2 rating, just do not know what they are talking about", he stated.

REPORT ON FINAL COSTS OF CONSTRUCTION OF CARVER ROAD TRUNK SEWER

Director of Public Works Ray reported on the costs of construction of the Carver Road Sanitary Trunk sewer, a copy of the report is on file with the records of this meeting.

ADJOURNMENT

Councilman Adams moved, seconded by Councilman Anderson, and it was unanimously carried, that this meeting now in session adjourn. The meeting was adjourned at 12:20 A.M.

ATTEST: REX E. GAILFUS, CITY CLERK

Anne McCallister
Acting 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 Chamber at the McHenry Public Library, 14th and I Streets, Mayor Marks presiding.

The City Clerk called the roll and there were

Present: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson
and Mayor Marks
Absent: None

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

Invocation was given by Rev. Charles Spencer, pastor of the Congregational Church.

APPROVAL OF MINUTES OF PREVIOUS MEETING

Council members having received copies of the minutes of the Council meeting of November 29, 1955, and the same being available for public inspection, and there being no objections, the minutes were approved.

LETTER FROM ASSOCIATED PLUMBING CONTRACTORS

A letter was read from the Associated Plumbing Contractors of Stanislaus and Merced Counties, Inc. recommending the reappointment of R. W. Thompson, whose term expires January 1, 1956, to the Board of Plumber Examiners, as the Journeyman Plumber representative.

Mayor Marks pointed out that this recommendation would fit in with the general Council policy of rotation on appointments to the various boards and commissions to permit a broader citizen participation, since Mr. Thompson had been appointed to finish out an unexpired term of a member who had passed away December, 1954. The City Clerk was asked to send a copy of this policy to the new Council members.

DISCUSSION ON NEW APPOINTMENTS TO BOARDS

Mayor Marks asked the Council members to consider appointments to be made on the Board of Library Trustees and the Planning Commission for terms beginning January 1, 1956. He pointed out that in line with the Council's policy, the reappointment of Robert Carter and Donald H. West to the Personnel Commission whose terms expire January 1, 1956, would be in order, since they had been appointed to serve unexpired terms.

LETTER FROM MODESTO CITY EMPLOYEES' ASSOCIATION

A letter was read from the Modesto City Employees' Association requesting that payroll deductions for association dues be authorized. Councilman Robinson introduced

RESOLUTION NO. 55-537

seconded by Councilman Adams, authorizing the use of authorizations from officers and employees of the City to make deductions from their salaries or wages to cover the payment of dues for membership in the Modesto City Employees' Association, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson and
Mayor Marks
Noes: None Absent: None

LETTER FROM W. C. BIRT OFFER PURCHASE CITY PROPERTY IN BLOCK 213

A letter was read from W. C. Birt offering to purchase the city owned property, south one-half of Lot 37 in Block 213. Councilman Anderson moved, seconded by Councilman Adams, and it was unanimously carried, that the request be referred to the City Manager for investigation and report.

PETITION FILED REQUESTING THE CLOSING OF ROSEMARY LANE AT ITS JUNCTION WITH MARIA COURT

A petition with 35 signatures was filed with the Council requesting the closing of Rosemary Lane at its junction with Maria Court.

The City Attorney pointed out that the State Planning Act required that a hearing be held by the Planning Commission and a recommendation filed with the Council. Councilman Robinson moved, seconded by Councilman Adams, and it was unanimously carried, that the petition be referred to the Planning Commission and administrative staff, for study and recommendation.

Lyman Flint, one of the petitioners who was present, stated that Rosemary Lane was not a public street, but was located on private property.

The City Attorney stated that the Council only had the power to close streets that were dedicated public rights of way. Private rights of way create further complications, he stated.

Mr. Flint was asked to contact the City Manager, who would be glad to review the situation with him before the petition was presented to the Planning Commission.

PETITION FROM ESTATE OF W. R. MENSINGER, ET AL, TO VACATE A PORTION OF A CITY STREET

A petition to vacate a portion of Alma Avenue was filed by Attorneys Mellis and Stockton on behalf of the Estate of W. R. Mensinger, Alma Mensinger and American Lumber Company. Councilman Anderson moved, seconded by Councilman Robinson, and it was unanimously carried, that the petition be referred to the Planning Commission and staff for study and recommendation.

LETTER FROM NATHAN LONG

A letter was read from Nathan Long regarding subscriptions to his paper, "Public Relations Crusader", and ordered filed.

CALL FOR BIDS FOR AUTOMOTIVE EQUIPMENT

City Manager Miller outlined the specifications for automotive equipment proposed to be purchased in the fiscal year 1955-56. He pointed out that the specifications had been written so that the Council could 1) reject any or all of the bids, and 2) the city's cars could be either sold for cash or traded in on the new cars. A discussion was held on the number of cars which would be replaced and the number of new cars which would be added to the existing automotive fleet.

Councilman Arata raised the question of whether it would be possible to store more of the city equipment at night at the Corporation Yard instead of allowing the city employees to drive the cars to their homes. He asked that a report be submitted at a later date.

The City Manager stated that a departmental analysis was being made on this subject presently, and that as soon as the information was assembled in a report, that copies would be submitted to the members.

The Director of Public Works stated that only emergency cars were taken home by employees of this department, at night, and that all the rest were stored at the yard.

The City Manager advised the Council that if any member wished any other information about any of the cars and trucks, that he would be glad to check it out with him. He pointed out that if they still had questions that the bid could be rejected for a particular type car at the time the bids were considered.

Councilman Robinson introduced

RESOLUTION NO. 55-536

seconded by Councilman Merrill approving the specifications for automotive equipment and authorizing the call for bids. Said bids to be received in the office of the City Clerk by 2:00 P.M., January 23, 1956, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson
and Mayor Marks
Noes: None Absent: None

ADOPTION OF ORDINANCE NO. 54-C.S. APPROVE AGREEMENT TERMINATION LEASE WITH DAVE WILSON NURSERY

Ordinance No. 54-C.S. entitled: "AN ORDINANCE APPROVING AN AGREEMENT WITH DAVE WILSON, ISABEL WILSON, JOHN WYNNE AND BETTY ANN WYNNE, DOING BUSINESS AS THE DAVE WILSON NURSERY, RELATING TO THE TERMINATION OF CERTAIN AIRPORT LEASES", having been heretofore introduced and ordered printed and published at the regular meeting of December 7, 1955, Councilman Merrill moved, seconded by Councilman Robinson, that the ordinance be finally adopted, which motion was upon roll call carried by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson
and Mayor Marks
Noes: None Absent: None

