

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, JANUARY 3, 1972 AT 4:00 P.M.

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

Absent: None
Councilman Dixon arrived at 4:10 P.M.

Pledge of allegiance to the Flag

Invocation by Reverend Herbert Raaske, Modesto Gospel Mission

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: 1, 2, 3, 4, 5, 6, 10, 11,
Item 13 removed from consent 12, ~~13~~, 15
Smith/Dunlap, unan. - Dixon, absent

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 Unless some councilman or member of the audience has a question concerning a particular item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council.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

APPROVAL OF MINUTES

CONSENT

1. Minutes of December 27, 1971.
(Motion approving needed)

ACTION: By motion minutes approved.

WRITTEN COMMUNICATIONS

CONSENT

2. Notification that Mobil Oil Corporation has terminated oil and gas lease.
(Motion ordering filed needed and acknowledging receipt)

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

CONSENT

3. Appeal of Topeka Inn Management, Inc. from denial of Board of Zoning Adjustment of request for conditional use permit for free-standing sign.
(Resolution setting January 24, 1972 at 7:40 P.M. for hearing needed)

ACTION: Res. 72-1 adopted setting hearing. (Clerk to handle)

CONSENT

4. Application of Arabesco Air, Inc. for permission to use larger cargo plane.
(Motion referring to staff needed)

ACTION: By motion referred to staff. (P/W to handle)

BIDS

CONSENT

5. Consider award of bid for construction of turf, irrigation, and sand clay infield at Davis Park.
(Bids were opened December 28th. The low bid submitted by John Birges, which is 34% under the Landscape Architect's Estimate is considered acceptable. It is recommended by the Parks Dept. and the Public Works Department that the bid be awarded to them. Resolution needed. Estimated cost \$80,600 (Contract \$78,600, Eng. & Insp. \$2,000). Funds budgeted in Account 6315-31-321, Davis Park Development 3 & 4)

ACTION: Res. 72-2 adopted awarding contract to John Birges. (P/W to handle)

CONSENT

6. Consider award to low bidders for furnishing water pipe for one year commencing January 3, 1972. Asbestos Cement Pipe: Voss International Corp. - 4 inch \$.92 per foot; 6 inch, \$1.24 per foot; 8 inch, \$1.90 per foot; 10 inch \$2.70 per foot; 12 inch, \$3.70 per foot. Cast iron pipe: U. S. Pipe and Foundry Co. - 4 inch, \$1.59 per foot; 6 inch, \$2.11 per foot. Memo and bid tabulation with agenda. Two resolutions awarding bids needed. Estimated cost \$166,881; funds budgeted in Account 438-512, Revolving Fund. Not shown in budget. Ultimately used in Accounts 5301 or 6804-50-101 (see p. 54)

ACTION: Res. 72-3 adopted awarding contract for asbestos cement pipe to Voss International Corp.
Res. 72-4 adopted awarding contract for cast iron pipe to U.S. Pipe & Foundry Co. (Finance to handle)

7. Report on bids received for golf cart storage building.
(Memos with agenda. Motion directing staff needed. Estimated cost \$11,000)

ACTION: By motion (Smith/Elliott, unan.) staff directed to obtain Cushman Motor Car Company's concurrence and return to Council for award of contract. (P & R to handle)

8. Matters for the good of the community.
(These may be presented by interested people in the audience)

None.

UNFINISHED BUSINESS

9. Further consideration of taxi regulations.
(Memo with agenda suggests that ordinance be introduced leading to the elimination of dual-speed meters and flat-rated city trips. Introduction of ordinance needed)

ACTION: By motion (Smith/Elliott, unan. - Dixon, absent) Ord. No. 1169-C.S. introduced. (Clerk to handle)

NEW BUSINESS

CONSENT

10. Modesto police cadet program.
(Several M.J.C. Police Science Program students are interested in establishing the program. The Police Department endorses the formation of this group. Estimated cost for supplies is \$646.00. Resolution authorizing establishment of Police Cadet Program needed)

ACTION: Res. 72-5 adopted approving establishment of Police Cadet Program. (Police to handle)

CONSENT

11. Recommendation that the Public Projects Committee review the staff proposal for computerization of city data processing system.
(Memo with agenda. Motion referring to Public Projects Committee needed)

ACTION: By motion proposal referred to Public Projects Committee for review. (C/Mgr to handle)

CONSENT

12. Accept improvements in Town and Country Terrace No. 2 Subdivision and authorize City Clerk to file notice of completion and release bonds upon expiration of statutory period.
(Town & Country Terrace No. 2 Subdivision is located north of Robertson Road and West of Sutter Avenue. All improvements have been completed to the satisfaction of the Public Works Department and all fees have been paid. Resolution accepting improvements and authorizing City Clerk to file notice of completion and release bonds upon expiration of statutory periods needed)

ACTION: Res. 72-6 adopted accepting improvements in Town & Country Terrace No. 2. (Clerk to handle)

~~CONSENT~~

13. Consider approval of the filing of an application with the State of California Public Utilities Commission for extension of Rumble Road across the railroad tracks of Tidewater Southern Railway Company and appointing signatory officials.
(Memo with agenda. Resolution approving application needed. Estimated cost \$10,000; funds budgeted in Account 6647-207, Misc. R/W and Improvements)

ACTION: Res. 72-7 adopted (Simon/Newton, unan.) approving filing of application with California Public Utilities Commission.
(P/W to handle)

A motion (Smith/Davies) to table until the close of an informal public hearing at 7:40 P.M. on January 10 failed, but staff was directed to inform Mrs. Robert Hope of her rights to contact the Public Utilities Commission and to appear before the Council at the time construction of the crossing is considered by the Council.
(C/Mgr to handle)

14. Consider adoption of resolution opposing the Legislative and Congressional Reapportionment Plans adopted by the State Legislature. (Proposed resolution with agenda. Adoption of resolution needed)

ACTION: Res. 72-8 adopted (Simon/Smith, unan.) opposing Reapportionment Plans. (Clerk to handle)

APPROPRIATION TRANSFERS

CONSENT

15. (A) Authorize transfer of \$24,000 from the Special Fund for Capital Outlay to the Downtown Improvement District Fund Reserve Account.

ACTION: Res. 72-9 adopted authorizing transfer of \$24,000 from Special Fund for Capital Outlays (321) to D.I.D. Fund (218) (Finance to handle)

- (B) Transfer existing beautification appropriations in the Downtown Improvement District Fund to Reserve Accounts. (Memo with agenda. Resolution transferring additional amount to the D.I.D. Fund and resolution approving transfer needed)

ACTION: Res. 72-10 adopted approving appropriation transfer of \$16,547 from Account 5399-218 and \$37,000 from Account 6903-218 to Accounts 62-218 (\$50,000) 61-218 (\$2,390) and 60-218 (\$1,157) (Finance to handle)

MISCELLANEOUS

16. Appointments

ACTION: Res. 72-11 adopted (Smith/Dixon, unan.) appointing Jerry Hanson, Tom Arnold and Robert Benson as members of the Business and Industry Subcommittee of Project Greater Modesto and Randy Clark as chairman of the Subcommittee. (Clerk to handle)

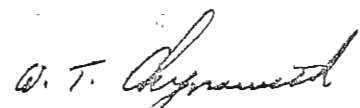
17. Matters too late for the agenda.

ACTION: Councilman Dixon requested that the City-County Liaison Committee or staff study methods to alleviate the storm drain problems on Coffee Road. The question of the status of the proposal to use Federal funds for a study of storm drainage was also raised. By Order of the Chair, staff was directed to look into these problems and also into the matter of placement of barricades and lights in both City and County areas. (C/Mgr to handle)

The lack of lighting at the intersection of Coffee and Orangeburg was also discussed and staff was directed to report to Council on possible methods of improving the lighting and costs involved. (P/W to handle)

Adjournment at 4:35 P.M.

ATTEST:


W. T. CHYNOWETH, City Clerk

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, JANUARY 10, 1972 AT 7:30 P.M.

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

Absent: None

Councilman Newton arrived at 7:45 P.M.

Pléde of allegiance to the Flag led by Troop 239, Boy Scouts of America,
Robert Pedersen, Scoutmaster.

Invocation by David Skinner, student at San Francisco Theological Seminary

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: 1, 2, 3, 5, 6, 7, 8, 9, 13, 14,
Item 19 dropped from agenda 15, 16, 17, 18, ~~19~~, 20, 21, 22,
Elliott/Dunlap, unan. - Newton, absent 24, 26, 27, 28, 29, 30

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

APPROVAL OF MINUTES

CONSENT

1. Minutes of January 3, 1972.
(Motion approving needed)

ACTION: By motion minutes approved.

WRITTEN COMMUNICATIONS

CONSENT

2. Request of Hank De Coito for pedestrian crosswalk on 13th Street between I and J. (Motion referring to staff for report needed)

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

CONSENT

3. Application of Pacific Telephone & Telegraph Co. to extend service from Modesto to Escalon, Oakdale, Turlock, Waterford and Ripon.
(Motion referring to staff for report needed)

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

4. Request of Ecology Action for permission to place collection bins at old Lincoln School site.

ACTION: By motion (Elliott/Dixon, unan.) staff directed to prepare agreement to allow request. (C/Atty to handle)

BIDS

CONSENT

5. Golf Car Storage Building - Dryden Golf Course.
(The staff has obtained Cushman Sales, Inc.'s concurrence in writing to move ahead with the golf car storage building at a cost of \$11,000. Cushman will advance \$6,000, and the City will advance \$5,000, with the total cost to be amortized by a surcharge of \$1 on car rentals. Therefore, the staff recommends that Landmark Builders, Inc., of Modesto be awarded the low bid on Alternate B for a lump sum of \$10,951.80. Resolution awarding the contract to the lowest bidder and resolution approving appropriation transfer needed. Estimated cost: \$11,000)

ACTION: Res. 72-12 adopted awarding contract to Landmark Builders, Inc. for Alternate B. (P/W to handle)
Res. 72-13 adopted approving appropriation transfer of \$11,000 from Account 60-321 to Account 6251-31-321) (Finance to handle)

CONSENT

6. Consider acceptance of Valley Construction's contract for Installation of water lines in Northgate No. 8, Renee Manor No. 5, and Orangeburg East. Original Contract: \$33,164.20.
(All work on this contract has been completed to the satisfaction of the Public Works Department. Therefore, it would be in order to accept the work as complete. Resolution accepting the work as complete needed. Final cost: \$33,135.30 (Ext. \$24,855.30; Ser. \$8,280; funds budgeted in Account No. 6804-50-101, Water Line Extension and 5301-50-101, New Services)

ACTION: Res. 72-14 adopted accepting contract. (Clerk to handle)

CONSENT

7. Consider award of bid for Drilling, Casing, Testing & Development of Well No. 39.
(Bids were opened on January 4, 1972. The low bid submitted by Osterberg & Stewart, which is 9% over the Engineer's Estimate is considered acceptable. Therefore, it is recommended by the Public Works Department that the bid be awarded to them. Resolution awarding bid needed. Estimated cost: \$7,494.00 (\$6,994.00 Constr.; \$500 Eng. & Insp.); funds budgeted in Account No. 6816-50-101, New Well & Pump Stn., 4th High School Park Site)

ACTION: Res. 72-15 adopted awarding contract to Osterberg & Stewart. (P/W to handle)

CONSENT

8. Consider award of bid for installation of water lines in Carver Manor No. 2, Tully Manor No. 6 and Standiford Avenue.
(Bids were opened on January 4, 1972. The low bid submitted by Valley Construction, which is 23% under the Engineer's Estimate is considered acceptable. Therefore, it is recommended by the Public Works Department that the bid be awarded to them. Resolution awarding bid needed. Estimated cost: \$13,242.25 (\$10,092.25 Ext.; \$3,150 Ser.); funds budgeted in Account No. 6804-50-101, Water Line Ext. and 5301-50-101, New Services)

ACTION: Res. 72-16 adopted awarding contract to Valley Construction Co. (P/W to handle)

CONSENT

9. Davis Park Ballfield.

(Approve plans and specifications and call for bids for installation of Davis Park baseball field - bleachers, backstop and fencing. Bid opening January 25, 1972 at 10:00 A.M. Resolution approving plans and specifications and calling for bids needed. Estimates cost: \$34,727, Engineering \$1,000; funds budgeted in Account No. 6315-31-321, Davis Park Development, Stage 3)

ACTION: Res. 72-17 adopted approving plans and specifications and bid call. (Clerk to handle)

HEARINGS

10. Informal hearing on Deferred Compensation Plan. 7:35 P.M.

ACTION: By motion (Elliott/Smith, unan.) plan approved in principle and staff authorized to proceed. (P & T and Finance to handle)

11. Matters for the good of the Community. 7:40 P.M.
(These may be presented by interested persons in the audience)

ACTION: Councilman Dixon introduced Jan Seagar, a student from Modesto High School.

Mayor Davies expressed his appreciation to Troop 239 for attending the Council meeting and leading the Pledge of Allegiance.

12. Hearing on assessment for Improvement District No. 18. 8:00 P.M.

ACTION: Res. 1217-S.P. adopted (Smith/Dunlap, unan.) confirming proceedings and assessment. (Clerk to handle)

ORDINANCES

CONSENT

13. Final adoption of Ord. No. 1169-C.S. (Taxi rates).
(Motion adopting needed)

ACTION: By motion Ord. No. 1169-C.S. adopted. (Clerk to handle)

CONSENT

14. Provide for periodic inspections of ambulances by Chief of Police in addition to the Health Officer.
(Memo with agenda. Introduction of an ordinance amending section 3-8.08 of Modesto Municipal Code needed)

ACTION: By motion Ord. No. 1170-C.S. introduced. (Clerk to handle)

CONSENT

15. Consider introduction of Ordinance amending Section 2-4.504 of the Modesto Municipal Code relating to Bonds for Public Works Contracts.
(Memo of explanation with agenda. Introduction of Ordinance needed)

ACTION: By motion Ord. No. 1171-C.S. introduced. (Clerk to handle)

NEW BUSINESS

CONSENT

16. Agreement renewing lease for League of Women Voters.
(The agreement would renew present lease with the League of Women Voters to lease Room 104 at the Modesto Community Service Center for a five year period, beginning January 1, 1972. All other conditions of existing lease to remain. Resolution needed.)

ACTION: Res. 72-18 adopted approving renewal of lease agreement.
(Clerk to handle)

CONSENT

17. Consider reducing petty cash account (for change) on attendant lots.
(The closure of Lot #5 eliminates need for change on this lot. The \$10 was deposited with last day's receipts. Resolution revising the petty cash account for attendant lots needed)

ACTION: Res. 72-19 adopted reducing amount of cash in parking lot change fund and superseding Res. No. 71-18. (P & T to handle)

CONSENT

18. Report of Superintendent of Streets on the cost of installation of curbs and gutters and/or sidewalks at the locations listed below:
(Resolutions setting 7:45 P.M. January 24, 1972, for hearings needed)
Estimated cost: Contract costs listed below with properties; funds budgeted in Account No. 5302-51-101, Curbs and gutters, Special)

(a) Sidewalk along Edison Ave. and Bel Air Ct. at 811 Edison Ave., Lot 1 of Block 672. (Mr. Leon L. Lane - \$293.20)

ACTION: Res. 72-20 adopted setting hearing. (P/W to handle)

(b) Curb, gutter and sidewalk at 707 El Terino Ave., portion of Block 1038. (Mr. Lloyd P. Mize - \$260.30)

ACTION: Res. 72-21 adopted setting hearing. (P/W to handle)

~~XXXXXXXX~~

19. Consider approval of Right of Way Certificate for the City's portion for the improvement of Scenic Drive and El Vista Avenue Intersection, a City-County Project.
(In order for the State of California to proceed with the call for bids on this project, it is necessary for the City to certify that it has acquired all the necessary right of way for its portion of the project and to agree to hold the State of California harmless from any liability which may result in the event the right of way is not clear as certified. Resolution approving right of way certificate needed)

Dropped from agenda.

CONSENT

20. Consider request for sewer service to gasoline station property outside the City at 2525 Coffee Road. Property Owner: Kermada Corporation.
(The property owners have signed an agreement to annex when requested to do so by the City. The property is not contiguous to the City and the property owner must extend the sewer line for service. Resolution approving agreement needed)

ACTION: Res. 72-22 adopted approving agreement. (P/W to handle)

CONSENT

21. Consider approval of Right of Way Certificate for the Improvement of Needham Street from McHenry Avenue to Hackberry Avenue.
(In order for the State to proceed with the call for bids for this project, it is necessary for the City to certify that it has acquired all the necessary right of way and to agree to hold the State of California harmless from any liability which may result in the event the right of way is not clear as certified. Resolution approving right of way certificate needed)

ACTION: Res. 72-23 adopted approving right of way certificate. (P/W to handle)

CONSENT

22. A resolution approving the final map of Applegate No. 2 Subdivision of the City of Modesto and authorizing an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code.
(The subdivision agreement has been signed and all fees paid. Applegate No. 2 Subdivision is located on the south side of Rumble Road between Carver Road and Prescott Road. It contains 8.59 acres. Adoption of resolution approving final map and authorizing execution of agreement by City needed)

ACTION: Res. 72-24 adopted approving final map of Applegate No. 2. (Clerk to handle)

23. Salary Review - Coordinator of Social Services.
(Memo with agenda. Motion directing staff to prepare amendment to agreement with the Coordinator of Social Services. Estimated cost: \$200)

ACTION: The Council retired to executive session at 8:20 P.M. to consider this matter and returned to open meeting at 8:50 P.M.
By motion (Newton/Dixon, unan.) staff was directed to prepare an amendment to the agreement with Monroe Taylor to provide for a monthly salary of \$800 beginning February 1, 1972. (C/Atty to handle)

CONSENT

24. Consider offer to lease approximately 16 acres on Beyer Park site. (Memo with agenda. Motion to accept recommendation of the Director of Finance that offer be refused and offer be made to lease on basis of 15% of gross crop)

ACTION: By motion offer refused and staff directed to offer lease on basis of 15% of gross crop. (Finance to handle)

25. Consider resolution proposing legislation which restricts the right of bail and release on own recognizance for repeating criminal offenders. (Proposed resolution with Council. Adoption of Resolution needed)

ACTION: Res. 72-25 adopted (Newton/Simon, unan.) proposing legislation restricting right of bail to criminal repeaters. (Clerk to handle)

REPORTS

CONSENT

26. Report on Arabesco Air, Inc. application to State Public Utilities Commission. (Memo with agenda. Motion accepting report needed)

ACTION: By motion report accepted.

CONSENT

27. Presentation of Financial Statement for December, 1971. (Copies of the report will be presented at meeting. Motion accepting report needed)

ACTION: By motion report accepted.

REPORTS FROM PLANNING COMMISSION

CONSENT

28. Recommendation from the Planning Commission for the appointment of Kenneth Marple to the Board of Zoning Adjustment as a representative of the Planning Commission. (At its meeting of January 4, 1972, the Planning Commission adopted Resolution No. 72-3, recommending to the City Council the appointment of Kenneth Marple to the Board of Zoning Adjustment, as a representative of the Planning Commission for one year, his term to expire January 1, 1973. (Resolution needed)

ACTION: Res. 72-26 adopted appointing Kenneth Marple to Board of Zoning Adjustment for term expiring January 1, 1973. (Clerk to handle)

CONSENT

29. Recommend amendments to Article 4, Chapter 1 of Title VII of the Modesto Municipal Code (Driveway Regulations)
(By Res. No. 72-4, adopted on January 4, 1972, the Planning Commission recommends amendments to Article 4, Chapter 1 of Title VII of the Modesto Municipal Code, pertaining to maximum and minimum driveway widths. (Resolution setting date and place for public hearing needed, suggested hearing date February 7, 1972 at 4:10 P.M.)

ACTION: Res. 72-27 adopted setting hearing. (Clerk to handle)

CONSENT

30. Consider approval of report titled, "Sewer and Water Element-Draft, City of Modesto".
(On January 4, 1972, by Resolution No. 72-6, the Planning Commission recommended approval in principle of a Planning staff draft report, "Sewer and Water Element, City of Modesto". (Memo of explanation attached) Motion approving report needed)

ACTION: By motion report approved.

MISCELLANEOUS

31. Appointments

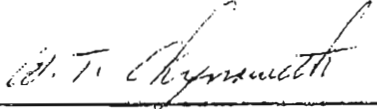
None

32. Matters too late for the agenda.

None

Adjournment at 8:55 P.M.

ATTEST:


W. T. CHYNOWETH, City Clerk

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, JANUARY 17, 1972 AT 4:00 P.M.

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

Absent: None
Councilman Dixon arrived at 4:05 P.M.

Pledge of allegiance to the Flag

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: 1, 2, 3, 4, 5, 6, 9, 11, 12, 13,
Item 17 removed from consent 14, 15, 16, ~~17~~, 20, 21, 23, 24, 25
Simon/Smith, unan. - Dixon, absent

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

APPROVAL OF MINUTES

CONSENT

1. Minutes of January 10, 1972.
(Motion approving needed)

ACTION: By motion minutes approved.

WRITTEN COMMUNICATIONS

CONSENT

2. Resolution from City of Camarillo requesting stricter requirements on discharge of waste waters to the ocean.
(Motion ordering filed needed)

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

BIDS

CONSENT

3. Consider acceptance of E. J. Opinski's contract for construction of maintenance building at Modesto City-County Airport.
(Original contract \$8,473.00. All work on this project has been completed to the satisfaction of the Public Works Department. It would be in order to accept the work as complete. Resolution accepting work needed. Final cost \$8,753. Funds budgeted in Account 651-230, Airport Maintenance Building)

ACTION: Res. 72-28 adopted accepting contract. (Clerk to handle)

CONSENT

4. Consider award of bid for installation of lights at Mancini Park.
(Bids were opened January 4th. The low bid submitted by Ferrero Electric, Inc., which is 18% over the Engineer's Estimate has been reviewed along with three other bids received and is considered acceptable. It is recommended by the Public Works Department that bid be awarded to low bidder. Estimated cost \$5,800 (\$5,300 Const., \$500 Eng. & Insp)

ACTION: Res. 72-29 adopted awarding contract to Ferrero Electric, Inc.
(P/W to handle)

CONSENT

5. Consider award of bid for construction of storeroom at Maddux Youth Center.
(Bids were opened January 11th. The low bid submitted by B. J. Rommel which is 23% under the Engineer's Estimate is considered acceptable. It is recommended by the Public Works Department that bid be awarded to low bidder. Resolution needed. Estimated cost \$3,289 (\$2,989, Const. \$300 Eng. & Ins.) Funds budgeted in Account 5201-33-321, Maddux Youth Center Storeroom)

ACTION: Res. 72-30 adopted awarding contract to B. J. Rommel.
(P/W to handle)

CONSENT

6. Painting of museum.
(Painting of Museum exterior and first floor of interior and patching as indicated in specifications. Bid opening February 1, 1972 at 11:00 A.M. The Cultural Committee has deposited \$11,000 with the City to cover the estimated cost of this work. Resolution approving plans, specifications and call for bids needed. Resolution approving appropriation transfer of \$11,000 needed.)

ACTION: Res. 72-31 adopted approving plans and specifications and bid call. (Clerk to handle)
Res. 72-32 adopted approving appropriation transfer of \$11,000 from Account 60-321 to Account 6546-31-321. (Finance to handle)

HEARINGS

7. Hearing on amendment to Section 9-3-9 of zoning map to rezone 4:10 PM
from R-1 to R-2 and R-3, property located on the south side
of Sylvan Avenue, west of Coffee Road (Medieros)

ACTION: Ord. No. 1172-C.S. introduced (Elliott/Dixon, unan.) amending
Section 9-3-9 of the zoning map. (Clerk to handle)
Councilman Dunlap requested that the Council be furnished with
copies of the Planning Commission report which will result from
the studies of neighborhoods in the City. (Planning to handle)

8. Matters for the good of the community. 4:15 PM
(These may be presented by interested people in the audience)

ACTION: Dennis and Faye Wilson, representing the Daisy Tree, 1016 "G"
Street, reported that a Notice of Violation had been issued by
the Police Department due to three street trees encroaching
upon City property. They requested a two-week extension of
time for removal of the trees to enable them to apply for an
encroachment permit. By motion (Simon/Elliott, unan.) this
matter was referred to staff and enforcement of the Notice of
Violation was suspended for two weeks. (P/W to handle)

ORDINANCES

CONSENT

9. Final adoption of the following ordinances.
(Motion adopting needed)

(a) Ord. No. 1165-C.S. - amendment to Section 27-3-9 of zoning map (Kirkpatrick Homes)

ACTION: By motion Ord. No. 1165-C.S. adopted. (Clerk to handle)

(b) Ord. No. 1170-C.S. - inspection of ambulances.

ACTION: By motion Ord. No. 1170-C.S. adopted. (Clerk to handle)

(c) Ord. No. 1171-C.S. - bonds for public works contracts.

ACTION: By motion Ord. No. 1171-C.S. adopted. (Clerk to handle)

UNFINISHED BUSINESS

10. Request for mid-block crosswalk.
(Report with agenda. Installation not recommended. Motion denying request or resolution authorizing crosswalk needed. Funds budgeted in Accounts 110 and 321, Salaries & Construction Materials)

ACTION: By motion (Smith/Dunlap, unan.) request denied.

Councilman Smith requested a report on jay walking regulations.
(C/Atty to handle)

CONSENT

11. Consider action to cause filling of basements in Block 55.
(Memo with agenda. Motion authorizing staff to proceed as directed with action to cause filling of basements in Block 55 needed)

ACTION: By motion staff directed to proceed to cause basements to be filled. (P/W to handle)

CONSENT

12. Amendment to Monroe Taylor agreement.
(This is an amendment to the agreement with Monroe Taylor, Coordinator of Social Services, King-Kennedy Memorial Center, amending salary to \$800 per month effective February 1, 1972 - payment to be made semi-monthly on or before the 5th and 20th of each month; all other terms of the existing agreement to remain the same. Resolution approving amendment needed. Funds budgeted in Account 235-30-101, Services, Prof. & Other)

ACTION: Res. 72-33 adopted approving amendment to agreement with Monroe Taylor. (Clerk to handle)

CONSENT

13. Consider agreement with Ecology Action Educational Institute, Inc., granting permission to place three collection bins on the old Lincoln School site for collecting recyclable materials.
(This matter was discussed at the council meeting of 1/10/72 at which time the staff was authorized to prepare an agreement. Resolution approving agreement needed)

ACTION: Res. 72-34 adopted approving agreement with Ecology Action Educational Institute, Inc. (P & T to handle)

NEW BUSINESS

CONSENT

14. A resolution determining that the public interest and convenience requires that the following additions be annexed to Modesto Municipal Sewer District No. 1 and naming time and place of hearing:

(a) Sonoma No. 2 Addition.

(b) Floyd-Rose Addition.

(These additions have been annexed to the City and it is now necessary to commence proceedings to annex them to the Sewer District. Suggested hearing date: (a) Sonoma No. 2 Addition, February 28, 1972 at 7:35 P.M. (b) Floyd-Rose Addition, February 28, 1972 at 7:40 P.M. Resolutions setting hearings needed (2/3 vote required)

ACTION: Res. 72-35 adopted setting hearing (Sonoma No. 2).

Res. 72-36 adopted setting hearing (Floyd-Rose). (Clerk to handle)

CONSENT

15. Accept improvements in Coffee Terrace No. 3 Subdivision and authorize City Clerk to file notice of completion and release bonds upon expiration of statutory period.
(This subdivision is located east of Keller St. and south of Rumble Road. All improvements have been completed to the satisfaction of the Public Works Department and all fees have been paid. Energizing of the street lights has been delayed because of Modesto Irrigation District's work schedule, but the developer's work has been completed. Resolution accepting improvements needed)

ACTION: Res. 72-37 adopted accepting improvements. (Clerk to handle)

CONSENT

16. Consider acceptance of revocable permit from City and County of San Francisco to cross Hetch Hetchy aqueducts with water and sewer lines on Tully Road.
(A proposed subdivision north of the Hetch Hetchy aqueduct requires the extension of water and sewer lines across the Hetch Hetchy right of way. Resolution authorizing City Manager and City Clerk to sign permit needed)

ACTION: Res. 72-38 adopted accepting permit and authorizing City Manager and City Clerk to execute same. (Clerk to handle)

CONSENT

17. Consider amendments to the uniform building code to improve building security.
(Memo with agenda. Motion directing staff to prepare necessary Building Code amendments needed)

ACTION: By motion (Newton/Simon, unan.) staff directed to prepare ordinance amending Building Code to require additional locking devices on doors and windows of new dwellings. (C/Atty to handle)

REPORTS

18. Report on cities that have Airport Commissions.

ACTION: By motion (Elliott/Smith, carried) report accepted.
A motion (Dixon/Newton) to direct staff to contact the Board of Supervisors for a joint meeting of a Board Committee and a Council Committee re an airport advisory commission and for a report to Council in one week was withdrawn. By motion (Dixon/Newton, unan.) report referred to City/County Liaison Committee for discussion of possible formation of a commission and report to Council.
(C/Mgr to handle)

19. Preliminary report on revitalization plans for downtown Modesto.

ACTION: A motion (Dixon/Smith) to accept report was withdrawn. By motion (Simon/Elliott, unan.) (1) Master Plan approved; (2) Progress report requested on alley resurfacing, undergrounding utilities, lighting and sidewalks; (3) Progress report requested on trash handling; (4) Concept of use or development of Strand Theater rejected; (5) Formation of committee to evaluate government services in downtown approved; (6) Staff directed to continue to attempt to obtain costs of purchase and development of Purple Turnip property; (7) Action on Eye Street center strip to be held up until costs of rest of program have been developed.
(City Manager to handle)

Res. 72-39 adopted (Dixon/Simon, unan.) expressing concern over dispersal of governmental services from downtown and urging County to work out problems jointly with City. (C/Mgr to handle)

CONSENT

20. Annual accounting by Greater Modesto Chamber of Commerce showing that there were no expenditures during 1971 from convention fund and that the balance is \$1,075.
(Motion accepting needed)

ACTION: By motion report accepted.

CONSENT

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

ACTION: By motion report accepted.

22. Report on extended area telephone service.
(Report with agenda suggesting that the matter be left to the Public Utilities Commission. Motion accepting report needed)

ACTION: Mayor Davies disqualified himself from discussion of this item and Vice Mayor Smith presided.

By motion (Dixon/Simon, unan.) report accepted.

APPROPRIATION TRANSFERS

CONSENT

23. Appropriation transfer for remodeling of Fire Station No. 1.
(Memo with agenda. Resolution transferring \$5,100 from Account
6112-41-321 to Account 6110-41-321 needed. Estimated cost \$5,100)

ACTION: Res. 72-40 adopted approving appropriation transfer of \$5,100
from Account 6112-41-321 to Account 6110-41-321. (Finance to
handle)

CONSENT

24. Approval of appropriation transfer.
(Appropriation needed to cover costs for city employees attending
Valley Regional Training Center courses in Modesto.
(Memo with agenda. Resolution approving transfer of \$1,750 from
General Reserve needed)

ACTION: Res. 72-41 adopted approving appropriation transfer of \$1,750
from Account 60-101 to Account 429-17-101. (Finance to handle)

CONSENT

25. Appropriation transfer.
(Another typewriter is needed due to the hiring of a secretary for
Project Greater Modesto. Approval of an appropriation transfer of
\$577 from the General Fund General Reserve to the City Manager's
budget is requested to purchase an IBM selectric typewriter.
Resolution needed. Estimated cost \$577)

ACTION: Res. 72-42 adopted approving appropriation transfer of \$577
from Account 60-101 to Account 5501-8-101. (Finance to handle)

MISCELLANEOUS

26. Legislation.

None.

27. Appointments.

ACTION: Res. 72-43 adopted (Elliott/Smith, unan.) appointing Ernest Tarone
as a member of the Employment and Manpower subcommittee and Joe
Good as a member of the Business and Industry subcommittee of
Project Greater Modesto. (Clerk to handle)

28. Matters too late for the agenda.

None.

Adjournment at 5:20 P.M.

ATTEST:

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

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, JANUARY 24, 1972 AT 7:30 P.M.

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

Pledge of allegiance to the Flag

Invocation: Father John Asimacopoulos, Greek Orthodox Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 3, 4, 5, 6, X, 8, 9,
Item 7 dropped from agenda 14, 17, 18, 19, 20, 21, 22, 23,
Elliott/Dunlap, unan. 24, 25, 26, 27, 28, 29, 30, 31,
32, 33, 34, 35

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

1. SUGGESTION AWARDS:

- (1) \$10 award to Marilyn Christiansen (Finance Department) for suggestion to install shelves for cash boxes in walk-in vault in Finance Department.
- (2) \$25 award to Sammy Rushing (Public Works Dept.) for suggestion to install an overhead pipe boom with high pressure hose at the City Shop to use when washing city vehicles.
(Mayor to present awards)

ACTION: The above awards were presented by Mayor Davies.

APPROVAL OF MINUTES

CONSENT

2. Minutes of January 17, 1972.
(Motion approving needed)

ACTION: By motion minutes approved.

WRITTEN COMMUNICATIONS

CONSENT

3. Letter from Dee Hamilton urging cooperation in matter of animal detention.
(Motion ordering filed needed)

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

CONSENT

4. Letter from Philip M. Noble calling attention to alleged unsafe conditions at intersection of McHenry with Sylvan-Standiford. (Motion referring to staff needed as Board of Supervisors has referred a similar request to their staff)

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

BIDS

CONSENT

5. Consider award of bid for construction of automatic sprinkler systems at Pike, Roosevelt and Scott Parks. (Bids were opened January 18, 1972. The low bid submitted by Jonnie E. Galloway, which is 21% under the Irrigation Consultants estimate, is considered acceptable. It is recommended by the Public Works Department that the bid be awarded low bidder. Resolution needed. Estimated cost \$43,345; funds budgeted in Accounts 6340-31-321, Pike Park Sprinklers; 6370-31-321, Scott Park Sprinklers; 6367-324, Roosevelt Park Sprinklers)

ACTION: Res. 72-44 adopted awarding contract to Jonnie E. Galloway. (P/W to handle)

CONSENT

6. Accept as complete Acme Construction Company's contract for roofing and drainage facilities at McHenry Library (Museum) (All work on this contract has been completed to the satisfaction of the Public Works Department. It would be in order to accept the work as complete and authorize the City Clerk to file a notice of completion. Resolution accepting work as complete and authorizing City Clerk to file notice of completion needed. Original estimated cost \$10,990; final cost, \$10,990. Funds budgeted in Account 6546-33-321, Capital Repairs to McHenry Library (Museum))

ACTION: Res. 72-45 adopted accepting contract. (Clerk to handle)

CONSENT

7. Accept as complete the construction of traffic signals and street lights at Coffee and Rumble - \$11,510. (The construction of the joint City-County-Sylvan Union School District traffic signals has been completed. Resolution accepting construction needed. Funds budgeted in Account 6141-56-321, Construction of traffic signals and street lighting Coffee and Rumble)

Dropped from agenda.