ADOPTION OF ORDINANCE NO. 55-C.S. APPROVE LEASE AIRPORT PROPERTY TO NAKAGAWA FARMS

Ordinance No. 55-C.S. entitled: "AN ORDINANCE LEASING CERTAIN CITY OWNED AIRPORT PROPERTY TO NAKAGAWA FARMS AND AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT IN CONNECTION THEREWITH", having been heretofore introduced and ordered printed and published at the regular meeting of December 7, 1955, Councilman Arata moved, seconded by Councilman Adams, that the ordinance be finally adopted, which motion was upon roll call carried by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson and
Mayor Marks
Noes: None Absent: None

ADOPTION OF ORDINANCE NO. 56-C.S. APPROVE AMENDMENT TO CODE RE: "DEFINITION OF PERSON"

Ordinance No. 56-C.S. entitled: "AN ORDINANCE AMENDING CHAPTER 1 OF TITLE IX OF THE MODESTO MUNICIPAL CODE TO ADD SECTION 9-1.04.1 ENTITLED 'DEFINITION OF PERSON', THERETO", having been heretofore introduced and ordered printed and published at the regular meeting of December 7, 1955, Councilman Adams moved, seconded by Councilman Anderson, that the ordinance be finally adopted, which motion was upon roll call carried by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks
 Noes: None Absent: None

ADOPTION OF ORDINANCE NO. 57-C.S. AMEND CODE RE: "BENCH SIGNS"

Ordinance No. 57-C.S. entitled: "AN ORDINANCE ADDING SECTION 9-6.21.1, ENTITLED 'BENCH SIGNS' TO CHAPTER 6 OF TITLE IX OF THE MODESTO MUNICIPAL CODE", having been heretofore introduced and ordered printed and published at the regular meeting of December 7, 1955, Councilman Anderson moved, seconded by Councilman Merrill, that the ordinance be finally adopted, which motion was upon roll call carried by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks
 Noes: None Absent: None

ADOPTION OF ORDINANCE NO. 58-C.S. AMEND CODE RE: "MARQUEES"

Ordinance No. 58-C.S. entitled: "AN ORDINANCE AMENDING SECTION 9-6.29, ENTITLED 'MARQUEES', OF CHAPTER 6 OF TITLE IX OF THE MODESTO MUNICIPAL CODE", having been heretofore introduced and ordered printed and published at the regular meeting of December 7, 1955, Councilman Robinson moved, seconded by Councilman Anderson, that the ordinance be finally adopted, which motion was upon roll call carried by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks
 Noes: None Absent: None

ADOPTION OF ORDINANCE NO. 59-C.S. AMEND CODE RELATING TO CITY COUNCIL MEETINGS

Ordinance No. 59-C.S. entitled: "AN ORDINANCE AMENDING SECTIONS 2-1.02 AND 2-1.07 OF CHAPTER I OF TITLE II OF THE MODESTO MUNICIPAL CODE RELATING TO CITY COUNCIL MEETINGS", having been heretofore introduced and ordered printed and published at the regular meeting of December 7, 1955, Councilman Robinson moved, seconded by Councilman Adams, that the ordinance be finally adopted, which motion was upon roll call carried by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks
 Noes: None Absent: None

INTRODUCTION OF ORDINANCE GRANTING FRANCHISE ON BUS BENCHES TO THE MODESTO TRANSIT ADVERTISING COMPANY

As directed by the Council, the City Attorney presented for Council consideration an ordinance which would grant an exclusive franchise to place bus benches on the city streets and sidewalks to the Modesto Transit Advertising Company. Councilman Anderson moved the introduction and passage to print of

ORDINANCE NO. 62-C.S.

entitled: "AN ORDINANCE GRANTING B. J. FORSYTHE, DOING BUSINESS AS MODESTO TRANSIT ADVERTISING COMPANY, AN EXCLUSIVE FRANCHISE FOR THE RIGHT, PRIVILEGE AND PERMISSION TO PLACE, CONSTRUCT AND MAINTAIN BENCHES WITH ADVERTISING THEREON AT DESIGNATED LOCATIONS ON THE STREETS AND SIDEWALKS IN THE CITY OF MODESTO", which motion being duly seconded by Councilman Arata, was upon roll call carried and ordered printed and published by the following vote:

12-21-55 Page 4

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson and
Mayor Marks
Noes: None Absent: None

AUTHORIZE TRANSFER OF \$15,000 FROM GENERAL FUND TO BOND REDEMPTION AND INTEREST FUND AND PROVIDING FOR REPAYMENT

Upon the recommendation of the City Manager, Councilman Adams introduced

RESOLUTION NO. 55-538

seconded by Councilman Robinson, authorizing the transfer of \$15,000 from the General Fund of the City of Modesto to the Bond Redemption and Interest Fund and providing for the repayment from the Bond Redemption and Interest Fund to the General Fund out of Bond Redemption and Interest Fund property tax revenues for the 1955-56 fiscal year as they accrue, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson and
Mayor Marks
Noes: None Absent: None

REPORT FROM PLANNING COMMISSION ON WITHDRAWAL OF APPLICATION OF W. J. BRENDemuEHL FOR REZONING OF LOT 6-BLOCK 6075 (TULLY AVENUE)

Pursuant to referring the application of W. J. Brendemuehl, et ux, for rezoning of Lot 6, Block 6075, from R-1 to R-2 Zone (Tully Avenue) back to the Modesto City Planning Commission for further study and consideration, Resolution No. 269, adopted by the Commission on December 20, was read. The resolution set forth the fact that the applicant wished to withdraw his application and to reapply at such time as the deed restrictions were amended to be consistent with the rezoning requested.

The City Attorney pointed out that no further action by the Council was necessary.

FURTHER CONSIDERATION OF PROPOSED PURCHASE OF UNIFORMS FOR RESERVE POLICE

The matter of purchasing uniforms for reserve police was held over.

COMMENDATION BY MAYOR MARKS ON "GOOD JOB" DONE BY CAPTAIN ALBERT PEDERSEN OF THE RESERVE POLICE OFFICERS

Mayor Marks commended Captain Albert Pedersen of the Reserve Police on behalf of the City of Modesto for the wonderful job he had done on the Police Reserve.

HOLD OVER REPORT ON COST OF ALTERNATE METHODS OF INSTALLING TRAFFIC SIGNALS

The City Manager reported that early this year, a letter had been received from the Electrical Contractors Association relating to relative costs of installing traffic signals with the city forces or going to bid on them. The City had purchased some material earlier and installed them with its own forces. Comparison studies have been made between these costs, he stated, which will be checked out with the Association and representatives of contractors, before a report is submitted to the Council. He asked that this matter be held over for further checking.