CONSENT

8. Approve plans, specifications and call for bids to construct curbs, gutters, sidewalks, fencing and storm drainage piping at the Service Yard Expansion Site on Elm St. between Washington and Jefferson Streets. Bids to be opened February 8, 1972 at 10:00 A.M. Resolution approving needed. Estimated cost \$14,675 (\$14,175 const; \$500 Eng. & Insp. Funds budgeted in Accounts 6517-41-321, Service Yard Expansion and 5304-51-101, Misc. Storm Drains)

ACTION: Res. 72-46 adopted approving plans and specifications and bid call. (Clerk to handle)

CONSENT

9. Consider authorizing staff to negotiate with Raymond C. Abst & Associates for the preparation of plans and specifications for expansion work on Fire Station #5.
(The capital improvement budget includes funding for the expansion of Fire Station #5 located on Briggsmore, west of McHenry Avenue. The original structure was designed by Raymond C. Abst & Associates and we believe that the best interest of the City is served if this firm were to prepare the necessary plans and specifications for the expansion. Motion authorizing staff to negotiate with Raymond C. Abst & Associates needed)

ACTION: By motion staff authorized to negotiate with Raymond C. Abst and Associates. (P/W to handle)

HEARINGS

10. Hearing on protests to annexation of Glendale-Miller Addition to City of Modesto. 7:35 P.M.

ACTION: By motion (Newton/Smith, unan.) hearing continued to February 7 at 4:15 P.M. (Clerk to handle)

11. Hearing on appeal of Topeka Inn Management, Inc. from denial by Board of Zoning Adjustment of request for conditional use permit for free-standing sign. 7:40 P.M.

ACTION: By motion (Dixon/Simon, majority - Dunlap, Smith and Davies, no) decision made to refer back to BZA for hearing of additional testimony and recommendation to Council.

Res. 72-47 adopted (Dunlap/Newton, unan.) continuing hearing to 7:35 P.M. on February 14, 1972 and referring matter back to BZA for further consideration and report to Council. (Planning to handle)

12. Hearing on cost of installation of sidewalk and/or curbs and gutters at the following locations: 7:45 P.M.

(a) Sidewalk along Edison Ave. and Bel Air Court at 811 Edison Ave., Lot 1 of Block 672. (Mr. Leon L. Lane - \$293.20)
(Payment over a six-year period recommended)

ACTION: Res. 72-48 adopted (Smith/Simon, unan.) confirming report, assessing costs and directing method of collection (over a six-year period) (Finance to handle)

(b) Curb, gutter and sidewalk at 707 El Terino Avenue, portion of Block 1038 (Mr. Lloyd P. Mize - \$260.30)
(Payment over a five-year period recommended)

ACTION: Res. 72-49 adopted (Smith/Simon, unan.) confirming report, assessing costs and directing method of collection (over a five-year period) (Finance to handle)

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

ACTION: Bob Schmidt, member of the Farm-City Advisory Committee, was introduced.

13. Matters for the good of the community, (continued)

ACTION: Keith Reid, 1346 Watts, complained that his car had been towed away by orders of the Police at a time when he had been arrested and that there was an \$18 towing charge. It was explained that State law at that time made the Police responsible for a car when the owner was jailed. This was referred to the City Attorney for report to Council and Mr. Reid. Councilman Dixon requested information on the number of cars towed away last year and the method by which the tow service is selected.
(C/Atty and Police to handle)

ORDINANCES

CONSENT

14. Consider adoption of an ordinance entitled "An Ordinance Adding Sections 9-1.13.2 and 9-1.13.3 to Chapter 1 of Title IX of the Modesto Municipal Code Relating to Building Regulations."
(This ordinance which will improve building security by setting standards for locks on doors and windows was considered by the City Council at its meeting of January 17, 1972 at which time the Council directed the staff to prepare the necessary amendments. Introduction of ordinance needed)

ACTION: By motion Ord. No. 1173-C.S. introduced. (Clerk to handle)

NEW BUSINESS

15. Request to start recruitment procedures to fill Property Agent position.
(Memo with agenda. Motion approving request needed. Estimated cost not known at this time. Appropriation transfer will be requested when it is known how much will be needed for the balance of the year)

ACTION: By motion (Simon/Elliott, unan.) staff authorized to start recruiting. (Personnel to handle)

16. Discussion of present policy of giving Council agenda materials to the press at the same time as the agendas are sent to the City Council.
(Motion directing staff needed)

ACTION: Several alternate methods of furnishing information to Council and press were discussed. It was agreed to have the City Manager discuss this with the press and report to Council. (C/Mgr to handle)

CONSENT

17. A resolution requesting transfer of a portion of the former Modesto State Hospital property to the City of Modesto for use as a fire station site.
(Resolution needed. Copy of proposed resolution with agenda)

ACTION: Res. 72-50 adopted requesting transfer of property. (C/Mgr to handle)

CONSENT

18. Request of City Clerk for vacation January 28, 31, February 1, 2, 3 and 4, 1972.
(Motion granting request needed)

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

CONSENT

19. Authorizing temporary positions in the unclassified service of the City of Modesto to be filled by persons employed under the provisions of the Emergency Employment Act of 1971.
(Memo with agenda. This resolution is necessary to amend Resolution No. 71-895 as some slots were reclassified and two additional slots have been added since the program began. Participants will be considered as temporary unclassified employees. Resolution amending City Resolution 71-895 needed)

ACTION: Res. 72-51 adopted amending Res. 71-895 to include temporary positions to be filled under provisions of Emergency Employment Act of 1971. (Personnel to handle)

CONSENT

20. Permission for Councilman Robert Elliott, City Attorney Elwyn Johnson, and Howard Neyens to attend the Labor Relations Institute (League of California Cities) in San Diego, February 2-4, 1972.
(Motion needed)

ACTION: By motion attendance authorized. (C/Mgr to handle)

CONSENT

21. Eliminate references in Resolution 71-376 to former city lot on 10th between K and L Streets and authorize new operating hours on City Hall lot.
(The 10th Street lot ceased operation on December 31, 1971 and authorization is needed to operate the City Hall Lot between 8:00 and 9:00 A.M. Resolution rescinding Resolution 71-376 and adopting a new resolution with these changes needed)

ACTION: Res. 72-52 adopted establishing off-street parking lots and rescinding Res. No. 71-376. (P & T to handle)

CONSENT

22. Consider approval of agreement to provide sewer service to a subdivision outside the city.
(Developers: Sanders Construction Company, Inc. The developers of Mancini Park Homes, a 71-lot subdivision in the County of Stanislaus on the north side of Sonora Avenue and the west side of Herndon Road, have signed an agreement for sewer service which basically requires that the development be to city standards, and that deed restrictions be recorded which require annexation to the City when so requested. Resolution approving agreement needed)

ACTION: Res. 72-53 adopted approving agreement with Sanders Construction Company, Inc. (P/W to handle)

CONSENT

23. Adoption of prevailing wage rates.
(This is the annual adoption of the prevailing wage rates. Only those rates changed during the remainder of the year will be included as part of the notice to bidders for projects constructed by competitive bidding procedure. Resolution adopting prevailing wage rates needed)

ACTION: Res. 72-54 adopted adopting prevailing wage rates. (Clerk to handle)

CONSENT

24. Three county referrals of open space contract applications: John Bava et al and Ralph Bava, Carpenter Road at Whitmore Avenue; Charlotte Pike, Woodland Avenue at Morse Road.
(Memos with agenda. Three resolutions expressing Council recommendations to the County Board of Supervisors needed)

ACTION: Res. 72-55 adopted offering no objection to Application No. 72-952. (John Bava)

Res. 72-56 adopted offering no objection to Application No. 72-95. (Ralph Bava)

Res. 72-57 adopted offering no objection to Application No. 72-1074. (Charlotte Pike) (Clerk to handle)

CONSENT

25. Resolution endorsing the proposed alcohol detoxification and treatment program of Stanislaus County.
(Resolution and grant application with agenda. Resolution needed)

ACTION: Res. 72-58 adopted endorsing program. (Clerk to handle)

CONSENT

26. Acceptance of grant from California Council on Criminal Justice for Neighborhood Youth Advisor Program, and authorizing City Manager to sign grant contracts.
(The City Council previously authorized the application for a grant of \$42,124 for the Neighborhood Youth Advisor Program. The application has been approved and it is now necessary to sign the contract. Resolution needed. Estimated cost: in kind)

ACTION: Res. 72-59 adopted approving grant contract. (C/Mgr to handle)

CONSENT

27. Acceptance of grant from California Council on Criminal Justice for feasibility study - alternate law enforcement systems, and authorizing the City Manager to sign grant contracts.
(The City Council previously authorized the application for a grant of \$15,000 for the feasibility study of alternate law enforcement systems. The application has been approved and it is now necessary to sign the contract. Resolution needed. Estimated cost: In kind, if possible)

ACTION: Res. 72-60 adopted approving grant contract. (C/Mgr to handle)

CONSENT

28. Consider lease agreement between Arnold R. and Norma E. Johnson and the City of Modesto for lease of approximately 16 acres of the Beyer Park site property.
(Mr. and Mrs. Arnold E. Johnson have offered to lease the Beyer Park site for the purpose of growing grain. They will pay the City 15% of the gross revenue from the crop for a term of January 25, 1972 through June 30, 1972, with an option to renew the lease for an additional year. The lease agreement provides that lessee will carry liability insurance in the amount of \$100,000/300,000 and \$50,000 property damage, and the City will pay the possessory interest tax on the property. Resolution approving lease agreement needed)

ACTION: Res. 72-61 adopted approving lease agreement. (Finance to handle)

CONSENT

29. Grant application for Legacy of Parks program.
(Resolution authorizing the filing of application for grant to develop open space land under Legacy of Parks for J. M. Pike, Marshall, and Mancini Parks. Resolution authorizing filing of application needed)

ACTION: Res. 72-62 adopted authorizing filing of grant application. (Pike Park)

Res. 72-63 adopted authorizing filing of grant application. (Mancini Park)

Res. 72-64 adopted authorizing filing of grant application. (Marshall Park) (P & R to handle)

REPORTS FROM THE PLANNING COMMISSION

CONSENT

30. Recommend amendment to Section 21-3-9 of the zoning map (Wright and Lazar)
(By Resolution No. 72-13 adopted January 18, 1972 the Planning Commission recommends an amendment to Section 21-3-9 of the zoning map as requested by Lamon Wright and Marshall Lazar to rezone from One-Family Residential Zone, R-1, to Two-family Residential Zone, R-2, property located on the south side of East Granger Avenue opposite Honeysuckle Drive. Resolution setting February 14, 1972 at 7:35 P.M. for hearing needed)

ACTION: Res. 72-65 adopted setting hearing. (Clerk to handle)

CONSENT

31. Recommend amendment to Section 18-3-9 of zoning map (Chester W. Allen)
(By Res. No. 72-12 adopted January 18, 1972 the Planning Commission recommends an amendment to Section 18-3-9 of the zoning map as requested Chester W. Allen to rezone from One-family Residential Zone, R-1, to Planned Development Zone, P-D, for a 24-unit, 2-story multi-family residential development, located at the southwest corner of Tully Road and Levon Avenue. Resolution setting February 14, 1972 at 7:40 P.M. for public hearing needed)

ACTION: Res. 72-66 adopted setting hearing. (Clerk to handle)

CONSENT

32. Recommend further amendments relating to the proposed amendments to Article 4, Chapter 1 of Title VII of the Modesto Municipal Code (Driveway Regulations) and the Standard Specifications. (By Resolution No. 72-21 adopted January, 1972 the Planning Commission recommends additional amendments to be considered at the public hearing which has been set for February 7, 1972 at 4:10 P.M. All proposed amendments are included in Resolution No. 72-21. Motion acknowledging receipt of Planning Commission Res. No. 72-21 and referring to public hearing already set for February 7, 1972 at 4:10 P.M.)

ACTION: By motion receipt of Planning Commission Res. No. 72-21 acknowledged and resolution referred to public hearing set for February 7, 1972. (Clerk to handle)

APPROPRIATION TRANSFERS

CONSENT

33. Approval of appropriation transfer. (To cover cost of extra help for remainder of 1971-72 fiscal year. Memo with agenda. Resolution approving appropriation transfer of \$636 from General Reserve needed)

ACTION: Res. 72-67 adopted approving appropriation transfer of \$636 from Account 60-101 to Account 120-17-101. (Finance to handle)

CONSENT

34. Approval of the transfer of unencumbered funds in Fire Department Capital accounts is requested to provide additional funds for the Fire Station construction proposed in C.I.P. Project 6130. Resolution approving transfer of \$30,000 needed)

ACTION: Res. 72-68 adopted approving appropriation transfer of \$24,500 from Account 6125-41-321 and \$5,500 from Account 6112-41-321 to Account 6130-41-321. (Finance to handle)

CONSENT

35. Appropriation transfer to provide additional funds for business expense. (The additional funds are needed because there have been more meetings than anticipated; for example, the Public Project Committee meetings, S.A.A.G. meetings. Resolution approving appropriation transfer of \$695 from General Reserve needed)

ACTION: Res. 72-69 adopted approving appropriation transfer of \$695 from Account 60-101 to Account 208-65-101. (Finance to handle)

MISCELLANEOUS

36. Legislation.

None

37. Appointments.

ACTION: Res. 72-70 adopted (Dixon/Smith, unan.) appointing Councilman Elliott, D. J. Carmody, C. A. Tallent, Earl Egoff and George Gagos as members of the Government Services Committee. (Clerk to handle)

Mayor Davies then requested Councilman Elliott to call the first meeting of this committee.

Res. 72-71 adopted (Dixon/Dunlap, unan.) appointing Mrs. Jo Ann Schoenleb and Mrs. Sarah Foster as members of the Art and Culture Subcommittee of Project Greater Modesto. (Clerk to handle)

Res. 72-72 adopted (Simon/Dixon, unan.) appointing Lonnie Renfroe, Jr. as a member of the Business and Industry Subcommittee of Project Greater Modesto. (Clerk to handle)

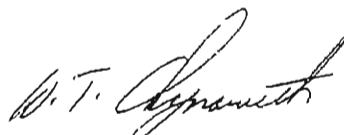
38. Matters too late for the agenda.

ACTION: Mayor Davies reported that he had received a letter from the Central Labor Council complaining of use of City funds to support the League of California Cities. The letter stated that the League was anti-labor. It was agreed that the letter and the Mayor's reply would be on the agenda for February 7, 1972, and City Manager would send copy to Councilmen.

Councilman Newton requested that Lamar Bartholomew, Gary Morse and possibly others meet with the men running the West Side Awareness House to assist them in getting their program running better. (C/Mgr to handle)

Adjournment at 9:35 P.M.

ATTEST:



W. T. CHYNOWETH, City Clerk

MINUTES AND ACTION AGENDA

AGENDA FOR COUNCIL MEETING OF MONDAY, FEBRUARY 7, 1972 AT 4:00 P.M.

CITY OF MODESTO

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

Pledge of allegiance to the Flag
Invocation: Don Shapman, Modesto Christian School

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2, 6, 7, 8, 9, 14,
Item 37 dropped from agenda. 15, 16, 17, 18, 19, 20, 22, 23, 24,
Dixon/Simon, unan. 25, 27, 28, 30, 31, 32, 33, 34,
35, ~~37~~, 38, 39, 40

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

APPROVAL OF MINUTES

CONSENT

1. Minutes of January 24, 1972.
(Motion approving needed)

ACTION: By motion minutes approved.

WRITTEN COMMUNICATIONS

CONSENT

2. Request of Memorial Hospitals of Stanislaus to provide transportation service for radiation therapy patients receiving care and treatment at Memorial Hospital Modesto.
(Motion referring to staff for report needed)

ACTION: By motion request referred to staff for report. (Police and C/Atty to handle)

3. Petition from merchants in 2000 block of Yosemite Boulevard objecting to opening of a new beer, wine, food establishment at 2027 Yosemite Blvd.

ACTION: By motion (Smith/Dixon, unan.) staff directed to forward petition to Alcoholic Beverage Control with letter stating all factors which City can obtain as to why this should not be granted. The Council agreed to request the Planning Commission to make a study of the number of establishments serving alcoholic beverages in any given area. (Planning to handle)

4. Correspondence regarding closure of city parking lot in the 1100 block, 10th Street.

- (a) Letter from Asher Bros. Shoe Store.
- (b) Letter from Sears, Roebuck and Company.

ACTION: By motion (Dixon/Simon, unan.) the Director of Parking and Traffic was directed to make himself available to the merchants in the area of this parking lot to discuss a possible subsidy program and to report to the Council as to their feelings and any action proposed before any action is taken by the Council. (P & T to handle)

5. Letter from Central Labor Council complaining of use of city funds to support League of California Cities.

ACTION: By motion (Smith/Simon, unan.) Mayor Davies authorized to answer this letter. (Mayor to handle)

BIDS

CONSENT

6. Consider readvertising for bids for construction of bleachers, backstop, and fencing at Davis Park. (Suggested bid opening date February 22, 1972 at 10:00 A.M. No bids were received for this project. Several contractors have been contacted and they have indicated that they would bid if the job were readvertised. Resolution authorizing Public Works Department to readvertise and call for bids. Estimated cost \$38,727 (\$37,728 Const., \$1,000 Insp.) Funds budgeted in Account 6315-31-321, Davis Park Stages 3 & 4)

ACTION: Res. 72-73 adopted approving new bid call. (Clerk to handle)

CONSENT

7. Consider authorizing the staff to negotiate for the purchase of a vacuum truck body. (Memo with agenda. Resolution waiving formal bid procedures and authorizing staff to negotiate purchase of vacuum truck body needed)

ACTION: Res. 72-74 adopted waiving formal bid procedure and authorizing staff to negotiate purchase of vacuum truck body. (P/W to handle)

By motion staff authorized to prepare specifications on truck cab and chassis to be used with the vacuum body. (P/W to handle)

CONSENT

8. Call for bid for M.I.D. Lateral #2 and Elk Park. (Approve plans, specifications and call for bids for M.I.D. Lateral #2 landscaping and automatic irrigation system, and Elk Park automatic irrigation system as one project. Bids to be opened February 22, 1972 at 10:10 A.M. Resolution approving bid call needed. Estimated cost \$18,700; Funds budgeted in Accounts 6319-31-321, M.I.D. Lateral #2 construction and 6335-324, Elk Park Automatic Sprinklers. Transfer of additional funds needed will be requested when exact cost of project is determined)

ACTION: Res. 72-75 adopted approving plans and specifications and bid call. (Clerk to handle)

CONSENT

9. Consider award of bid for painting museum. (Bids were opened February 1, 1972. The low bid for Alternate No. 3 is acceptable. It is recommended by Public Works and Parks and Recreation that the bid be awarded to low bidder, Houston Painting, Inc. Resolution awarding bid needed. Estimated cost \$9,400 plus overhead. Funds budgeted in Account 6546-31-321, Remodel Culture Center (Museum)

ACTION: Res. 72-76 adopted awarding contract to Houston Painting, Inc. for Alternate No. 3. (P & R to handle)

HEARINGS

10. Hearing, annexation of Dale Road, No. 1 Addition to Sewer District.

4:05 P.M.

ACTION: Res. 72-77 adopted (Elliott/Dunlap, unan.) annexing Dale Road No. 1 Addition to Modesto Municipal Sewer District No. 1. (Clerk to handle)

11. Hearing, proposed amendments to Modesto Municipal Code relating to driveway regulations.

4:10 P.M.

ACTION: By motion (Elliott/Simon, unan.) Ord. No. 1174-C.S. introduced. Res. 72-77A adopted (Elliott/Simon, unan.) amending Standard specifications for subdivision improvements. (Clerk to handle)

12. Continued hearing on protests to proposed annexation of Glendale Addition to City of Modesto.

4:15 P.M.

ACTION: Res. 72-78 adopted (Dixon/Elliott, unan.) overruling protests. Res. 72-79 adopted (Dixon/Elliott, unan.) setting April 11, 1972 as time for election. (Clerk to handle)

13. Matters for the good of the Community.

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

ACTION: Ann Carmichael of Downey High School congratulated the Council on efforts being made to control noise, and reported that a decibelmeter is being made at Davis High School and will be presented to the City.

ORDINANCES

CONSENT

14. Consider adoption of the following ordinances:

(a) Ordinance No. 1172-C.S. amending Section 9-3-9 of the zoning map, rezoning property to R-2 and R-3, (Medeiros - Sylvan Avenue)
(Motion adopting needed)

ACTION: By motion Ord. No. 1172-C.S. adopted. (Clerk to handle)

(b) Ordinance No. 1173-C.S. adding sections to the Modesto Municipal Code relating to building regulations.
(Motion adopting needed)

ACTION: By motion Ord. No. 1173-C.S. adopted. (Clerk to handle)

NEW BUSINESS

CONSENT

15. Agreement between the Department of Finance of the State of California and the City of Modesto providing for a population estimate of the City by the Department of Finance.

(This matter was considered by the City Council at its meeting of October 26, 1971 at which time a request for the State to make a population estimate was authorized and an appropriation transfer of \$415 was approved to pay for the population estimate. The State is now ready to proceed and it is necessary to enter into a formal agreement. In the meantime there has been a price increase and it will now cost \$440, necessitating an additional appropriation transfer of \$25.00. Resolution authorizing City Manager to sign agreement and resolution approving appropriation transfer needed)

ACTION: Res. 72-80 adopted approving agreement with Department of Finance. (Clerk to handle)

Res. 72-81 adopted approving appropriation transfer of \$25 from Account 60-101 to Account 421-65-101. (Finance to handle)

CONSENT

16. Health Officer - garbage disposal.
(Memo with agenda. Ordinance needed)

ACTION: By motion Ord. No. 1175-C.S. introduced permitting Health Officer and Director of Public Works to enforce garbage disposal ordinance. (Clerk to handle)

CONSENT

17. A resolution petitioning the Board of Supervisors of the County of Stanislaus to exclude all property within the incorporated limits of the City of Modesto from County tax levy for fire protection. (Due to revisions in Government Code Section 25643 in 1970 and 1971, it is necessary to refile. Resolution needed)

ACTION: Res. 72-82 adopted requesting exclusion. (Clerk to handle)

NEW BUSINESS

CONSENT

18. Consider request for sewer service to property outside the City at 1422 Garden Avenue (Frank S. and Bettie Ward)
(The property owners have signed an agreement to annex when requested to do so by the City. The property is contiguous to the City and a sewer line exists to serve it. Resolution approving agreement needed)

ACTION: Res. 72-83 adopted approving agreement. (P/W to handle)

CONSENT

19. Consider request for sewer service to Midstate Theatres property at 1773 Prescott Road (Mid state Theatres, Inc.)
(The property owners have signed an agreement which requires that they commence annexation proceedings by February 1, 1972. The property is contiguous to the City but the property owners must extend a sewer lateral. Resolution approving agreement needed)

ACTION: Res. 72-84 adopted approving agreement. (P/W to handle)

CONSENT

20. Approve final map of Newcastle Estates No. 1 Subdivision of the City of Modesto and authorize an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code.
(The subdivision agreement has been signed and all fees paid. Newcastle Estates No. 1 Subdivision is located on the west side of Sonoma Avenue north of Scenic Drive. It contains 6.00 acres. Resolution approving final map and agreement needed)

ACTION: Res. 72-85 adopted approving final map of Newcastle Estates No. 1. (Clerk to handle)

21. Authorize preparation of project report for additions to wastewater treatment facilities by Jenks and Adamson, Consulting Sanitary Engineers.
(Memo with agenda. Resolution approving appropriation transfer; motion authorizing firm of Jenks and Adamson to prepare project report as recommended by Director of Public Works, and authorizing staff to negotiate agreement with Jenks and Adamson for engineering design of the project. Estimated cost \$3,000)

ACTION: Res. 72-86 adopted (Simon/Elliott, unan.) approving appropriation transfer of \$3,000 from Account 60-212 to Account 6598-212. (Finance to handle)

By motion (Simon/Elliott, unan.) Jenks and Adamson authorized to prepare project report. (P/W to handle)

By motion (Simon/Elliott, unan.) staff authorized to negotiate agreement with Jenks and Adamson for engineering design of project. (P/W to handle)

CONSENT

22. Consider approval of a program for TOPICS Improvement Projects T3048(5) and appointing signatory official.
(This project is the widening and channelizing of the intersection of El Vista Avenue and Scenic Drive and constructing a traffic signal system. This is a cooperative project between the City of Modesto and the County of Stanislaus and will be administered by the State. Under this program the estimated city share of the project cost is \$12,046, County's share (\$56,828 and federal share of \$173,126) Funds budgeted in Account 6697-207, El Vista Scenic Improvement. Resolution approving program and appointing signatory official needed)

ACTION: Res. 72-87 adopted approving program and appointing signatory official. (P & T to handle)

CONSENT

23. Authorize staff to negotiate agreement for master plan, Sutter Park.
(Request that staff be authorized to negotiate agreement with Landscape Architect for preparation of a master plan for Sutter Park. Motion directing staff to negotiate needed. Estimated cost \$4,500. Funds budgeted in Account 6327-31-321, Sutter Park Plan/Study)

ACTION: By motion staff authorized to negotiate agreement. (P & R to handle)

CONSENT

24. Authorize staff to negotiate agreement for master plan, Mark Twain Park.
(Request that staff be authorized to negotiate agreement with Landscape Architect for preparation of a master plan for Mark Twain park site. Motion directing staff to negotiate needed. Estimated cost \$7,500. Funds budgeted in Account 6352-31-321, Mark Twain Plan/Study)

ACTION: By motion staff authorized to negotiate agreement. (P & R to handle)

CONSENT

25. Approve final map of McHenry Estates No. 1 Subdivision of the City of Modesto and authorizing an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code.

(The subdivision is located on the north side of Sylvan Avenue, east of McHenry Avenue and the subdivision agreement has been signed and all fees paid. It contains 16.47 acres. Adoption of resolution approving final map and authorizing execution of agreement by City needed)

ACTION: Res. 72-88 adopted approving final map of McHenry Estates No. 1. (Clerk to handle)

26. Request for approval of retroactive pay for fifty city employees. (Memo with agenda. Resolution approving request needed. Estimated cost \$3,265. Funds budgeted in various salary accounts)

ACTION: Res. 72-89 adopted (Elliott/Newton, unan.) approving retroactive pay. (Finance to handle)

CONSENT

27. Consent - County referral of an open space contract application, Donald Butler, Kansas Avenue, near Dakota Avenue. (Memo with agenda. Resolution expressing council recommendation to the County Board of Supervisors needed)

ACTION: Res. 72-90 adopted expressing no opposition to application. (Clerk to handle)

CONSENT

28. Request for permission to print and distribute the Council's annual "Report to the People." (It is recommended that the reports be mailed with the water-sewer bills the last of February, using the County's equipment for inserting the bills and reports into envelopes as in previous years. Motion approving request. Estimated cost \$550. Funds budgeted in Account 427-65-101, Annual Report, p. 64 of final budget)

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

29. Consultant for Museum.
(Staff recommends hiring Jack Brotherton by letter agreement as consultant for Museum. Memo with agenda. Resolution approving letter agreement needed. Estimated cost \$1,500. Funds budgeted in Account 235-29-101, Services, Professional & Other)

ACTION: Res. 72-91 adopted (Elliott/Smith, unan.) approving letter agreement with Jack Brotherton. (Clerk to handle)

The Council requested that in the future all hiring of contract employees be discussed in executive session prior to being made an agenda item.

CONSENT

30. Consider acceptance of improvements in Granada Park Nos. 1 and 2 Subdivisions and authorize City Clerk to file notice of completion and release bonds upon expiration of statutory periods.
(Granada Park is located east of Riverside Drive and north of Haddon Avenue. All improvements have been completed to the satisfaction of the Public Works Department and all fees have been paid. Energizing of the street lights in Granada Park No. 2 has been delayed because of Modesto Irrigation District's work schedule, but the developer's work has been completed. Resolution accepting improvements needed)

ACTION: Res. 72-92 adopted accepting improvements in Granada Park No. 1 Subdivision.

Res. 72-93 adopted accepting improvements in Granada Park No. 2 Subdivision. (Clerk to handle)

CONSENT

31. Consider repealing Chapter 2 of Title V of the Municipal Code regulating trailer camps.
(Memo with agenda. Introduction of ordinance needed)

ACTION: By motion Ord. No. 1176-C.S. introduced. (Clerk to handle)

CONSENT

32. Requirement for construction of curbs, gutters and/or sidewalks at the locations listed below.

(Informal requests were sent to the property owners over 30 days ago. As the work has not been done, it is recommended that resolutions be adopted instructing the Superintendent of Streets to give notice. Resolutions setting 4:05 P.M. February 22, 1972 as date for hearings needed)

(a) Curb, gutter and sidewalk at 822-24 El Terino Avenue, a portion of Block 1045 (Mr. Martin L. Ayala)
(Resolution setting hearing needed)

ACTION: Res. 72-94 adopted setting hearing. (P/W to handle)

(b) Curb, gutter and sidewalk on East Fairmont and sidewalk on El Terino Avenue at 960 El Terino Avenue, portion of Block 1045.
(Bible Baptist Church)
(Resolution setting hearing needed)

ACTION: Res. 72-95 adopted setting hearing. (P/W to handle)

(c) Curb, gutter and sidewalk on Lucern Avenue, and curb, gutter and sidewalk on El Terino Avenue, at 1201 Lucern Avenue, a portion of Block 1037 (Mrs. Marion W. Clark)
(Resolution setting hearing needed)

ACTION: Res. 72-96 adopted setting hearing. (P/W to handle)

(d) Curb, gutter and sidewalk at 624 El Terino Avenue, a portion of Block 1037. (Mrs. Marion W. Clark)
(Resolution setting hearing needed)

ACTION: Res. 72-97 adopted setting hearing. (P/W to handle)

(e) Curb, gutter and sidewalk at 930 El Terino Avenue, a portion of Block 1045. (Mr. Everett L. Costa)
(Resolution setting hearing needed)

ACTION: Res. 72-98 adopted setting hearing. (P/W to handle)

(f) Sidewalk at 1539 Carlton Avenue, Lot 3 of Block 6123 (Mr. Manuel J. Costa)
(Resolution setting hearing needed)

ACTION: Res. 72-99 adopted setting hearing. (P/W to handle)

(g) Sidewalk on Carlton Avenue and West Granger Avenue, at 1549 Carlton Avenue, Lot 1 of Block 6123. (Mr. Littleton M. Day)
(Resolution setting hearing needed)

ACTION: Res. 72-100 adopted setting hearing. (P/W to handle)

CONSENT

32. (h) Sidewalk at 1309 "L" Street, Lots 17 and 18 of Block 109.
(Mr. Wilbur E. Grant) (Resolution setting hearing needed)

ACTION: Res. 72-101 adopted setting hearing. (P/W to handle)

(i) Curb, gutter and sidewalk at 125 Calaveras Avenue, Lots 20 and 21 of Block 305. (Mr. Lupe Gusman) (Resolution setting hearing needed)

ACTION: Res. 72-102 adopted setting hearing. (P/W to handle)

(j) Curb, gutter and sidewalk at 720 El Terino Avenue, a portion of Block 1037. (Mr. Amos A. Hartman) (Resolution setting hearing needed)

ACTION: Res. 72-103 adopted setting hearing. (P/W to handle)

(k) Curb, gutter and sidewalk at 609 El Terino Avenue, a portion of Block 1038. (Mrs. Gladys Hill) (Resolution setting hearing needed)

ACTION: Res. 72-104 adopted setting hearing. (P/W to handle)

(l) Curb, gutter and sidewalk at 616 El Terino Avenue, a portion of Block 1037. (Mr. Herbert J. Jenkins) (Resolution setting hearing needed)

ACTION: Res. 72-105 adopted setting hearing. (P/W to handle)

(m) Curb, gutter and sidewalk at 801 El Terino Avenue, a portion of Block 1041. (Mr. Thorai L. Kenner) (Resolution setting hearing needed)

ACTION: Res. 72-106 adopted setting hearing. (P/W to handle)

(n) Curb, gutter and sidewalk at 620 El Terino Avenue, a portion of Block 1037. (Mr. Leroy P. Marckese) (Resolution setting hearing needed)

ACTION: Res. 72-107 adopted setting hearing. (P/W to handle)

(o) Curb, gutter and sidewalk at 617 El Terino Avenue, a portion of Block 1038. (Mrs. Stella Marshall) (Resolution setting hearing needed)

ACTION: Res. 72-108 adopted setting hearing. (P/W to handle)

CONSENT

32. (p) Curb and gutter at 1219 "M" Street, a portion of Block 89.
(Mrs. Jennie Mattera) (Resolution setting hearing needed)

ACTION: Res. 72-109 adopted setting hearing. (P/W to handle)

(q) Sidewalk at 1543 Carlton Avenue, Lot 2 of Block 6123. (Mrs.
Hazel L. Moore) (Resolution setting hearing needed)

ACTION: Res. 72-110 adopted setting hearing. (P/W to handle)

(r) Sidewalk at 1535 Carlton Avenue, Lot 4 of Block 6123. (Mr.
John B. Mudie) (Resolution setting hearing needed)

ACTION: Res. 72-111 adopted setting hearing. (P/W to handle)

(s) Curb, gutter and sidewalk at 129 Calaveras Avenue, Lots
22 and 23 of Block 305. (Mr. Lawrence L. Newman) (Resolution
setting hearing needed)

ACTION: Res. 72-112 adopted setting hearing. (P/W to handle)

(t) Sidewalk at 959 El Terino Avenue, Lot 5 of Block 1044.
(Mr. Frank J. Seno) (Resolution setting hearing needed)

ACTION: Res. 72-113 adopted setting hearing. (P/W to handle)

(u) Sidewalk at 901 Pearl Street, Lot 10 of Block 6123. (Mr.
Frank Sicilian) (Resolution setting hearing needed)

ACTION: Res. 72-114 adopted setting hearing. (P/W to handle)

(v) Curb, gutter and sidewalk on Calaveras Avenue, at 133
Tuolumne Boulevard, a portion of Block 305. (United Pentecostal
Church) (Resolution setting hearing needed)

ACTION: Res. 72-115 adopted setting hearing. (P/W to handle)

(w) Curb, gutter and sidewalk at 718 El Terino, a portion of
Block 1037. (Mr. Charles J. Welch) (Resolution setting hear-
ing needed)

ACTION: Res. 72-116 adopted setting hearing. (P/W to handle)

(x) Curb, gutter and sidewalk at 807 El Terino Avenue, a portion
of Block 1041. (Mr. Wilfred A. Williams) (Resolution setting hear-
ing needed)

ACTION: Res. 72-117 adopted setting hearing. (P/W to handle)

CONSENT

32. (y) Curb, gutter and sidewalk at 628 El Terino Avenue, a portion of Block 1037. (Mrs. Maude A. Young) (Resolution setting hearing needed)

ACTION: Res. 72-118 adopted setting hearing. (P/W to handle)

CONSENT

33. Adoption of amended resolution authorizing condemnation proceedings- Benjamin S. Taylor, et al (Needham Avenue)
(Memo with agenda. Adoption of amended resolution needed)

ACTION: Res. 72-119 adopted amending Res. No. 71-1040 to correct property description. (C/Atty to handle)

CONSENT

34. Consider approving agreement for architectural services with Ray C. Abst, Architect, for the preparation of plans and specifications for the addition to Fire Station No. 5.
(Fee for the work is on a direct labor basis not to exceed 8% of the bid price. Agreement provides for plans and specifications to be ready for bid no later than June 26, 1972. City Council on January 24, 1972 authorized staff to negotiate with Mr. Abst. Resolution approving agreement and authorizing City Manager to execute on behalf of City. Funds budgeted in Account 6130-41-321, Station No. 5/Construct Addition)

ACTION: Res. 72-120 adopted approving agreement with Ray C. Abst.
(Clerk to handle)

CONSENT

35. Approve amendments to the TOPICS program agreement for the Needham-K-L streets project.
(The amendments are refinements of the original agreement, and there are no changes in the estimated costs or cost apportionment. Resolution approving amendments needed)

ACTION: Res. 72-121 adopted approving amendments. (P & T to handle)

36. Progress report on filling of basements in Block 55.
(Verbal report will be made at the Council meeting)

ACTION: The Director of Public Works reported that except for the Stockton and Kounias properties all the unfilled basements in Block 55 would be filled voluntarily. He further reported that court actions would be filed against the two remaining property owners on February 8, 1972.