AUTHORIZE TRANSFER OF \$2000 FROM THE GENERAL RESERVE TO THE TRAFFIC ENGINEER DEPARTMENT FOR TRAFFIC SIGNS

Upon the recommendation of the City Manager, Councilman Robinson introduced

RESOLUTION NO. 55-539

seconded by Councilman Adams, approving appropriation transfer of \$2,000 from the General Reserve to the Traffic Engineer for traffic signs (speed limit signs \$500; Parking limit signs \$300; Miscellaneous-No Parking, Stop, Yield, etc., \$700; Various signs recommended by C.S.A.A. \$500.,) which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks
Noes: None Absent: None

ACCEPTANCE OF IMPROVEMENTS ON NINTH STREET PARKING LOT FROM M. J. RUDDY

A report was submitted by Traffic Engineer Carmody on the completion of the improvements on the Ninth Street Parking Lot by M. J. Ruddy & Son which indicated that due to the change in the plans, it would be necessary to appropriate an additional sum of \$655. He asked that the Council also consider one additional expenditure on the lot, a steel chrome plated mirror which could be installed on the building across the alley from the entrance and exit to the lot which would be helpful in increasing sight distances down the alley. He estimated the cost to be \$125.00 and written consent would be secured from the property owner before the mirror was installed. Councilman Arata introduced

RESOLUTION NO. 55-540

seconded by Councilman Anderson, accepting the improvements of the Ninth Street Parking Lot from M. J. Ruddy & Son; authorizing the recordation of Notice of Completion with the County Recorder; and authorize payment of amounts due as provided in the contract, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Arata, Hammond, Anderson, Merrill, Robinson, and Mayor Marks
Noes: None Absent: None

Councilman Robinson introduced

RESOLUTION NO. 55-541

seconded by Councilman Adams, approving appropriation transfer of \$790 from the Parking Fund Reserve to Traffic Engineering (Parking Fund) for Capital Outlay Improvements on 9th Street Lot, being \$665 for balance required on improvements made and \$125.00 for chrome plated steel mirror for the Ninth Street parking lot, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks
Noes: None Absent: None

REPORT ON APPROVAL BY STATE FOR INSTALLATION OF TRAFFIC SIGNALS AT 14th AND J STREETS

The City Manager reported that the city had received an informal notice from the State of California approving the installation of traffic

signals at 14th and J Streets. The State, he reported, stands one-half of the cost and the city the other. Councilman Arata moved, seconded by Councilman Merrill, and it was unanimously carried, that the administrative staff be authorized to proceed with the program for the installation of these signals.

DISCUSS PARALLEL PARKING ON 13th STREET IN FRONT OF THE MODESTO BOWL

Mayor Marks suggested that Jerry Marsh, operator of the Modesto Bowl, be contacted by the Traffic Engineer, regarding converting of the diagonal parking on 13th Street to parallel parking.

DISCUSS POSSIBILITY OF USING HELM PROPERTY AT 13th & L STREETS FOR ALL DAY PARKING PURPOSES

A discussion was held on the possibility of using the Helm property at 13th and L Streets (Old Roosevelt School property) for all day parking. It was pointed out that the property was on the market to be sold and that it would be impossible to secure a long term lease which would warrant the expenditure of the necessary funds to improve the property for parking purposes. Mayor Marks suggested that the parking problems all be taken into consideration at the time the formation of the parking district is considered and that the interested groups be given an opportunity to complete their plans prior to June 22, 1956, at which time the parking provision of the zoning ordinance will become effective.

REMOVAL OF DIAGONAL PARKING ON CERTAIN STREETS

Upon the recommendation of the Traffic Engineer, Councilman Robinson introduced

RESOLUTION NO. 55-542

seconded by Councilman Adams, rescinding Resolution Nos. 7311-N.S., 8755-N.S. 9878-N.S. and that portion of Resolution No. 7178-N.S., which established diagonal parking at the following locations: 6th St. between H and I Streets; 13th Street between G and H Streets; 15th Street, east side, between Burney and E Streets; E Street, south side, between 15th and Burney Streets; 18th Street, west side, between G and H Streets, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks
Noes: None Absent: None

ESTABLISH YIELD SIGNS AT JOHNSON STREET ON MAYNELL AVENUE

A report filed by Traffic Engineer Carmody recommending the establishment of Yield Right of Way Signs on Maynell Avenue at its intersection with Johnson Street was considered by the Council.

Councilman Arata introduced

RESOLUTION NO. 55-543

seconded by Councilman Merrill, authorizing the Traffic Engineer to erect Yield Right of Way Signs in accordance with the provisions of Section 471.1 of the Vehicle Code of the State of California, on Maynell Avenue at its intersection with Johnson Street, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks
Noes: None Absent: None

ESTABLISH STOP SIGNS ON CERTAIN STREETS IN THE CITY OF MODESTO

A report was submitted by the Traffic Engineer recommending that stop signs be installed at certain locations. Councilman Merrill introduced

RESOLUTION NO. 55-544

seconded by Councilman Hammond, designating the following intersections as stop intersections and authorizing the Traffic Engineer to establish boulevard stop signs: F Street at its intersection with 10th Street; 12th Street at its intersection with I Street; 13th Street at its intersection with I Street; E Street at its intersection with Tenth Street, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks
 Noes: None Absent: None

REPORT ON ACCIDENTS AT TENTH AND G STREETS

The City Manager reported that an analysis of the accidents which had occurred at the intersection of 10th and G Streets indicated that a majority of the accidents had occurred during the dark hours. In view of the fact that the Downtown Lighting District will include this intersection, he stated, it is recommended that no change be made at this time.

REMOVING OF "NO PARKING" ZONE ON H STREET BETWEEN 11TH & 12TH STREETS

Upon the recommendation of the Traffic Engineer, Councilman Arata introduced

RESOLUTION NO. 55-545

seconded by Councilman Adams, rescinding paragraph 1 of Resolution No. 10,087-N.S. entitled: "A RESOLUTION REGULATING PARKING ON H STREET BETWEEN ITS INTERSECTION WITH 11TH AND 12TH STREETS", which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Annan, Arata, Hammond, Merrill, Robinson and Mayor Marks
 Noes: None Absent: None

The Traffic Engineer pointed out that this would provide for two additional parking spaces in front of the Silva Garage. He stated that Mr. Silva might file a request later on for the establishment of a loading zone.

ESTABLISH FEES FOR COPIES OF OFFICIAL POLICE DEPARTMENT ACCIDENT REPORTS

The City Manager reported that the Police Department had numerous requests to furnish copies of official Police Department accident reports. He proposed for Council consideration that a nominal fee be charged for this service so that it could be placed on a self supporting basis.

Police Chief Neal reported that the department had a copying machine which could make six copies at a time from one negative. A general discussion was held on the fee to be charged. Councilman Merrill introduced

RESOLUTION NO. 55-546

seconded by Councilman Anderson, establishing a fee of \$1.50 for preparing

a copy of any official police department accident report and 25¢ for each additional copy requested at the same time such an order is placed and providing that these fees shall not apply to any governmental agency and that the Chief of Police shall collect the fees and pay these fees into the City treasury weekly, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks
 Noes: None Absent: None

EXTENSION OF PROVISIONAL APPOINTMENTS OF ELLIS HOLDEN, BUILDING INSPECTOR, AND ALBERT DITMAN, SEWAGE TREATMENT PLANT LABORATORY TECHNICIAN

Upon the recommendation of the City Manager, Councilman Anderson introduced

RESOLUTION NO. 55-547

authorizing the

seconded by Councilman Adams, / City Manager to extend the provisional appointments of Ellis Holden, Building Inspector, from December 7, 1955, to February 7, 1956, and of Albert Ditman, Sewage Plant Laboratory Technician, from January 18, 1956, through March 18, 1956, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks
 Noes: None Absent: None

CITY MANAGER REPORT ON CONFLICT BETWEEN PROVISIONS IN THE PLUMBING CODE AND PERSONNEL SYSTEM RELATING TO BUILDING INSPECTOR

The City Manager reported that there appears to be a conflict between the Personnel class specifications for Building Inspector and the requirements of the Municipal Code as it pertained to the adoption of the Uniform Plumbing Code. He stated that this would be discussed with the Personnel Commission and other, and a further report made to the Council.

REPORT FILED BY COMMITTEE ON "HOLIDAY PAY FOR POLICEMEN AND FIREMEN"

With the permission of the Council, Mayor Marks brought up the matter, which was not on the agenda, of the claims for holiday pay filed by police and fire department personnel. He asked for a report by the Council Committee.

Councilman Arata, Chairman, reported that it was the decision of the committee that this matter should be referred back to the Council to make the decisions as a whole. He pointed out that 1) if these claims were paid and if a tax payer's suit was brought and it was held that there was no legal basis for the payment of the claims, that there might be a personal liability for each Councilman; and 2) that the present members were not on the Council when Resolution No. 6133-N.S. was adopted March 1, 1944, and the understanding relating to the fire and police departments was not clear.

Assistant City Manager Masonheimer listed the five alternatives which had been listed in the report to the Council from the City Manager, dated November 15, 1955, which the Council could consider:

- 1- Take no action on the claims and await further action by the claimants;

- 2- Approve the claims for payment as presented;
- 3- Approve the claims adjusted on the basis of an audit of the amounts due under provisions of the resolution
- 4- Pay those who no longer work for the city in cash, and grant those still employed by the city time off in lieu of the holidays on which they worked, or pay them part in cash and allow the balance in time off;
- 5- Offer to pay on a reduced compromise basis.

Mayor Marks stated that it should be made clear whatever the Council does, that "we do not want anything for nothing from anybody. We want everyone of the employees in the city, at present, or anybody else to get everything they have coming." He stated that individual members of the Council have indicated that in fairness to everybody, both for the employees and the tax payers, that this matter should be adjudicated in the courts, 1) to see if there is an obligation; and 2) to see how much that obligation is.

Councilman Hammond pointed out that if there was an obligation on the part of the city that it had been incurred by the previous Council.

The City Attorney pointed out that his legal opinion on the matter was a matter of record as expressed in his memorandum to the City Manager dated October 18, 1955, copies of which were furnished to the Council.

Mayor Marks suggested that due to the great amount of legal work presently being handled by the City Attorney, that outside counsel experienced in municipal law be hired to represent the city.

Councilman Arata pointed out that Mr. Grimes was also a city employee and would be fighting against other city employees if he represented the city.

Councilman Arata introduced

RESOLUTION NO. 55-548

seconded by Councilman Merrill, rejecting the claims for accrued holiday pay which have been filed with the City by the present and former employees of the Police Department and authorizing the City Attorney to employ outside counsel experienced in the field of municipal law to assist him in defending any and all legal actions to obtain compensation or other benefits under the provisions of Resolution No. 6133, adopted March 1, 1944, which may be instituted against the city or any of its officers, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks
 Noes: None Absent: None

Mayor Marks stated that it should be made a matter of record that this Council believes that every employee or former employee is entitled to everything that they have coming to them.

Councilman Arata pointed out that the Council's record clearly indicated this already.

Councilman Merrill wanted it clarified that this action was for the protection of each individual Council member. "We do not know where we stand. If we grant any portion of these claims, we should have the

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legal right and not be subject to tax payers suits. We should protect ourselves and tax payers."

City Attorney Grimes stated he would have no objections to the employment of specialized counsel in this field to assist him, since this case would require extensive litigation. He pointed out, however, that the Council was aware of the fact that it was his opinion there was a legal obligation.

The City Manager pointed out that his position was a matter of record as to both the police department and fire department claims, in the report to the Council dated November 15, 1955, and in other reports.

PROGRESS REPORT ON THE TUOLUMNE RIVER STATE PARK APPLICATION

Maps showing the city and county owned property and land under acquisition proceedings adjoining Tuolumne River were presented by the Planning Department for Council information relating to the application to the state on the Tuolumne River State Park. He reported that the staff was working on the project of determining the parcels of land adjoining the river which could be dedicated to the State for park purposes. A further check would be made with the county during the next week and a progress report submitted to the Council by next week. He pointed out that the application should be submitted to the State by January 15, 1956.

DEPARTMENTAL REPORT NO. 2 REPORT ON ACTIVITIES OF THE HEALTH DEPARTMENT

A written report was filed by Health Officer Landquist on the operations of the City Health Department, a copy of which is on file with the records of this meeting. Copies were distributed to the Council members for their further study. Mr. Landquist was asked to briefly outline the services rendered by this department.

It was agreed by the Council that each week a different departmental report would be filed and if necessary the question and answer session would be carried over into the next meeting.

Mr. Landquist introduced Supervising Public Health Nurse Marie Morris.