CONSENT

- 37. Consider approval of right of way certificate for the City's portion for the improvement of Scenic Drive and El Vista Avenue intersection, a City-County project.
(In order for the State of California to proceed with the call for bids on this project it is necessary for the City to certify that it has acquired all the necessary right of way for its portion of the project and to agree to hold the State of California harmless from any liability which may result in the event the right of way is not clear as certified. Resolution approving right of way certificate needed)

Dropped from agenda.

REPORTS

CONSENT

- 38. Report on McHenry-Standiford-Sylvan intersection.
(Report with agenda. No council action needed)

No action.

CONSENT

- 39. Presentation of financial statement for January 1972.
(Copies of report will be presented at meeting. Motion accepting report needed)

ACTION: By motion report accepted.

APPROPRIATION TRANSFERS

CONSENT

- 40. Appropriation transfer to cover cost of construction of nine-hole municipal golf course building which will cost approximately \$14,000 over the budgeted figure.
(Resolution authorizing appropriation transfer from General Reserve (60-321) to Muni Golf/New Building, 6042-31-321) needed)

ACTION: Res. 72-122 adopted approving appropriation transfer of \$14,000 from Account 60-321 to Account 6042-31-321. (Finance to handle)

MISCELLANEOUS

- 41. Legislation.

None

- 42. Appointments.

(a) Executive session to consider appointments to boards, commissions and committees.

ACTION: The Council retired to executive session at 5:05 P.M. and returned to open meeting at 5:25 P.M.

Res. 72-123 adopted (Simon/Newton, unan.) appointing Linda Andeweg and Ron Ratto as members of the Youth Subcommittee of Project Greater Modesto. (Clerk to handle)

- 43. Matters too late for the agenda.

ACTION: Councilman Dixon gave a report on the Comprehensive Health Program. He stated that six task forces had been formed and that he had been named Chairman of the Task Force on Health Facilities and Health Services. He expressed the hope that citizens would provide input to the Task Forces to assist them.

Adjournment at 5:30 P.M.

ATTEST:

W. T. Chynoweth

W. T. CHYNOWETH, City Clerk

Page 12

2/7/72

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, FEBRUARY 14, 1972 AT 7:30 P.M.

Roll Call Present: Dixon, Dunlap, Elliott, Newton, Simon,
Mayor Davies
Absent: Smith
Councilman Newton arrived at 7:32 P.M.

Pledge of allegiance to the Flag

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2, 3, 4, 5, 6, 7, 8,
Simon/Dixon, unan. - Newton and 9, 10, 15, 16, 18, 19, 20,
Smith, absent 21, 22, 23, 25, 26

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

APPROVAL OF MINUTES

CONSENT

1. Minutes of February 7, 1972.
(Motion approving needed)

ACTION: By motion minutes approved.

WRITTEN COMMUNICATIONS

CONSENT

2. Resolution of Board of Supervisors authorizing grant deed to City of Modesto for Revard Park.
(Resolution accepting deed needed)

ACTION: Res. 72-124 adopted accepting deed. (Clerk to handle)

CONSENT

3. Notice that P. G. & E. Co. has filed request for rate increase with California Public Utilities Corporation.
(Motion referring to staff needed)

ACTION: By motion notice referred to staff. (P & T to handle)

CONSENT

4. Request of property owners on College between Granger and Briggsmore for permission to install four foot sidewalks.
(Motion referring to staff for report needed)

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

BIDS

CONSENT

5. Consider award of bid for the construction of improvements at City Service Yard expansion.
(Bids were opened February 8, 1972. The low bid submitted by Matteson Construction Co., which is 1.4% under the Engineer's Estimate, is considered acceptable. It is recommended by the Public Works Department that the bid be awarded to low bidder. Resolution awarding bid needed. Estimated cost \$14,476.60 (Contract \$13,976.60; Eng. & Insp. \$500) Funds budgeted in Accounts 6517-41-321, Service Yard Expansion and 5304-51-101, Misc. Storm Drains)

ACTION: Res. 72-125 adopted awarding contract to Matteson Construction Co. (P/W to handle)

CONSENT

6. Consider acceptance of Rutan Company's contract for installation of water lines in Block 1250 and Modesto Verde.
(Original contract, \$17,672. All work in conjunction with the project has been completed to the satisfaction of the Public Works Department. It would be in order to accept the work as complete. Resolution accepting work needed. Final cost \$18,180.72 (Main \$13,890.72; Ser. \$4,290). Funds budgeted in Account 6804-50-101, Water Main Extension, and 5301-50-101, New Services)

ACTION: Res. 72-126 adopted accepting contract. (Clerk to handle)

CONSENT

7. Consider acceptance of S. M. McGaw's contract for installation of water lines in Elmwood No. 3 and Tradewinds No. 4.
(Original contract \$4,732.25. All work in conjunction with this project has been completed to the satisfaction of the Public Works Department. It would be in order to accept the work as complete. Resolution accepting work needed. Final cost \$4,574.50 (Main, \$3,174.50; Ser. \$1,400). Funds budgeted in Account 6804-50-101, Water Main Extensions, and 5301-50-101, New Services)

ACTION: Res. 72-127 adopted accepting contract. (Clerk to handle)

CONSENT

8. Consider approval of plans, specs, and call for bids for the installation of water lines in McHenry Estates No. 1 and Palamino Estates.
(Suggested bid opening: February 29, 1972 at 10:10 A.M. Costs and Revenues: McHenry Estates No. 1: Const. cost, \$13,104.89; conn. charges, \$7,068.81; Net annual revenue \$2,688.80. Palamino Estates: Const. cost, \$39,620.50; Conn. charges, \$9,185; Net annual revenue, \$783. Resolution approving plans, specs and bid call needed. Funds budgeted in Account 6804-50-.01, Water Line Extension, and 5301-50-101, New Services)

ACTION: Res. 72-128 adopted approving plans and specifications and bid call. (Clerk to handle)

CONSENT

9. Approve plans, specifications and call for bids for construction of a subtrunk sewer on Tully between Montclair and Clevenger. (This subtrunk line is needed to provide sewer service for Palimino Estates Subdivision. Resolution approving plans, specs, and setting February 29, 1972 at 10:00 A.M. for receiving bids needed. Estimated cost \$62,500 (Const. \$59,100; Eng. & Insp. \$3,400.) Funds budgeted in Account 6561-212, Extend Subtrunk Sewers)

ACTION: Res. 72-129 adopted approving plans and specifications and bid call. (Clerk to handle)

CONSENT

10. Consider acceptance of Industrial Electrical Co. Inc. contract for construction of Improvement District No. 17 facilities. All work on this project has been completed to the satisfaction of the Public Works Department. It would be in order to accept the work as complete and authorize the City Clerk to file notice of completion. Resolution accepting work as complete needed. Contract bid price \$152,192.84; actual cost, \$134,430.03. 1/3 cost of MID; 1/3 cost to City; Funds budgeted in Account 6622-41-321, St. Lights Unlighted Area Stage 2)

ACTION: Res. 1218-S.P. adopted accepting contract. (Clerk to handle)

HEARINGS

11. Hearing on amendment to Section 21-3-9 of zoning map to rezone from R-1 to R-2 property located on the south side of East Granger, opposite Honeysuckle Drive. (Wright & Lazar) 7:35 P.M.

ACTION: By motion (Simon/Newton, unan. - Smith, absent) Ord. 1177-C.S. introduced amending Sec. 21-3-9 of zoning map. (Clerk to handle)

12. Continued hearing on appeal of Topeka Inn Management, Inc. from denial by BZA of of request for conditional use permit for free-standing sign. 7:35 P.M.

ACTION: Res. 72-130 adopted (Simon/Dixon, maj. - Dunlap and Davies, no - Smith, absent) granting a variance to permit one free-standing sign subject to a review by the City Council at such time as the Prescott Interchange is redesigned to determine whether or not a hardship still exists. (Planning to handle)

13. Hearing on amendment to Section 18-3-9 of zoning map to rezone from R-1 to P-D, property located on the southwest corner of Tully and Levon, to allow a 24-unit two-story residential development. (Allen) 7:40 P.M.

ACTION: A resolution (Dixon/Newton) was introduced denying the rezoning. By motion (Elliott/Simon, maj. - Dixon, no - Smith, absent) vote on resolution tabled to February 28, 1972 to permit developer and residents of area to attempt to settle their differences as to landscaping, building height and driveway access to Tully or Levon. It was suggested that the Director of Parking and Traffic assist them in determining whether the Tully or Levon exit is preferable. (P & T to handle)

Councilman Dixon requested a staff survey concerning multi-family dwelling units around schools. (Planning to handle)

The Council took a recess at 10:25 P.M. and returned at 10:30 P.M.

14. Matters for the good of the community.
(These may be presented by interested people in the audience)

7:45 P.M.

None.

ORDINANCES

CONSENT

15. Final adoption of the following ordinances:

(Motion adopting needed)

- (a) Ord. 1174-C.S. - driving regulations.

ACTION: By motion Ord. 1174-C.S. adopted. (Clerk to handle)

- (b) Ord. 1175-C.S. - garbage disposal.

ACTION: By motion Ord. 1175-C.S. adopted. (Clerk to handle)

- (c) Ord. 1176-C.S. - trailer camps.

ACTION: By motion Ord. 1176-C.S. adopted. (Clerk to handle)

CONSENT

16. Amendment of Municipal Code Section 4-3.08. (Moving of buildings)
(Memo with agenda. Introduction of ordinance amending Section 4-3-108 and resolution establishing schedule of fees)

ACTION: By motion Ord. 1178-C.S. introduced providing for establishment by resolution of fees for moving of buildings.
(Clerk to handle)

Res. 72-131 adopted establishing fees for house moving investigations and permits. (P/W to handle)

OLD BUSINESS

17. Request of Amon Meyer for consideration of council action concerning application for license to sell beer and wine in connection with restaurant in 2000 block of Yosemite Boulevard.

ACTION: By motion (Newton/Dixon, unan.) previous action of Council directing the Mayor to send a letter to Alcoholic Beverage Control objecting to issuance of license rescinded, and staff directed to prepare a letter to Alcoholic Beverage Control over Mayor's signature expressing general opposition to proliferation of alcoholic beverage establishments in any given area but making no reference to this specific application.
(C/Atty to handle)

NEW BUSINESS

CONSENT

18. Consider request for sewer service to property outside the City at 2307 Oakdale Road. (Property owner, Norris L. Klink)
(The property owner has an agreement to annex when requested to do so by the City. The property is contiguous to the City but a sewer line must be extended to serve it. Resolution approving agreement needed)

ACTION: Res. 72-132 adopted approving agreement with Norris L. Klink.
(P/W to handle)

CONSENT

19. Accept the improvements in Coffee Plaza No. 4 Subdivision and authorize City Clerk to file notice of completion and release bonds upon expiration of the statutory lien periods.
(This subdivision is located north of Floyd Avenue and east of Coffee Road. All improvements have been completed to the satisfaction of the Public Works Department and all fees paid. Resolution accepting improvements needed)

ACTION: Res. 72-133 adopted accepting improvements in Coffee Plaza No. 4. (Clerk to handle)

CONSENT

20. Request for council permission for City Manager to attend the League of California Cities' annual City Managers Spring meeting, March 8 - 10, 1972.
(Motion approving request needed. Estimated cost \$175; funds budgeted in Account 207-8-101, Conference Expense)

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

CONSENT

21. Consider approval of right of way certificate for the City's portion for the improvement of Scenic Drive and El Vista Avenue intersection, a City-County Project.
(In order for the State of California to proceed with the call for bids on this project it is necessary for the City to certify that it has acquired all the necessary rights of way for its portion of the project and to agree to hold the State of California harmless from any liability which may result in the event the right of way is not clear as certified. Resolution approving certificate needed)

ACTION: Res. 72-134 adopted approving right of way certificate.
(Clerk to handle)

CONSENT

22. Dryden Golf Course food concession.
(Letter from Dbug Lane, food concessionaire at Dryden Golf Course, requesting termination of his agreement to operate the food concession effective at the close of the work day May 31, 1972. Staff recommends acceptances of resignation and approval of specifications and call for bids for new food concessionaire for Dryden Golf Course, Bids to be opened March 14, 1972 at 10:00 A.M. Resolution acknowledging termination of agreement and resolution approving specifications and call for bids needed)

ACTION: Res. 72-135 adopted acknowledging termination of agreement as of May 31, 1972.

Res. 72-136 adopted approving specifications and bid call.
(Clerk to handle)

CONSENT

23. Right of way acquisition, El Vista-Scenic project.
(Memo with agenda. Resolution approving right of way agreement and accepting quitclaim deed needed. Estimated cost \$1,944. Funds budgeted in Account Miscel. Rights of Way)

ACTION: Res. 72-137 adopted approving right of way agreement and accepting deed. (Clerk to handle)

24. Proposed agreement - Tuolumne River Regional Park.
(The proposed agreement for Tuolumne River Regional Park is attached for Council review. The item will be placed back on the agenda next week for council action).

ACTION: It was requested that if any member of the Council has comments or questions on this agreement he phone the City Manager's office.

CONSENT

25. Agreement with Ribera and Sue - Mark Twain Park.
(Agreement provides that Ribera and Sue, Landscape architect, will prepare a master plan for Mark Twain Park for a lump sum figure of \$7,200 to be ready by June 19, 1972. The agreement is the standard agreement used for all master plans, except the City is to receive 25 copies instead of 10 of the final plan and drawings. Resolution approving agreement and resolution approving appropriation transfer of \$1,500. Estimated cost \$7,200. Funds budgeted in Account 6352-31-321, Plan/Study Mark Twain Park)

ACTION: Res. 72-138 adopted approving Mark Twain Park master plan.
(P & R to handle)

Res. 72-139 adopted approving appropriation transfer of \$1,500 from Account 6327-31-321 to Account 6352-31-321. (Finance to handle)

CONSENT

26. Agreement with Ribera and Sue - Sutter Park.
(Agreement provides that Ribera and Sue, Landscape Architects, will prepare a master plan for Sutter Park for a lump sum figure of \$4,200, to be ready by June 12, 1972. The agreement is the standard agreement used for all master plans, except the City is to receive 25 instead of 10 copies of final plan and drawings. Resolution approving agreement needed. Estimated cost \$4,200. Funds budgeted in Account No. 6327-31-321, Sutter Park Plan/Study)

ACTION: Res. 72-140 adopted approving agreement for Sutter Park master plan. (P & R to handle)

27. Breach of lease terms - Modesto Flying Service.
(Memo with agenda. Resolution terminating lease agreement needed)

Dropped from agenda as bill has been paid.

REPORTS

- 27A. Report on delinquency of Golden Pacific.
(Memo with agenda. Resolution authorizing 30-day notice of cancellation of agreement. Resolution authorizing staff to mail the 30-day notice when future delinquencies occur)

ACTION: Res. 72-141 adopted (Simon/Elliott, unan.- Smith, absent) authorizing 30-day notice of cancellation to Golden Pacific Airlines. (City Clerk to handle)

MISCELLANEOUS

28. Legislation.

None

29. Appointments.

None

30. Matters too late for the agenda.

ACTION: The City Manager reported on extensive vandalism at Dryden Golf Course on February 13, 1972. By motion (Dixon/Newton, unan.) City Attorney, City Manager and Police directed to work on a plan whereby rewards would be given for information which leads to the arrest and conviction of persons causing damage of this type. (C/Mgr to handle)

Mayor Davies reported that he had received strong support for his stand against pornography. It was agreed that the Mayor would meet with representatives of various organizations to discuss methods of combating this. The discussion is also to include the problem of movie ratings and the showing of trailers for X rated movies during the showing of G rated movies.

Adjourned at 10:50 P.M.

ATTEST:

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

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF TUESDAY, FEBRUARY 22, 1972 AT 4:00 P.M.