Possible changes in services were discussed:

- 1- Discontinuing school nursing service. Mr. Landquist pointed out that the possible savings involved would be minor as the program was based on costs to the city and supported by revenue from the school district.
- 2- Adopting a grading system for restaurants. He pointed out that if this system was adopted that the present Sanitarian vacancy would have to be filled, and that there would be a slight increase in costs for the printing of grade cards.
- 3- Increasing immunisation program. He reported 450 c.c. of Polio vaccine on hand at the present time and suggested that some consideration should be given of the use of this vaccine by setting up an immunization clinic. He estimated the additional expense in medical personnel and biologics to be approximately \$50 per month.
- 4- Increasing child health conferences. Consideration is being given to the possible need for establishing a Well Baby Conference in the LaLoma Area, sponsored by the P.T.A. and the Health Department cooperating in providing professional personnel and biologics as is presently being done at the

Washington School. One clinic per month would cost approximately \$30.

He reported that the department received many calls from citizens regarding rats, dead cats, and pigeons. He suggested that the Council and City Manager consider whether a policy should be established to render this type of service to the community.

Mayor Marks pointed out that there were pest control organizations to get rid of this type of pests and that the city should not enlarge its services along those lines. If the citizens did not agree to this policy they could come before the Council and ask for an extension of those services.

Councilman Hammond commended Mr. Landquist on his report but asked that a more detailed break down be made of the immunization program. He was asked to check with Mr. Landquist on this matter.

The City Manager asked that any individual Councilman who wished additional information, check with the Manager and department heads and if they still had questions they could raise them at the Council meeting. The purpose of this program is for individual members to ask questions of the department head and for the staff to ask questions of the Council so everybody understands the level of service and "how far we go".

Councilman Merrill moved, seconded by Councilman Arata, and it was unanimously carried, that as a special order of business that Health Officer Landquist appear before the Council on December 28, 1955, at 9:00 P.M. to further discuss the Health Department operations.

The City Manager pointed out that another question to be considered by the Council in regard to the Health Department was---whether or not in connection with the construction of the new City Hall, it wished to further consider the possibility of consolidating the department with the county or cooperating with the county on the provision of health services. He pointed out that the reason he raised this question at this time was 1) we are building a city hall, and 2) in that City Hall it will be necessary to provide 2500-3500 square feet of floor space to provide for the health department at cost of possibly \$45,000. Due to the nature of the department, extra costs will be involved in plumbing, utilities, etc. The County, he stated, at the present time, is considering its health service with the possible reorganization and revision of its services. He stated that he did not know whether the County would be interested in combining the services but he was raising the question and asking direction from the Council. He pointed out that the city hall space report would be completed in approximately 60 days.

The Council expressed reluctance to lowering its standard of service, and a general discussion was held on this point. The City Attorney pointed out that the combining of this service with the county was a fundamental decision and that the members should be aware of this before it reached its decision. He pointed out the trend of the Council to transfer to the county the fundamental municipal services. He cited, as an example, the transfer of the assessing, municipal court, and the recreation program.

A general discussion was held on whether the City Manager should contact the County and what questions should be raised with the County. Councilman Robinson moved, seconded by Councilman Adams, and it was unanimously carried, that the City Manager be authorized to contact the County prior to the next Council meeting to determine, a) if the county is interested in an integration of the health departments, b) on what standards the county would maintain a joint health department, and c) if it would be economically sound.

The City Manager pointed out that the Council made its decisions upon the interest of the people of the city, that these questions should be faced as a matter of facts and principles. He pointed out that the Council had not turned the municipal court over to the state, that the voters of the state had done this; that the Council had an agreement with the County for assessing, which it had already been doing, prior to the contract, and that this contract could be cancelled at any time and that recreation has not been turned over to the County, only the privilege of paying part of the bill. He pointed out that this privilege had also been turned over to the schools for both recreation and health services, that he believed these were wise actions taken to give better service to the people of this city with less money. He stated that he would be the first one to oppose any lowering in the standards of the city health services, but as a matter of good business, since the city is building a city hall, the question should be faced at this time so that in a few years it cannot be brought up that the Council should have considered consolidation before it built quarters for the department in the new city hall.

PROGRESS REPORT ON AIRPORT IMPROVEMENTS

Director of Public Works Ray reported that the County officials had executed the application to the C.A.A. for funds for the improvements at the airport and that the application would be mailed at once.

DISCUSS PROCEDURE FOR LEASING OF LAND AT AIRPORT

The Director of Public Works reported that the leasing of the land now under acquisition proceedings at the airport was discussed at a recent meeting of the Board of Supervisors. The Board, he stated, agreed with the city's recommendation that this property be leased this year and have advertised for bids on each parcel, said bids to be opened on January 9. He pointed out that this presented a problem since the city was not required to call for bids. He reported that two persons were interested in leasing the properties. Councilman Hammond moved, seconded by Councilman Robinson, and it was unanimously carried, approving the procedure initiated by the County for the leasing of the Bowen-Hagedorn and the Olson properties under acquisition proceedings at the airport.

GRANT PERMIT TO CITY ATTORNEY TO TAKE VACATION

Upon the request of the City Attorney, Councilman Arata moved, seconded by Councilman Adams, and it was unanimously carried that the City Attorney be authorized to take a few days vacation between the present date and the first of the year, January 1, 1956, if he so desired.

GRANT PERMIT TO MAYOR MARKS TO LEAVE THE COUNTRY

Upon the request of Mayor Marks, Councilman Arata moved, seconded by Councilman Robinson, and it was unanimously carried, that Mayor Marks be granted permission to leave the country during the period January 5 through January 26, 1956.

LETTER FROM HORACE DRYDEN TRANSMITTING DEED TO DRYDEN PARK MUNICIPAL GOLF COURSE

A letter was received from Mr. and Mrs. Horace Dryden enclosing a deed and certificate of title covering approximately 63 acres of land, a gift to the city for the purpose of constructing an 18 hole golf course. Councilman Arata moved, seconded by Councilman Adams and it was unanimously carried, that Mayor Marks be authorized to write a letter of appreciation on behalf of the citizens of the city to Mr. and Mrs. Dryden.

ADJOURNMENT

Councilman Adams moved, seconded by Councilman Arata, and it was unanimously carried, that the meeting now in session adjourn. The meeting was adjourned at 6:50 P.M.

ATTEST: REX E. GAILFUS, CITY CLERK

By: Anne M. Collins
ANNE M. COLLINS, Acting City
Clerk

The Council of the City of Modesto met in regular session this date at 7:30 P.M., as provided by Section 21.01 of the Modesto Municipal Code, in the Council Chamber at the McHenry Public Library, 14th and I Streets, Mayor Marks presiding.

The City Clerk called the roll and there were

Present: Councilmen: Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks
Absent: Councilmen: Adams

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

Rev. Bernard Den Ouden, pastor of the First Christian Reform Church, gave the invocation.

APPROVAL OF MINUTES OF COUNCIL MEETING

Council members having received copies of the minutes of the Council meeting of November 23, 1955 and the same being available for public inspection, and there being no objections, the minutes were approved.

CITY MANAGER INTRODUCE GUEST TO THE COUNCIL

City Manager Miller introduced his guest Mr. Rex Nicholson of Richmond, California, to the Council.

LETTER FROM JAMES H. CORSON, SUPERINTENDENT OF SCHOOLS, RE: SANITARY SEWER FACILITIES TO GARRISON SCHOOL

A letter from James H. Corson, Superintendent of Schools, was read, informing the City Council "that the Board of Education approved payment to the City of Modesto in the amount of \$2,627.50 in payment of the Modesto Elementary District's share of bringing sanitary sewer facilities to the Garrison School".

LETTER FROM JAMES H. CORSON, SUPERINTENDENT OF SCHOOLS, RE: COMPLETION OF EXTRA CLASSROOM UNIT INSTALLED AT LINCOLN SCHOOL

A letter was read from James H. Corson, Superintendent of Schools, informing the Council that the Board of Education had instructed him and the staff of the Modesto City Schools to complete the extra classroom unit installed at Lincoln School to conform with the requirements of Fire Zone #2.

LETTER FROM JAMES H. CORSON, SUPERINTENDENT OF SCHOOLS, EXPRESSING APPRECIATION TO THE COUNCIL RE: CLOSURE OF STREET

A letter from James H. Corson, Superintendent of Schools, was read, expressing appreciation for the cooperation shown by the City Council in granting the Harris Construction Company permission to close (or partially close) California Street between Jefferson Street and E Street during the construction program at Modesto High School.

LETTER FROM JOHN F. FELTES RE: PLUMBING INSPECTOR

A letter from John F. Feltes in regard to the qualifications of plumbing inspector for the City of Modesto was read and ordered filed. City Manager Miller stated that this matter would be taken up at a later date.

DEPARTMENTAL REPORT NO. 3
REPORT ON ACTIVITIES OF THE PARKS DIVISION

A written report was filed by Director of Parks Lowrey on the operations of the City Park Division, a copy of which is on file with the records of this meeting. The Council members received copies for their further study. Mr. Lowrey briefly outlined the services of this department.

He stated that he felt the existence of a Parks Department is needed for the following reasons:

1. It keeps the family together
2. It promotes family activities
3. It is a means of curbing Juvenile Delinquency
4. It also acts as a safety measure.

He reported that he has given considerable study as to the types of parks and recreational areas Modesto needs. The three types of parks which Modesto is concerned with, he stated, are 1) Neighborhood Park, requiring 3 to 7 acres; 2) Playground, requiring 3 to 7 acres; and 3) A Play Field, requiring 10 to 30 acres. At the present time, he stated, the City has mostly combination parks and playground areas. The Parks Division is attempting to work up a system of parks, he reported, in order to have a one-half mile service radius standard; that is, no child would have to walk more than one-half mile to a park.

He stated that consideration is being given for a means of reducing expenditures. He reviewed the park areas where reductions in maintenance could be made, if required, but stated that these reductions were not recommended by the department. Maintenance of the young street trees could also be reduced, he stated, but this reduction would only result in a higher degree of maintenance when the trees become larger.

One area in which the Division is attempting to reduce service is the planting of street trees on lot lines, which will avoid conflict with the construction of driveways and sidewalks. He reported that many times when the trees are planted prior to the construction of a home, the trees are damaged and have to be replaced.

Maintenance at the golf course could also be reduced, he stated, by allowing certain portions of the course revert to rough area. This would mean less care of the greens, he said, but would only result in an increase of the maintenance in the long run.

Councilman Merrill inquired as to the reason the playground equipment at the various parks were being painted different colors, and asked if the cost was greater.

Mr. Lowrey replied that the various colors made the equipment more attractive and it helped to divide the playground equipment between the different age groups. He said that the cost of paint was the same.

Councilman Merrill brought up the matter of the crows in Graceada Park. He stated that the other birds were leaving the park because the crows eat their eggs. He said that he had contacted Chief Neel about this matter, as the neighbors had been complaining.

Mr. Lowrey stated that Chief Neel had sent one man to the park at 4:00 A.M., one morning, but he had been unable to locate the crows. He said that some of the men from the Parks Division had even climbed the trees, but they could not locate the crows.

Councilman Merrill stated that he felt something should be done to rid the area of the crows before the other birds leave the park.

Mayor Marks reminded the department heads that the purpose of these reports was not to cut back on the service of their departments, but rather to acquaint the Council with the functions of the different departments so that at budget time the Councilmen would have a better knowledge of the service each department renders to the public, and thus help them when considering each departmental budget.

It was agreed by the Council that the final hearing on the Parks Division would be held at 5:00 P.M., January 4, 1956.

HEARING ON PROPOSED ANNEXATION OF ZLAB SUBDIVISION

This being the time set for the public hearing on the proposed annexation of the Zlab Subdivision, Mayor Marks declared the hearing open at 8:00 P.M.

The City Clerk filed an affidavit that Resolution No. 55-494, giving notice of the proposed annexation, had been published as provided by the "Annexation of Uninhabited Territory Act of 1939"; that written notices had been mailed to persons specified in this act; and that no written protests to the proposed annexation had been filed.

As there were no oral protests, Mayor Marks declared the hearing closed.