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

Pledge of allegiance to the Flag

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

CONSENT ITEMS - roll call vote required: Items 1, 2, 3, 4, 5, 6, 7, 8,
Item 31 removed from consent. 9, 10, 13, 14, 17, 18, 19, 20
Elliott/Dunlap, unan. 21, 22, 23, 24, 27, 28, 29, 30,
~~31~~, 32, 33, 34

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

APPROVAL OF MINUTES

CONSENT

1. Minutes of February 14, 1972.
(Motion approving needed)

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

CONSENT

2. Application of United Air Lines, Inc. for authority to increase certain intrastate passenger fares.
(Present and proposed fares with agenda. Motion referring to staff needed)

ACTION: By motion application referred to staff. (P/W to handle)

CONSENT

3. Request of Robert Raingruber that no sidewalks be installed on the blocks on College on either side of Roseburg Avenue.
(Motion referring to staff for report needed)

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

CONSENT

4. Request of Modesto Senior Citizens, Inc. concerning use of Community Center at 800 East Morris for senior citizen groups.
(Motion referring to staff for report needed)

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

CONSENT

5. Petitions from residents in area of College and Roseburg that sidewalks not be required.
(Motion referring to staff for report needed)

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

BIDS

CONSENT

6. Consider approval of specifications and authorize call for bids to be opened March 7, 1972 at 2:00 P.M. for three putting green mowers for golf course.
(Resolution approving needed. Estimated cost \$11,025; funds budgeted in Account 5419-48-512, Service Div., Working Capital Fund, p. 80)

ACTION: Res. 72-142 adopted approving specifications and bid call.
(Clerk to handle)

CONSENT

7. Consider approval of plans and specifications and call for bids for the installation of water lines in Newcastle Estates No. 1 and Applegate No. 2 subdivisions.
(Suggested bid opened March 7, 1972 at 10:00 A.M. Costs and Revenues: Newcastle No. 1: Construction costs \$27,294.67; connection charges \$3,250; net annual revenue, \$420.00. Applegate No. 2: Construction costs \$9,051.59; connection charges \$5,250.00; net annual revenue, \$8,822.00). Estimated cost \$36,346.26 (Materials \$21,402.01; labor, \$14,944.25. Funds budgeted in Account 6804-50-101, Water line extension and 5301-50-101, New Services)

ACTION: Res. 72-143 adopted approving plans and specifications and bid call. (Clerk to handle)

CONSENT

8. Consider acceptance of Valley Construction's contract for installation of water lines in Woodland Avenue between Ninth St. and Emerald Ave.
(Original contract \$7,995.00. Resolution accepting work needed. Final cost \$9,054.99. Funds budgeted in Account 6804-50-101, Water Line Extension)

ACTION: Res. 72-144 adopted accepting contract. (Clerk to handle)

CONSENT

9. Consider accepting negotiated offer of George's Contractors Supply, Inc. of Sacramento and authorize purchase of a Vactor Vacuum Body.
(Memo with agenda. Resolution authorizing purchase needed. Estimated cost \$19,935. Funds budgeted in Account 5423-48-512, Service Division Working Capital Fund, p. 80)

ACTION: Res. 72-145 adopted authorizing purchase. (Finance to handle)

CONSENT

10. Consider accepting negotiated offer of Western Lawn-Bennies, Inc. of San Mateo, California, and authorize purchase of two Locke Triplex lawn mowers.
(Memo with agenda. Resolution authorizing purchase and resolution approving appropriation transfer of \$207 needed. Funds budgeted in Account 5405-48-512, Service Division Working Capital Fund, p. 79)

ACTION: Res. 72-146 adopted authorizing purchase. (Finance to handle)
Res. 72-147 adopted authorizing appropriation transfer of \$207 from Account 60-48-512 to Account 5404-48-512. (Finance to handle)

HEARINGS

Hearings on requirement of sidewalk and/or curb and gutter at the following locations:

4:05 P.M.

11. (a) Curb, gutter and sidewalk at 822-24 El Terino Avenue, a portion of Block 1045 (Mr. Martin L. Ayala)

ACTION: Res. 72-148 adopted (Simon/Elliott, unan.) ordering work done. (P/W to handle)

- (b) Curb, gutter and sidewalk on East Fairmont and sidewalk on El Terino Avenue at 960 El Terino Avenue, portion of Block 1045 (Bible Baptist Church)

ACTION: By motion (Dunlap/Dixon, unan.) action continued to February 28, 1972 to permit problems to be worked out by staff and representatives of the Church. (P/W to handle)

- (c) Curb, gutter and sidewalk on Lucern Avenue, and Curb, gutter and sidewalk on El Terino Avenue, at 1201 Lucern Avenue, a portion of Block 1037 (Mrs. Marion W. Clark)

ACTION: Res. 72-149 adopted (Simon/Elliott, unan.) ordering work done. (P/W to handle)

- (d) Curb, gutter and sidewalk at 624 El Terino Ave., a portion of Block 1037. (Mrs. Marion W. Clark)

ACTION: Res. 72-150 adopted (Simon/Elliott, unan.) ordering work done. (P/W to handle)

- (e) Curb, gutter and sidewalk at 930 El Terino Ave., a portion of Block 1045 (Mr. Everett L. Costa)

ACTION: Res. 72-151 adopted (Simon/Elliott, unan.) ordering work done. (P/W to handle)

- (f) Sidewalk at 1539 Carlton Ave., Lot 3 of Block 6123 (Mr. Manuel J. Costa)
(Drop from agenda - doing own work)

DROPPED FROM AGENDA

- (g) Sidewalk on Carlton Ave. and West Granger Ave., at 1549 Carlton Ave., Lot 1 of Block 6123. (Mr. Littleton M. Day)
(Drop from agenda - doing own work)

ACTION: Dropped from agenda. Mrs. Merkle, Carlton Ave., stated that she planned to have sidewalk installed at her house but thought the City should pay the cost of sawing a driveway. It was agreed to have someone from the P/W Dept. meet with her. (P/W to handle)

- (h) Sidewalk at 1309 L St., Lots 17 and 18 of Block 109. (Mr. Wilbur E. Grant)

ACTION: Res. 72-152 adopted (Simon/Elliott, unan.) ordering work done. (P/W to handle)

Hearings (continued)

11. (i) Curb, gutter and sidewalk at 125 Calaveras Ave., Lots 20 and 21, Block 305 (Mr. Lupe Gusman) 4:05 PM

ACTION: Res. 72-153 adopted (Simon/Elliott, unan.) ordering work done. (P/W to handle)

- (j) Curb, gutter and sidewalk at 720 El Terino Ave., a portion of Block 1037 (Mr. Amos A. Hartman)

ACTION: Res. 72-154 adopted (Simon/Elliott, unan.) ordering work done. (P/W to handle)

- (k) Curb, gutter and sidewalk at 609 El Terino Ave., a portion of Block 1038 (Mrs. Gladys Hill)

ACTION: Res. 72-155 adopted (Simon/Elliott, unan.) ordering work done. (P/W to handle)

- (l) Curb, gutter and sidewalk at 616 El Terino Ave., a portion of Block 1037 (Mr. Herbert J. Jenkins)

ACTION: Res. 72-156 adopted (Simon/Elliott, unan.) ordering work done. (P/W to handle)

- (m) Curb, gutter and sidewalk at 801 El Terino Ave., a portion of Block 1041 (Mr. Thorai L. Kenner)

ACTION: Res. 72-157 adopted (Simon/Elliott, unan.) ordering work done. (P/W to handle)

- (n) Curb, gutter and sidewalk at 620 El Terino Ave., a portion of Block 1037 (Mr. Leroy P. Marckese)

ACTION: Res. 72-158 adopted (Simon/Elliott, unan.) ordering work done. (P/W to handle)

- (o) Curb, gutter and sidewalk at 617 El Terino Ave., a portion of Block 1038 (Mrs. Stella Marshall)

ACTION: Res. 72-159 adopted (Simon/Elliott, unan.) ordering work done. (P/W to handle)

- (p) Curb and gutter and 1219 "M" Street, a portion of Block 89 (Mrs. Jennie Mattera)

ACTION: Res. 72-160 adopted (Simon/Elliott, unan.) ordering work done. (P/W to handle)

- (q) Sidewalk at 1543 Carlton Ave., Lot 2 of Block 6123. (Mrs. Hazel L. Moore)
(Drop from agenda - doing own work)

DROPPED FROM AGENDA

- (r) Sidewalk at 1535 Carlton Ave., Lot 4, Block 6123. (Mr. John B. Mudie)
Res. No. 161 adopted

ACTION: Mrs. Mudie objected to replacement of grass with concrete but agreed that the sidewalk would be installed.

Hearings (continued)

11. (s) Curb, gutter and sidewalk at 129 Calaveras Ave., Lots 22 and 23 of Block 305 (Mr. Lawrence L. Newman) 4:05 P.M.

ACTION: Res. 72-162 adopted (Simon/Elliott, unan.) ordering work done. (P/W to handle)

- (t) Sidewalk at 959 El Terino Ave., Lot 5 of Block 1044. (Mr. Frank J. Seno)

DROPPED FROM AGENDA

- (u) Sidewalk at 901 Pearl St., Lot 10 of Block 6123. (Mr. Frank Sicilian)
(Drop from agenda - doing own work)

DROPPED FROM AGENDA

- (v) Curb, gutter and sidewalk on Calaveras Ave. at 133 Tuolumne Boulevard, a portion of Block 305. (United Pentecostal Church)

ACTION: Res. 72-163 adopted (Simon/Elliott, unan.) ordering work done. (P/W to handle)

- (w) Curb, gutter and sidewalk at 718 El Terino, a portion of Block 1037 (Mr. Charles J. Welch)

ACTION: Res. 72-164 adopted (Simon/Elliott, unan.) ordering work done. (P/W to handle)

- (x) Curb, gutter and sidewalk at 807 El Terino Ave., a portion of Block 1041 (Mr. Wilfred A. Williams)

ACTION: Res. 72-165 adopted (Simon/Elliott, unan.) ordering work done. (P/W to handle)

- (y) Curb, gutter and sidewalk at 628 El Terino Ave., a portion of Block 1037. (Mrs. Maude A. Young)

ACTION: Res. 72-166 adopted (Simon/Elliott, unan.) ordering work done. (P/W to handle)

12. Matters for the good of the community. 4:10 P.M.
(These may be presented by citizens in the community)

ACTION: Several representatives of the black community on the west side of Modesto complained of the tactics of City Police, Sheriff's Deputies and Highway Patrolmen in connection with a disturbance near a pool hall at 5th & K Streets on February 20, 1972. They requested City participation in a Black Caucus meeting to be held February 26 at the Christian Methodist Episcopal Church on Pine Street. It was agreed that the incident will be thoroughly investigated.

ORDINANCES

CONSENT

13. Final adoption of Ordinance No. 1178-C.S. - fees for moving of buildings.
(Motion adopting needed)

ACTION: By motion Ord. No. 1178-C.S. adopted. (Clerk to handle)

OLD BUSINESS

CONSENT

14. Agreement between County of Stanislaus, City of Modesto and City of Ceres for acquisition, development and operation of the Tuolumne River Regional Park.
(Resolution approving agreement needed)

ACTION: Res. 72-167 adopted approving agreement. (Clerk to handle)

15. Request of Councilman Simon for further discussion of request by Topeka Inn Management, Inc. for a standing sign.

ACTION: Res. 72-168 adopted (Simon/Elliott, maj. - Dunlap, Smith and Davies, no) amending Res. No. 72-130 to eliminate the condition calling for a review of the matter at the time the Prescott Interchange is rebuilt. (Planning to handle)

16. Request of Councilman Dixon for discussion of policies concerning signs, building codes and any other matters relating to economics of Modesto.

ACTION: It was suggested that matters such as the Dangerous Building Code, Zoning Code and Sign Ordinance be restudied and that economics as well as esthetics be looked into. As the H-1 sign regulations appeared to be the cause of most concern, Mayor Davies requested the Public Projects Committee to give this matter further study and to report to Council. (C/Mgr to handle)

NEW BUSINESS

CONSENT

17. Consider request for sewer service to property outside the City at 2318 Morningside Drive.
(Property owner Karel Cornellis Poot and Fonda Gae Van Tol. The property owners have signed an agreement to annex when requested to do so by the City. The property is contiguous to the City and a sewer line exists to serve the property. Resolution approving agreement needed)

ACTION: Res. 72-169 adopted approving agreement. (P/W to handle)

CONSENT

18. Consider formation of street lighting improvement district No. 20. (Memo with agenda. Motion authorizing City Attorney to arrange for bond counsel; motion authorizing Public Works to prepare boundary map and other hearing documents needed. Estimated cost \$192,000 (construction and incidentals.) Funds budgeted in Account 6622-41-321, Street Lights - Unlighted Areas)

ACTION: By motion City Attorney authorized to arrange for bond counsel. (C/Atty to handle)
By motion Public Works authorized to prepare necessary documents, including boundary map. (P/W to handle)

CONSENT

19. Requirement for construction of curbs and gutters and/or sidewalks at the locations listed below.
(Informal requests were sent to the property owners over 30 days ago. As the work has not been done, it is recommended that resolutions be adopted instructing the Superintendent of Streets to give notice. Resolutions setting 4:10 P.M., March 6, 1972 for hearings needed)

(a) Sidewalk at 1819 W. Orangeburg Ave., Lot 4 of Block 6254
(Mr. Bert D. Anderson)

ACTION: Res. 72-170 adopted setting hearing. (P/W to handle)

(b) Sidewalk at 1433 W. Orangeburg Ave., Lot 2 of Block 6078
(Mrs. Emily Azevedo)

ACTION: Res. 72-171 adopted setting hearing. (P/W to handle)

(c) Sidewalk at 1800 W. Orangeburg Ave., Lot 18 of Block 6255,
(Joe P. Bargas)

ACTION: Res. 72-172 adopted setting hearing. (P/W to handle)

(d) Sidewalk on Orangeburg Ave. at 1346 Grape Ave., Lot 9 of
Block 6252 (Robert L. Boulware)

ACTION: Res. 72-173 adopted setting hearing. (P/W to handle)

(e) Sidewalk at 1737 W. Orangeburg Ave., Lot 9 of Block 6254
(Mr. Harvey C. Cartwright)

ACTION: Res. 72-174 adopted setting hearing. (P/W to handle)

(f) Sidewalk at 1621 W. Orangeburg Ave., Lot 11 of Block 6082
(Mr. Basilio Castaneda)

ACTION: Res. 72-175 adopted setting hearing. (P/W to handle)

(g) Sidewalk at 1537 W. Orangeburg Ave., Lot 5 of Block 6079,
(Elvin G. Cohron)

ACTION: Res. 72-176 adopted setting hearing. (P/W to handle)

(h) Sidewalk at 1417 W. Orangeburg Ave., Lot 6 of Block 6078
(Herbert J. Cooper)

ACTION: Res. 72-177 adopted setting hearing. (P/W to handle)

(i) Sidewalk at 1827 W. Orangeburg Ave., Lot 2 of Block 6254
(Sherman Cole)

ACTION: Res. 72-178 adopted setting hearing. (P/W to handle)

CONSENT

19. (j) Sidewalk at 1824 W. Orangeburg Ave., Lot 24 of Block 6255
(Henry J. Corn)

ACTION: Res. 72-179 adopted setting hearing. (P/W to handle)

- (k) Sidewalk at 1740 W. Orangeburg Ave., Lot 17 of Block 6255
(Loyd T. Crabtree)

ACTION: Res. 72-180 adopted setting hearing. (P/W to handle)

- (l) Sidewalk at 1345 W. Orangeburg Ave., Lot 12 of Block 6078
(Niel J. Cupp)

DROPPED FROM AGENDA

- (m) Sidewalk at 1514 W. Orangeburg Ave., Lot 8 of Block 6041
(Luther Damir)

ACTION: Res. 72-181 adopted setting hearing. (P/W to handle)

- (n) Sidewalk at 1645 W. Orangeburg Ave., a portion of Lot 4 and
5 of Block 6082 (Wally DeVe)

ACTION: Res. 72-182 adopted setting hearing. (P/W to handle)

- (o) Sidewalk on W. Orangeburg at 1832 W. Orangeburg Ave., Lot
26 of Block 6255 (Michael J. Donohue, Jr.)

ACTION: Res. 72-183 adopted setting hearing. (P/W to handle)

- (p) Sidewalk at 1736 W. Orangeburg Ave., Lot 16 of Block 6255
(Mr. Clark L. Duarte)

ACTION: Res. 72-184 adopted setting hearing. (P/W to handle)

- (q) Sidewalk at 1413 W. Orangeburg Ave., Lot 7 of Block 6078
(Kenneth W. Ennis)

DROPPED FROM AGENDA

- (r) Sidewalk at 1510 W. Orangeburg Ave., Lot 9 of Block 6041,
(Larry Fraioli)

ACTION: Res. 72-185 adopted setting hearing. (P/W to handle)

- (s) Sidewalk at 1518 W. Orangeburg Ave., Lot 7 of Block 6041
(Charles W. Greenhaw)

ACTION: Res. 72-186 adopted setting hearing. (P/W to handle)

- (t) Sidewalk on Orangeburg Ave. and sidewalk on Carver Road at
1649 W. Orangeburg Ave., portion of Lots 4 and 5 of Block
6082 (Leonard J. Soranno)

ACTION: Res. 72-187 adopted setting hearing. (P/W to handle)

CONSENT

19. (u) Sidewalk at 1641 W. Orangeburg Ave., Lot 6 of Block 6082
(Odes H. Hibdon)

DROPPED FROM AGENDA

- (v) Sidewalk at 1522 W. Orangeburg Ave., Lot 6 of Block 6041
(Frank Z. House)

ACTION: Res. 72-188 adopted setting hearing. (P/W to handle)

- (w) Sidewalk at 1337 W. Orangeburg Ave., Lot 14 of Block 6078
(Lester F. Jackson)

ACTION: Res. 72-189 adopted setting hearing. (P/W to handle)

- (x) Sidewalk on W. Orangeburg Ave. and sidewalk on Tully Road
at 1400 Tully Road, Lots 10 and 11 of Block 6074 (Dolores
I. Kirkpatrick)

ACTION: Res. 72-190 adopted setting hearing. (P/W to handle)

- (y) Sidewalk at 1816 W. Orangeburg Ave., Lot 22 of Block 6255
(Minnie F. Klein, Miss)

ACTION: Res. 72-191 adopted setting hearing. (P/W to handle)

- (z) Sidewalk at 1513 W. Orangeburg Ave., Lot 11 of Block 6079
(Larry R. Lee)

ACTION: Res. 72-192 adopted setting hearing. (P/W to handle)

- (aa) Sidewalk on W. Orangeburg Ave. at 1403 Stetson Ave.,
Lot 9 of Block 6074 (Gerald M. Lillie)

ACTION: Res. 72-193 adopted setting hearing. (P/W to handle)

- (bb) Sidewalk on W. Orangeburg Ave. at 1400 Albany Ave., Lot 11
of Block 6072 (Vivian D. Lott)

ACTION: Res. 72-194 adopted setting hearing. (P/W to handle)

- (cc) Sidewalk on W. Orangeburg Ave. at 1731 W. Orangeburg Ave.,
Lot 10 of Block 6254 (Stanley W. Lust)

ACTION: Res. 72-195 adopted setting hearing. (P/W to handle)

- (dd) Sidewalk at 1427 W. Orangeburg Ave., Lot 4 of Block 6078
(Ray D. Madden)

ACTION: Res. 72-196 adopted setting hearing. (P/W to handle)

CONSENT

19. (ee) Sidewalk at 1813 W. Orangeburg Ave., Lot 5 of Block 6254
(Eldon L. Mawyer)

ACTION: Res. 72-197 adopted setting hearing. (P/W to handle)

(ff) Sidewalk at 1807 W. Orangeburg Ave., Lot 6 of Block 6254
(Loren W. Melton)

ACTION: Res. 72-198 adopted setting hearing. (P/W to handle)

(gg) Sidewalk at 1605 W. Orangeburg Ave., Lot 15 of Block 6082
(Joseph A. Messamore)

ACTION: Res. 72-199 adopted setting hearing. (P/W to handle)

(hh) Sidewalk on W. Orangeburg Ave. at 1400 Stetson Ave., Lots
11 and 12 of Block 6073 (Albert R. Muth)

ACTION: Res. 72-200 adopted setting hearing. (P/W to handle)

(ii) Sidewalk at 1529 W. Orangeburg Ave., Lot 7 of Block 6079
(Ronald Osmonson)

ACTION: Res. 72-201 adopted setting hearing. (P/W to handle)

(jj) Sidewalk on W. Orangeburg Ave. and sidewalk on Kearney Ave.
at 1501 W. Orangeburg, Lot 14 of Block 6079 (Richard D.
Pedrioli)

ACTION: Res. 72-202 adopted setting hearing. (P/W to handle)

(kk) Sidewalk at 1526 W. Orangeburg Ave., Lot 5 of Block 6041
(Hilmer Plautz)

ACTION: Res. 72-203 adopted setting hearing. (P/W to handle)

(ll) Sidewalk at 1732 W. Orangeburg Avenue, Lot 15 of Block 6255,
(Rudolph M. Ramirez)

ACTION: Res. 72-204 adopted setting hearing. (P/W to handle)

(mm) Sidewalk at 1828 W. Orangeburg Ave., Lot 25 of Block 6255
(Carl M. Santos)

ACTION: Res. 72-205 adopted setting hearing. (P/W to handle)

(nn) Sidewalk at 1541 W. Orangeburg Ave., Lot 4 of Block 6079
(Mrs. Jessie Sapp)

ACTION: Res. 72-206 adopted setting hearing. (P/W to handle)

(oo) Sidewalk at 1804 and 1808 W. Orangeburg Ave., Lots 19 and 20
of Block 6255 (7th Day Adventist Church)

ACTION: Res. 72-207 adopted setting hearing. (P/W to handle)

(pp) Sidewalk on W. Orangeburg Ave. at 1401 Albany Ave., Lot 10
of Block 6073 (Elizabeth P. Shiell)

ACTION: Res. 72-208 adopted setting hearing. (P/W to handle)

CONSENT

19. (qq) Sidewalk at 1534 W. Orangeburg Ave., Lot 3 of Block 6041
(Henry Silva)

ACTION: Res. 72-209 adopted setting hearing. (P/W to handle)

(rr) Sidewalk at 1801 W. Orangeburg Ave., Lot 7 of Block 6254
(Clyde J. Smith)

ACTION: Res. 72-210 adopted setting hearing. (P/W to handle)

(ss) Sidewalk at 1538 W. Orangeburg Ave., Lot 2 of Block 6041
(Edward W. Smith)

ACTION: Res. 72-211 adopted setting hearing. (P/W to handle)

(tt) Sidewalk at 1820 W. Orangeburg Ave., Lot 23 of Block 6255
(Mrs. Naomi Speake)

ACTION: Res. 72-212 adopted setting hearing. (P/W to handle)

(uu) Sidewalk at 1525 W. Orangeburg Ave., Lot 8 of Block 6079
(Robett A. Tollison)

ACTION: Res. 72-213 adopted setting hearing. (P/W to handle)

(vv) Sidewalk at 1533 W. Orangeburg Ave., Lot 6 of Block 6079
(William J. Tordsen)

ACTION: Res. 72-214 adopted setting hearing. (P/W to handle)

(ww) Sidewalk at 1530 W. Orangeburg Ave., Lot 4 of Block 6041
(Martin K. VanSandt)

ACTION: Res. 72-215 adopted setting hearing. (P/W to handle)

(xx) Sidewalk at 1812 W. Orangeburg Ave., Lot 21 of Block 6255
(Mrs. Edith Mae Walk)

ACTION: Res. 72-216 adopted setting hearing. (P/W to handle)

(yy) Sidewalk on W. Orangeburg Ave. at 1401 Concord Ave., Lot 10
of Block 6072 (Wiley Edward Walker, Sr.)

ACTION: Res. 72-217 adopted setting hearing. (P/W to handle)

(zz) Sidewalk at 1542 W. Orangeburg Ave., Lot 1 of Block 6041
(James M. Weaving)

ACTION: Res. 72-218 adopted setting hearing. (P/W to handle)

(a-1) Sidewalk at 1421 W. Orangeburg Ave., Lot 5 of Block 6078
(C.B. Wheeler)

ACTION: Res. 72-219 adopted setting hearing. (P/W to handle)

CONSENT

19. (a-2) Sidewalk at 1728 W. Orangeburg Ave., Lot 14 of Block 6255 (Ernest Whitescorn)

ACTION: Res. 72-220 adopted setting hearing. (P/W to handle)

(a-3) Sidewalk at 1629 W. Orangeburg Ave., Lot 9 of Block 6082 (Gary L. Phillips)

ACTION: Res. 72-221 adopted setting hearing. (P/W to handle)

(a-4) Sidewalk on W. Orangeburg Ave. at 1404 Martin Ave., Lot 1 of Block 6254 (William E. Wilson)

ACTION: Res. 72-222 adopted setting hearing. (P/W to handle)

(a-5) Sidewalk on W. Orangeburg Ave. at 1601 W. Orangeburg Ave., Lot 16 of Block 6082 (Henry J. Windle)

ACTION: Res. 72-223 adopted setting hearing. (P/W to handle)

(a-6) Sidewalk at 1429 W. Orangeburg Ave., Lot 3 of Block 6078 (Haron G. Wright)

ACTION: Res. 72-224 adopted setting hearing. (P/W to handle)

(a-7) Sidewalk at 1743 W. Orangeburg Ave., Lot 8 of Block 6254 (Neal Bruce Wright)

ACTION: Res. 72-225 adopted setting hearing. (P/W to handle)

CONSENT

20. Resolution revising the position classification plan (Tree Trimmer Aide) and resolution establishing compensation for new classification.
(Memo with agenda, also job specification and alphabetical list. Adoption of two resolutions needed)

ACTION: Res. 72-226 adopted revising Position Classification Plan to include position of Tree Trimmer Aide. (Personnel to handle)
Res. 72-227 adopted establishing compensation for Tree Trimmer Aide at Range 19.5 (611-741 per month) (Personnel to handle)

CONSENT

21. Acquisition of Howard Maxwell property - Dry Creek Regional Park Phase II.
(Memo with agenda. Resolution accepting grant deed and authorizing City Manager to execute agreement; resolution approving appropriation transfer of \$68,320)

ACTION: Res. 72-228 adopted accepting grant deed. (Clerk to handle)

Res. 72-229 adopted approving appropriation transfer of \$63,320 from Account 6241-31-321 and \$5,000 from Account 6302-31-321 to Account 6415-31-321. (Finance to handle)

CONSENT

22. Report of Superintendent of Streets on the cost of installation of curbs and gutter and/or sidewalks at 819 Badgley Drive, Lot 1 of Block 1123 (Mr. James F. Goodman - \$316.00) (Resolution setting 4:05 P.M. March 6, 1972 for hearing needed. Funds budgeted in Account 5302-51-101, Curb and gutters, Special)

ACTION: Res. 72-230 adopted setting hearing. (P/W to handle)

CONSENT

23. Resolution approving final map of Dragoo Park No. 1 Subdivision of the City of Modesto and authorizing an agreement with subdividers as required by Section 4-4.604(c) of the Municipal Code. (The subdivision agreement has been signed and all fees paid. Dragoo Park No. 1 Subdivision is located on the west of Claremont Avenue south of Sylvan Avenue. It contains 9.56 acres. Resolution approving final map and agreement needed)

ACTION: Res. 72-231 adopted approving final map of Dragoo Park No. 1. (Clerk to handle)

REPORTS

CONSENT

24. Report on Pacific Gas and Electric Co. request for gas rate increase. (Report with agenda. The increase would average 11.8%. It is recommended that the matter be left to the California Public Utilities Commission. Motion accepting report needed)

ACTION: By motion report accepted.

25. Report on youth involvement in city government. (Copies of report with agenda. Motion directing staff needed)

ACTION: By motion (Simon/Smith, unan.) staff directed to prepare a resolution creating a Youth Commission and to present the resolution to the Council for consideration. (C/Mgr and C/Atty to handle)

26. Progress report from Project Greater Modesto. (Copies of report will be distributed at council meeting. Motion accepting report needed)

ACTION: By motion (Dixon/Newton, unan.) report accepted.

REPORTS FROM THE PLANNING COMMISSION

CONSENT

27. Recommend an amendment to Section 10-2-501 of the Modesto Municipal Code pertaining to subdivision directional signs in the R-1 Zone. (By Res. 72-31 adopted February 15, 1972 the Planning Commission recommends an amendment to Section 10-2-501 of Chapter 2 of Title X of the Code pertaining to subdivision directional signs in the R-1 zone zoning regulations. Resolution setting March 13, 1972 at 7:35 P.M. for public hearing needed)

ACTION: Res. 72-232 adopted setting hearing. (Clerk to handle)

CONSENT

28. Recommend amendment to Sections 7-3-9 of the zoning map (Harley Brannan)
(By Res. No. 72-28 adopted February 15, 1972 the Planning Commission recommends an amendment to Sections 7-3-9 and 18-3-9 of the zoning map as requested by Harley Brannan to rezone from One-family Residential Zone, R-1 to Two-family Residential Zone, R-2, property located north of West Rumble Road and west of Carver Road. Resolution setting March 20, 1972 at 4:05 P.M. for public hearing needed)

ACTION: Res. 72-233 adopted setting hearing. (Clerk to handle)

CONSENT

29. Recommend amendment to Section 15-3-9 of the zoning map (Harley Brannan)
(By Resolution No. 72-29 adopted February 15, 1972 the Planning Commission recommends an amendment to Section 15-3-9 of the zoning map as requested by Harley Brannan to rezone from One-family Residential Zone, R-1, to Two-family Residential Zone, R-2, property located along the south side of Floyd Avenue between Rose Avenue and Bania Way. Resolution setting March 20, 1972 at 4:10 P.M. for public hearing needed)

ACTION: Res. 72-234 adopted setting hearing. (Clerk to handle)

CONSENT

30. Recommend amendment to Section 21-3-9 of the zoning map (Larry K. Gilbert)
(By Res. No. 72-27 adopted February 15, 1972 the Planning Commission recommends an amendment to Section 21-3-9 of the zoning map as requested by Larry K. Gilbert to rezone from One-family Residential Zone, R-1, to Two-family residential zone, R-2, property located on the south side of East Orangeburg Avenue, west of Sunrise Avenue and on both side of Fiori Avenue. Resolution setting March 20, 1972 at 4:15 P.M. for public hearing needed)

ACTION: Res. 72-235 adopted setting hearing. (Clerk to handle)

CONSENT

31. Consideration by City-County Liaison Committee of Modesto's policy for neighborhood shopping centers.
(Memo and report with agenda) Approval of placement of matter on City-County Liaison Committee agenda by motion needed)

ACTION: By motion (Dunlap/Elliott, unan.) approval given to placement of policy on agenda of City-County Liaison Committee. (C/Mgr to handle)

APPROPRIATION TRANSFERS

CONSENT

32. Authorize interfund cash transfer of \$10,880 from the Special Fund for Capital Outlays to the Special Aviation Fund.
(Memo with agenda. Resolution authorizing interfund transfer needed)

ACTION: Res. 72-236 adopted authorizing interfund transfer of \$10,800.
(Finance to handle)

CONSENT

33. Authorize a temporary loan of \$5,493 from the General Fund to the Library Fund.
(Memo with agenda. Resolution authorizing temporary loan and appropriating \$5,493 in the Library Fund, Account 240 - Contractual Services)

ACTION: Res. 72-237 adopted authorizing a temporary loan of \$5,493 from Fund 101 to Fund 201. (Finance to handle)

CONSENT

34. Appropriation transfer from the General Reserve of the Downtown Improvement District Fund.
(Memo with agenda. Resolution approving \$4,000 appropriation transfer needed)

ACTION: Res. 72-238 adopted approving appropriation transfer of \$4,000 from Account 60-218 to Account 237 (\$3,400), 208 (220) and 5398 (380) of Fund 218. (Finance to handle)

MISCELLANEOUS

35. Legislation.

None.

36. Matters too late for the agenda.

ACTION: Councilman Dixon reported that the Task Force on Health Facilities and Health Services of the Comprehensive Health Planning Council would meet at the Chuck Wagon on February 23, 1972 at 7:30 P.M.

Councilman Simon reported that the Public Safety Committee of the League of California Cities had not been able to consider Modesto's resolution re release of persons who commit crimes while on bail. He stated that this would be considered at the next meeting of the Committee.

37. Appointments.

None.

The Council adjourned to executive session at 6:30 P.M. with the announcement that it would not return to open meeting.

Adjournment at 6:30 P.M. to 6:30 P.M. on February 24, 1972 in the Essie Room of the Hotel Covell for the purpose of meeting with the M.I.D. Board of Directors.

ATTEST:

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

Page 15

2/22/72

MODESTO CITY COUNCIL

Adjourned regular meeting
February 24, 1972

The Council of the City of Modesto met at 6:30 P.M. on February 24, 1972 in the Essie Room of the Hotel Covell pursuant to adjournment.

PRESENT: Dixon, Dunlap, Elliott, Newton, Simon, Smith,
Mayor Davies

ABSENT: None

The Board of Directors of the Modesto Irrigation District were also present as were staff members from the City and the M.I.D.


The following items were discussed:

1. Street lighting improvement.
2. Downtown undergrounding of utilities.
3. Landscaping by M.I.D. of the canal banks along Briggsmore Ave.
4. The undergrounding of utilities in other than downtown.

No formal action was taken, but it was suggested that future meetings of this type be held.

The meeting adjourned at 9:30 P.M.

ATTEST:



W. T. CHYNOWETH, City Clerk

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, FEBRUARY 28, 1972 AT 7:30 P.M.

ROLL CALL Present: Dixon, Dunlap, Elliott, Newton, Simon, Smith,
Mayor Davies

Absent: None

Councilman Dixon arrived at 7:35 P.M.

Pledge of allegiance to the Flag

Invocation: Reverend George Telle, Trinity Presbyterian Church

CONSENT ITEMS - roll call vote required: Items 1, 3, 4, 5, 6, 10, 13,
Item 3 removed from consent 14, 15, 16, 18, 19, 21, 22

Elliott/Newton, unan. - Dixon, absent

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

APPROVAL OF MINUTES

CONSENT

1. Minutes of February 22, 1972.
(Motion approving needed)

ACTION: By motion minutes approved.

WRITTEN COMMUNICATIONS

2. Request of Michael A. Johnson, spokesman for a committee of concerned Modesto youth, to address Council on a matter of community interest.

ACTION: Mr. Johnson and students from the local high schools and junior college spoke in support of the anti-pornography drive which is taking shape. A petition with more than 200 signatures urging that adult book stores and movies be closed was presented to the Council. The students were assured that every effort would be made to accomplish this.

3. Resolution from City of Newman requesting Stanislaus County Board of Supervisors to operate Community Action Commission.
(Motion ordering filed needed)

ACTION: By motion (Smith/Dunlap, unan.) action of Newman noted and resolution ordered filed. Councilmen Elliott and Newton were requested to report to the Council on this matter and to express their views.