Councilman Merrill moved the adoption and passage to print of

ORDINANCE NO. 63-C.S.

entitled, "AN ORDINANCE ANNEXING UNINHABITED TERRITORY KNOWN AS THE ZLAB ADDITION TO THE CITY OF MODESTO", which motion being duly seconded by Councilman Robinson, was upon roll call carried and ordered printed and published by the following vote:

Ayes: Councilmen: Anderson, Arata, Hammond, Merrill, Robinson and
Mayor Marks
Noes: None Absent: Adams

FINAL ADOPTION OF ORDINANCE NO. 60-C.S. - AGREEMENT WITH EMPIRE FIRE DISTRICT

Ordinance No. 60-C.S. entitled, "AN ORDINANCE APPROVING AN AGREEMENT WITH THE EMPIRE COUNTY FIRE PROTECTION DISTRICT IN STANISLAUS COUNTY RELATING TO THE DIVISION OF DISTRICT ASSETS AND AUTHORIZING THE LEASE OF CERTAIN REAL PROPERTY TO THE DISTRICT", having been heretofore introduced and ordered printed and published at the regular meeting of December 14, 1955, Councilman Arata moved, seconded by Councilman Anderson, that the ordinance be finally adopted, which motion was upon roll call carried by the following vote:

Ayes: Councilmen: Anderson, Arata, Hammond, Merrill, Robinson and
Mayor Marks
Noes: None Absent: Adams

FINAL ADOPTION OF ORDINANCE NO. 61-C.S. - PURCHASE OF GOLF COURSE PROPERTY (DURAND)

Ordinance No. 61-C.S. entitled, "AN ORDINANCE AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY FROM KENNETH H. DURAND AND GLADYS S. DURAND FOR USE BY THE CITY OF MODESTO FOR MUNICIPAL GOLF COURSE PURPOSES, AND AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY OWNED BY THE

CITY", having been heretofore introduced and ordered printed and published at the regular meeting of December 14, 1955, Councilman Arata moved, seconded by Councilman Robinson, that the ordinance be finally adopted, which motion was upon roll call carried by the following vote:

Ayes: Councilmen: Anderson, Arata, Hammond, Merrill, Robinson and
Mayor Marks
Noes: None Absent: Adams

CONSIDER RESOLUTION ALLOCATING FUNDS FOR CAPITAL IMPROVEMENT PROGRAM

Upon the recommendation of the City Manager, Councilman Robinson moved the adoption and passage to print of

ORDINANCE NO. 64-C.S.

entitled, "AN ORDINANCE APPROPRIATING ADDITIONAL REVENUES FOR EXPENDITURE DURING THE 1955-56 FISCAL YEAR AND ALLOCATING THEM FOR CAPITAL OUTLAY PURPOSES", which motion being duly seconded by Councilman Anderson, was upon roll call carried and the ordinance adopted by the following vote:

Ayes: Councilmen: Anderson, Arata, Hammond, Merrill, Robinson and
Mayor Marks
Noes: None Absent: Adams

A discussion was held on the allocation of these funds for the fiscal year.

Councilman Anderson asked if the allocation for the swimming pool at Downey High School had been put in the unallocated reserve as he had understood that it would be. The City Manager replied that a portion of it had been advanced to the airport, and the balance had been placed in reserve.

Mayor Marks asked Mr. James Corson, Superintendent of Schools, who was present, how soon the schools would be ready to let the city know their decision on the pool at Downey High School.

Mr. Corson stated that the City would know just as soon as the schools received the bid on their last project. He stated that it would be sometime in January.

The City Manager stated that there were still some items to be cleared and that they were not included in the report. He said that they would like to review them with the Council at a later date. One item to be discussed, he stated, is the rest rooms at the Junior College.

Mayor Marks asked how much had been allocated for the rest rooms. Director of Parks & Recreation Lowrey replied that it was estimated that \$7,000 would be needed for the rest rooms and the back stops at the J. C.

The Council also discussed the Water Company Survey allocation. Mayor Marks said that he felt if one water company served the entire area, it would be of greater benefit to the whole community and would enable the City to bring the fire protection in the newly annexed areas up to the standards the old city enjoys. He stated that the purpose of the survey would be to obtain the facts on what is to be done to acquire the various water companies in the City. He suggested that a citizen's committee be appointed, consisting of 5 or more members, to study the problem and then bring their information to the Council for its study.

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A general discussion was held on the Mayor's suggestion, and it was decided that the Council would consider it and bring it up at a later meeting. It was also agreed to leave the entire amount of money in the proposed allocated fund for capital outlay.

Councilman Robinson introduced

RESOLUTION NO. 55-549

seconded by Councilman Hammond, approving the appropriation transfer of \$260,550 from Special Capital Outlay Reserve of the Special Fund for Capital Outlay to the Capital Improvement Program, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks
 Noes: None Absent: Adams

REPORT ON NEGOTIATIONS WITH UNITED AIRLINES RE: REVISION OF CHARGES AT AIRPORT

The City Manager reported that the contract with United Airlines makes a provision for the revision of charges as it relates to landing fees. He stated that the City has a 20 year lease with the airlines, and that 10 years of the lease will run out in January. He reported that two meetings had been held with the company, and that one was held this afternoon.

The City Manager reported that the present schedule calls for \$45.00 for the first three schedules; \$35.00 for the second three; and \$25.00 for all other schedules. The City's proposal, he stated, was \$70.00 for the first three schedules; \$50.00 for the second three schedules; and \$25.00 for all others. He reported that the airlines had made an oral offer of \$65.00 for the first three schedules; \$55.00 for the second three; and \$25.00 thereafter. He stated that it would be almost a 50% increase and that it was recommended that the Council accept their offer.

The airlines also agreed that the weight limit for extra charges be changed. At the present time the limit is 28,000 pounds and the airlines would like it reduced to 25,000. He reported that this change would result in an increase in the payments to the city for heavier planes, and recommended that the Council accept it.

Councilman Merrill moved, seconded by Councilman Arata, and it was unanimously carried that the City Attorney be instructed to prepare the necessary documents to amend the contract with United Airlines.

MATTERS FOR THE CONSIDERATION OF THE COUNCIL AND GOOD OF THE COMMUNITY

Director of Public Works Ray introduced the following employees from his department, to the Council: Alvin Walts, Public Works Street Foreman, who is retiring after 30 years of service with the City; Charles E. White, who will replace Mr. Walts as street foreman, effective January 1, 1956; and Chet Watson, Public Works Foreman, employed by the City for 26 years and who set a record of installing two miles of water line in one month.

Mayor Marks expressed the appreciation of the Council and the citizens of Modesto for the fine service these men have rendered to the City.

The City Manager introduced Harry Sham, Modesto Municipal Airport Manager, to the Council.

REPORT FROM COUNTY BOARD OF SUPERVISORS ON PROPOSED ANNEXATION OF AIRPORT

The City Manager reported that he had submitted the Council's interest in the annexation of the Municipal Airport, to the Board of Supervisors and that they had advised him that the Board preferred not to consider annexation of the airport to the City, at this time. He recommended that the Council not take any action on this matter at the present time, and none was taken.

PRELIMINARY REPORT ON FLOOD DAMAGE

The City Manager stated that he had asked each department to submit a report on the amount of damage done in their departments, by the flood. He reported that the Parks and Recreation Department had suffered damage, especially in the Legion Park and Beard Brook Park areas, and some damage was done at the sewage disposal plant.

It is possible, he said, that some federal assistance will be made to the County for agencies which were damaged, and also for repairs. He reported that one problem the City had at the moment was where to dump the garbage and trash, as the regular dump is under water. He said that Mr. Borghello had been authorized to dump his garbage at the old city dump south of the Tuolumne River, as an emergency measure, although the Council had previously ordered it closed.

The Board of Supervisors will meet tomorrow morning, he stated, and they will designate a specific area for the dumping of garbage. A further report to the Council on this matter will be made next week, he stated.

REPORT ON PREPARATION OF SUMMARY OF PENDING PROJECTS AND WORK PROGRAM FOR YEAR 1956

The City Manager recommended that a list of pending projects be brought before the Council after the first of the year and that it be revised and put in the order the Council wishes the projects performed. He stated that a further report on this matter would be made.

REPORT ON SPECIAL CENSUS

The City Manager stated that they had been working on the problem of a special census to determine whether it would be desirable to have one taken in the City. He said that the official population is now over 30,000 and that it was determined in three ways:

1. By the 1950 census, when the population was recorded as 17,000;
2. Inhabited areas which have been annexed to the City;
3. Uninhabited areas which have been polled two years after their annexation.

The P.T.A. has offered to make a survey in March to determine how many people reside in each home, he stated, and it is recommended that the Council take no action on the special census until the results of this survey are available, which will be sometime in April. The Council concurred in this matter.

REQUEST BY CITY CLERK FOR TEN DAYS VACATION IN JANUARY

Mayor Marks moved, seconded by Councilman Robinson, and it was unanimously carried, that the City Clerk be granted a ten day vacation beginning on January 9, 1956.

FINAL REPORT BY CITY HEALTH DEPARTMENT ON ACTIVITIES OF DEPARTMENT

Mayor Marks asked the Councilmen if there were any questions they would like to ask Mr. Landquist, concerning his department.

The City Manager asked Mr. Landquist to report on the first immunization clinic for dogs, which was held this afternoon at the Boy Scout Clubhouse, in Enslin Park.

Mr. Landquist reported that 146 dogs were immunized between the hours of 1:00 P.M. and 3:00 P.M., with 79 of these being licensed by the City. He stated that about one-third of the dogs were from the County. Six veterinarians were present at the clinic, and at the next clinic, which will be held on January 4, 1956, he stated, six other veterinarians will be present.

Mayor Marks asked if the Council felt that the City should continue to run its own Health Department, or if it should be turned over to the County. The basic question is, he stated, "Would the people of this community be better served if we continued to operate our excellent health department, or if we turned over these services to the County and consolidated them?"

Councilman Merrill stated that he would not consider consolidating the two agencies until the City could get better service and more, economically, by the consolidation.

The City Manager reminded the Council that they had asked him to check this matter with the County and that he had advised the County that he would like to discuss the matter with them. He stated that he had not been able to meet with them, as yet, but hoped to soon.

Mayor Marks stated that he felt the question should be considered so that it would not hold up the plans for the City Hall.

In answer to a question from Mayor Marks, Mr. Landquist stated that in effect, there is a consolidated health department between the County, City and Schools, today.

The City Manager stated that it would take several weeks of discussion with the County to clear this matter, and suggested that no decision be made by the Council until he has had a chance to check the matter out.

Councilman Arata asked City Attorney Grimes if the City Health Department could legally be transferred to the County.

Mr. Grimes said that he could not answer the question at this time, without research and study.

Mayor Marks reviewed the questions the Council had asked the City Manager to discuss with the County, which were:

1. Would the county be interested in an integration of the Health Departments?
2. On what standards the county would maintain a joint health department?
3. If it would be economically sound

Councilman Hammond stated that he did not feel the question of consolidation should be considered at this meeting, as it did not pertain to the activities of the Health Department.

Councilman Hammond asked Mr. Landquist how the school nursing and child care program was financed.

Mr. Landquist replied that there are 8 nurses employed by the City; one and one-half of which are paid by the City; the balance paid by the schools. The nurses participate in a number of clinics a month, along with their regular activities, he stated.

Councilman Hammond asked what some of the activities were that the Health Department participated in, besides the school program.

Mr. Landquist stated that a record was kept of all cases of communicable diseases and that the tuberculosis cases, from the mobile unit, were followed year after year (at the present time there are 112 T.B. cases on file in the office).

Councilman Hammond asked if the grading of restaurants on a "A" or "B" basis helped to raise the standard of service. He also asked how often the restaurants were inspected.

Mr. Landquist replied that it helped to raise the sanitation of the restaurants, but that he felt the restaurant owners should grade themselves, rather than by a health inspector. He stated that forms had been prepared which the restaurant owners could use to grade their restaurant. He also stated that half the sanitarians' time was spent on the inspection of restaurants. He said that the restaurants on 9th Street were inspected at least once a month.

Councilman Hammond asked what "Environmental Sanitation" included.

Mr. Landquist said that this included complaints from the citizens; running water samples in the laboratory from the swimming pools at Modesto High School and the County Hospital; samples from septic tanks; and investigation of rodent, insect and nuisance complaints. It also included alley inspections.

He reported that the health department has only two sanitarians at the present time, and that the dairy inspector was leaving the city in a short time. He stated that the State of California designates certain areas to the various health departments for dairy inspections. At the present time, the department inspects all dairy plants inside the city, plus 73 dairies surrounding the town. He pointed out the level of service which the department gives the public. At the present time, there is one full time nurse at each high school and one at the junior college. Four nurses handle all the elementary schools. Each nurse is carrying a load of approximately 2500 people, in addition to her other activities. He stated that he has noticed that more and more time is being given to the clinics and other activities, rather than to the schools.

Mr. Corson, who was present, stated that wherever the schools and the city could consolidate their services, they tried to do it. At the present time, the schools and the city work together on programs at the parks, playgrounds, and the nursing service. He stated that there is a very fine relationship between the city and schools and that they would like to have it continued.

Mayor Marks asked Mr. Corson at what point, in the future, he thought the schools would want to take over its own health service.

Mr. Corson replied that he did not know when the schools would be in a position to require a full time health officer.

Mayor Marks asked the Council if they would still like the City Manager to meet with the County and discuss with them the question of consolidation of the Health Department. The Council agreed that the City Manager should meet with the County officials and report back to the Council.

ADJOURNMENT

Councilman Merrill moved, seconded by Councilman Arata, and it was unanimously carried, that the meeting now in session adjourn. The meeting was adjourned at 10:20 P.M.

ATTEST: 
REX E. GALFUS, CITY CLERK