CONSENT

4. Request of Modesto Symphony Orchestra for: (1) Payment of \$2,000 budgeted for 1971-72 and; (2) inclusion of \$2,500 for 1972-73.
(Motion authorizing payment needed for No. 1 and motion referring to proper budget session needed for No. 2)

ACTION: By motion payment of \$2,000 for 1971-72 authorized. (Finance to handle)

By motion request for \$2,500 in 1972-73 budget referred to proper budget session. (Finance to handle)

CONSENT

5. Request of Urbano C. Rodriguez for permission to pay costs of installation of curb, gutter and sidewalk in installments.
(Staff recommends 9-year period. Resolution needed)

ACTION: Res. 72-239 adopted authorizing payment over a 9-year period.
(Finance to handle)

BIDS

CONSENT

6. Consider approval of plans and specifications and call for bids for the installation of water lines in Morton Boulevard between LaLoma and Grand Street.
(Bid opening March 14, 1972 at 10:10 A.M. This installation is part of the water system strengthening program. Resolution needed.
Estimated cost \$25, 174.49 (Labor \$13,349.00; Materials, \$11,825.49.)
Funds budgeted in Account 6804-50-101, Water System)

ACTION: Res. 72-240 adopted approving plans and specifications and bid call. (Clerk to handle)

HEARINGS

7. Hearing on annexation of Sonoma No. 2 Addition to Sewer District. 7:35 P.M.

ACTION: Res. 72-241 adopted (Dunlap/Elliott, unan.) annexing Sonoma No. 2 Addition to Modesto Municipal Sewer District No. 1.
(Clerk to handle)

8. Hearing on annexation of Floyd-Rose Addition to Sewer District 7:40 P.M.

ACTION: Res. 72-242 adopted (Smith/Simon, unan.) annexing Floyd-Rose Addition to Modesto Municipal Sewer District No. 1. (Clerk to handle)

9. Matters for the good of the community. 7:45 P.M.
(These may be presented by interested people in the audience)

ACTION: The Council was requested to assist the Ecology Action Committee in replacing a truck which has broken down. It was suggested that an appeal be made to the local service clubs and it was agreed that the City Manager's office would furnish the Committee with names of people to contact for this. (C/Mgr to handle)

Mrs. Janet Reed, representing a Senior Citizen's Club, requested information on the request of Modesto Senior Citizens, Inc. for use of the Community Center. The Director of Parks & Recreation was requested to furnish her the information.

John Funnell of the Farm-City Advisory Committee was introduced.

ORDINANCES

CONSENT

10. Final adoption of Ord. No. 1177C.S. - amendment to Section 21-3-9 (Wright and Lazar).
(Motion adopting needed)

ACTION: By motion Ord. No. 1177-C.S. adopted. (Clerk to handle)

OLD BUSINESS

11. Vote on resolution (Dixon/Newton) to deny request for amendment to Section 18-3-9 of zoning map to rezone from R-1 to P-D, property located on the southwest corner of Tully and Levon to allow a 24-unit two-story residential development.

ACTION: Councilman Smith was excused from consideration of this item as he was not present at the previous meeting when this matter was the subject of a public hearing.

This resolution failed as Dunlap, Elliott, Simon and Mayor Davies voted no.

By motion Ord. No. 1179-C.S. introduced (Dunlap/Simon, maj. - Dixon, no - Smith, absent) amending Sec. 18-3-9 of zoning map. (Clerk to handle)

Res. 72-243 adopted (Dunlap/Simon, maj. - Dixon, no - Smith, absent) approving development plan. (Planning to handle)

12. Further consideration of requirement for curb, gutter and sidewalk on East Fairmont and sidewalk on El Terino at 960 El Terino. (Bible Baptist Church)

ACTION: Res. 72-244 adopted (Dixon/Smith, unan.) ordering work on El Terino with a 12-month delay. (P/W to handle)

No action was taken as to the sidewalk on East Fairmont.

NEW BUSINESS

CONSENT

13. Resolution commending Police Reserves. (Adoption of resolution needed)

ACTION: Res. 72-245 adopted commending Police Reserves. (Personnel to handle)

CONSENT

14. Consider approving application for Federal-Aid Secondary funding for the completion of Briggsmore Avenue to 4-lane facility between Prescott Road and McHenry Avenue. (The CIP includes construction of Briggsmore between Prescott and McHenry in the fiscal year 1973-74. Total estimated cost of this project is \$450,000. The project qualified for funding under the Federal-Aid Secondary Urban Extension Program in the amount of \$348,000 upon submission and approval of an application. Such an application has been completed by the staff and Council approval is requested. Resolution approving submission of application for allocation of \$348,000 to the Briggsmore Avenue Project from Federal-Aid Secondary Urban Extension Funds needed)

ACTION: Res. 72-246 adopted approving submission of application. (P/W to handle)

CONSENT

15. A resolution approving the final map of Wyldewood Estates No. 2 Subdivision of the City of Modesto and authorizing an agreement with subdivider as required by Section 4-4.604(c) of the Modesto Municipal Code. (The subdivision agreement has been signed and all fees paid. Wyldewood Estates No. 2 is located on the west of Rose Avenue and south of Orangeburg Avenue. It contains 5.40 acres. Resolution approving final map and authorizing execution of agreement by City needed)

ACTION: Res. 72-247 adopted approving final map of Wyldewood Estates No. 2. (Clerk to handle)

CONSENT

16. Dry Creek Land Acquisition: (a) Kounias; (b) Anderson.
(Memo with agenda. Two resolutions approving agreements and accepting grant deeds needed. Resolution approving appropriation transfer of \$235,000 needed)

ACTION: Res. 72-248 adopted approving agreement with and accepting deed from George Kounias.

Res. 72-249 adopted approving agreement with and accepting deed from Dr. and Mrs. Gordon Anderson. (Clerk to handle)

Res. 72-250 adopted approving appropriations transfer of \$155,000 from Account 60-321 and \$80,000 from Account 6302-31-321 to Account 6415-31-321. (Finance to handle)

17. Proposed agreement for animal control shelter.
(Resolution approving agreement needed)

ACTION: Res. 72-251 adopted (Elliott/Simon, unan.) approving agreement with Stanislaus County. (Clerk to handle)

CONSENT

18. Project hearing for Paradise Road reconstruction.
(In conjunction with the application for TOPICS funds for the Paradise project, it is necessary that a public hearing be held to reaffirm the right of way alignment and the need to acquire specific properties for the project. There are established procedures for advertisement and posting prior to the public hearing; therefore it is recommended the hearing be set at 7:35 P.M. April 10, 1972. At the conclusion of the hearing the following actions are needed by the City Council: (1) Reaffirm the right of way alignment of the subject project; (2) authorize the staff to commence condemnation proceedings on the parcels which have not been acquired by the April 10, 1972 hearing date. Resolution setting time and place of hearing needed)

ACTION: Res. 72-252 adopted setting hearing. (Clerk to handle)

CONSENT

19. Request of Golden Valley Kennel Club to use Enslin Park on May 21, 1972.
(Memo with agenda. Motion approving request needed)

ACTION: By motion request approved subject to conditions recommended by the Director of Parks & Recreation, a copy of which is on file with the City Clerk. (P & R to handle)

REPORTS

20. Sidewalks, College Avenue.
(a) Consider request by property owners between Granger and Briggsmore to reduce the width of the sidewalk from 5 feet to 4 feet.

(b) Consider petition by property owners in the 1000 and 1100 blocks of College concerning requirements of sidewalk in their area.
(Two memos with agenda. (a) Resolution approving reduction of width from 5 feet to 4 feet, or motion denying request.
(b) Motion denying request that sidewalks not be required)

ACTION: (a) By motion (Dixon/Smith, maj. - Newton, no) request for 4 foot sidewalks denied.

(b) By motion (Smith/Dixon, unan.) request that sidewalks not be required in the 1000 and 1100 Blocks of College denied.
(P/W to handle)

It was agreed that the staff would decide as to whether or not indentations for trees are to be made.

CONSENT

21. Report on request from Memorial Hospital re transportation of patients. Motion
(Report with agenda/accepting report indicating that no action is necessary)

ACTION: By motion report accepted.

APPROPRIATION TRANSFERS

CONSENT

22. Consider approval of appropriation transfer from General Reserve of General Fund to Water Line Extensions (\$100,000) and New Services (\$25,000).
(Subdivision activity is continuing at a very high rate and these funds are required to finance construction of water mains and services in these new subdivision developments. Resolution approving appropriation transfer needed)

ACTION: Res. 72-253 adopted approving appropriation transfer of \$125,000 from Account 60-101 to Account 6804-50-101 (\$100,000) and Account 5301-50-101 (\$25,000). (Finance to handle)

MISCELLANEOUS

23. Legislation.

- (a) Letter from City of Norwalk re sales tax distribution.

No action.

- (b) Letter from Senator Gregorio re reapportionment.

No action.

By motion (Simon/Dunlap, unan.) AB 232 opposed.

By motion (Smith/Dunlap, unan.) AB 385 supported.

It was agreed that AB 206 and SB 116 would be studied later.

By motion (Simon/Dunlap, unan.) Federal Department of Community Development approved under one department. (C/Mgr to handle)

24. Appointments.

ACTION: Res. 72-254 adopted (Dixon/Simon, unan.) appointing Joe Rossini, Charlie Purvis, Bill Koeth and Cindi Nunes to Youth Committee of Project Greater Modesto, (Clerk to handle)

25. Matters too late for the agenda.

ACTION: Following a discussion of the meeting between members of the City Council, the Board of Supervisors and the Black Caucus, the following action was taken:
By motion (Dunlap/Elliott, unan.) (1) Committee of three Councilmen to meet with Board of Supervisors Committee and the Black Caucus to discuss Police-Community relations; (2) There is to be no interference with judicial processes; (3) The Council is unalterably opposed to a Police Review Board. (C/Mgr to handle)

Adjournment at 10:35 P.M.

ATTEST:


W. T. CHYNOWETH, City Clerk

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, MARCH 6, 1972 AT 4:00 P.M.

ROLL CALL Present: Dixon, Dunlap, Elliott, Newton, Simon, Smith,
Mayor Davies

Absent: None

Councilman Newton arrived at 4:35 P.M.

Pledge of allegiance to the Flag

Invocation: Reverend David McCracken, College Avenue Congregational Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED Items 1, 4, 5, 6, 7, 9, 10, 11,
Smith/Elliott, unan. - Newton, absent 15, 16, 17, 18, 19, 20, 21, 22,
23

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

APPROVAL OF MINUTES

CONSENT

1. Minutes of February 24, 1972 (adjourned) and February 28, 1972
(regular)
(Motion approving needed)

ACTION: By motion minutes approved.

2. Presentation by Doyle Dodd, Executive Director for the Stanislaus Area Association of Governments.

ACTION: Mr. Doyle presented the proposed budget for the next fiscal year along with two alternate budgets. By motion (Smith/Dixon, unan.) staff directed to present the budget request to the Council on April 3. (C/Mgr to handle)

WRITTEN COMMUNICATIONS

3. Recommendation of Library and Cultural Commission that museum be named "McHenry Museum of Art and History."

ACTION: Res. 72-255 adopted (Dixon/Simon, unan. - Newton, absent) naming museum as "McHenry Museum of Art and History." (Clerk to handle)

CONSENT

4. Request of Camellia Society of Modesto that City furnish sweepstakes trophy for Camellia Cavalcade Show to be held March 18-19.
(Motion granting request needed)

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

CONSENT

5. Request of Andy Silva, golf pro, for permission to sell beer as part of food concession at Municipal 9-Hole Golf Course.
(Resolution approving sale of beer needed)

ACTION: Res. 72-256 adopted approving sale of beer at Municipal 9-Hole Golf Course. (P & R to handle)

CONSENT

6. Request of Housing Authority of Stanislaus County for resolutions expressing:

- (a) Consent for Housing Authority to operate in the City of Modesto.

ACTION: Res. 72-257 adopted consenting to Housing Authority operating in City. (Clerk to handle)

- (b) No objections to Stanislaus County holding a referendum election in an area which includes the City of Modesto.

(Two resolutions needed)

ACTION: Res. 72-258 adopted declaring no objections to calling of a Special Low-Rent Housing Election by the Stanislaus County Board of Supervisors. (Clerk to handle)

CONSENT

7. Request of O. B. Phillips, Jr., for abandonment of portions of an alley, Center Street and Tuolumne Boulevard.
(Resolution referring to Planning Commission needed)

ACTION: Res. 72-259 adopted referring request for abandonment to Planning Commission. (Planning to handle)

8. Request of Mid-Valley Engineering for Council to take appropriate action in connection with storm drainage in Scenic, Sonoma, Orangeburg area.
(Resolution approving recommendation of Director of Public Works subject to consent of Stanislaus County needed)

ACTION: By motion (Smith/Dunlap, unan.) staff authorized to proceed with plans for storm drainage in area. (P/W to handle)

BIDS

CONSENT

9. Consider award of bid for construction of Automatic Irrigation Systems, Elk Park, and irrigation system and landscaping M.I.D. Lateral No. 2 Linear Park.
(Bids were opened February 22, 1972. The low bid submitted by Joseph Sallaberry, which is 35% below the estimate, is considered acceptable. It is the recommendation of the Public Works Department and Parks and Recreation Department that the bid be awarded to Sallaberry. Resolution awarding bid and resolution approving appropriation transfer of \$2,600 needed. Funds budgeted in Account 6335-324 Elk Park Auto. Sprinklers, \$2,439.33 and 6319-31-321, MID Lat. 2 Linear Park \$8,796.90. Estimated cost \$13,700 contract, plus engineering and force account work)

ACTION: Res. 72-260 adopted awarding contract to Joseph Sallaberry.
(P & R to handle)

Res. 72-261 adopted approving appropriation transfer of \$1,000 from Account 6287-31-321; \$1,000 from Account 6340-31-321; and \$600 from Account 6370-31-321 to Account 6319-31-321. (Finance to handle)

CONSENT

10. CONSIDER award of bid for installation of water lines in McHenry Estates No. 1 and Palamino Estates.
(Bids were opened February 29, 1972. The low bid submitted by W.M. Lyles Co. which is 16% under the Engineer's Estimate is considered acceptable. It is recommended by the Public Works Department that the bid be awarded to low bidder. Resolution needed. Estimated cost \$24,761.46 (\$21,800.90 Ext.; \$2,960 Ser.) Funds budgeted in Account 6804-50-101, Water Line Extensions and 5301-50-101, New Services;

ACTION: Res. 72-262 adopted awarding contract to W. M. Lyles Co.
(P/W to handle)

CONSENT

11. Consider award of bid for construction of subtrunk sewer on Tully Road between Montclair and Clevenger.
(Bids were opened February 29, 1972. The low bid submitted by S. M. McGaw Co., Inc., which is 13% under the Engineer's Estimate, is considered acceptable. It is recommended by the Public Works Department that the bid be awarded to low bidder. Resolution needed. Estimated cost \$46,000 (Contract \$44,000; Engr. \$2,000) Funds budgeted in Account 6561-212, Subtrunk - Perimeter Sewer)

ACTION: Res. 72-263 adopted awarding contract to S. M. McGaw Co.
(P/W to handle)

HEARINGS

12. Hearing on cost of installation of sidewalk at 819 Badgley Drive, Lot 1 of Block 1123 - Mr. James F. Goodman (\$316.00) 4:05 P.M.
(Payment over a 6-year period recommended)

ACTION: Res. 72-264 adopted (Dunlap/Elliott, unan.) confirming report, assessing costs and directing method of collection (over a 6-year period) (Finance to handle)

13. Hearings on requirement of sidewalk and/or curb and gutter at the following locations: 4:10 P.M.

- (a) Sidewalk at 1819 W. Orangeburg Ave., Lot 4 of Block 6254 (Mr. Bert D. Anderson)

ACTION: Res. 72-265 adopted (Smith/Simon, unan.) ordering work done. (P/W to handle)

- (b) Sidewalk at 1433 W. Orangeburg Ave., Lot 2 of Block 6078 (Mrs. Emily Azevedo)

ACTION: Res. 72-266 adopted (Smith/Simon, unan.) ordering work done. (P/W to handle)

- (c) Sidewalk at 1800 W. Orangeburg Ave., Lot 18 of Block 6255 (Joe P. Bargas)

ACTION: Res. 72-267 adopted (Smith/Simon, unan.) ordering work done. (P/W to handle)

- (d) Sidewalk on Orangeburg Ave. at 1346 Grape Ave., Lot 9 of Block 6252 (Robert L. Boulware)

ACTION: Res. 72-268 adopted (Smith/Simon, unan.) ordering work done. (P/W to handle)

- (e) Sidewalk at 1737 W. Orangeburg Ave., Lot 9 of Block 6254. (Mr. Harvey C. Cartwright)

ACTION: Res. 72-269 adopted (Smith/Simon, unan.) ordering work done. (P/W to handle)

- (f) Sidewalk at 1621 W. Orangeburg Ave., Lot 11 of Block 6082 (Mr. Basilio Castaneda)
(Drop from agenda - doing own work)

DROPPED FROM AGENDA

- (g) Sidewalk at 1537 W. Orangeburg Ave., Lot 5 of Block 6079 (Elvin G. Cohron)
(Drop from agenda - doing own work)

DROPPED FROM AGENDA

- (h) Sidewalk at 1417 W. Orangeburg Ave., Lot 6 of Block 6078. (Herbert J. Cooper)
(Drop from agenda - doing own work)

DROPPED FROM AGENDA

- (i) Sidewalk at 1827 W. Orangeburg Ave., Lot 2 of Block 6254 (Sherman Cole)
(Drop from agenda - doing own work)

DROPPED FROM AGENDA

13. Hearings (continued)

- (j) Sidewalk at 1824 W. Orangeburg Ave., Lot 24 of Block 6255 (Henry J. Corn) 4:10 P.M.
(Drop from agenda - doing own work)

DROPPED FROM AGENDA

- (k) Sidewalk at 1740 W. Orangeburg Ave., Lot 17 of Block 6255 (Loyd T. Crabtree)

ACTION: Res. 72-270 adopted (Smith/Simon, unan.) ordering work done.
(P/W to handle)

- (l) Sidewalk at 1514 W. Orangeburg Ave., Lot 8 of Block 6041 (Luther Damir)

ACTION: Res. 72-271 adopted (Smith/Simon, unan.) ordering work done.
(P/W to handle)

- (m) Sidewalk at 1645 W. Orangeburg Ave., a portion of Lot 4 and 5 of Block 6082 (Wally DeVe)

ACTION: Res. 72-272 adopted (Smith/Simon, unan.) ordering work done.
(P/W to handle)

- (n) Sidewalk at W. Orangeburg at 1832 W. Orangeburg Ave., Lot 26 of Block 6255 (Michael J. Donohue, Jr.)

ACTION: Res. 72-273 adopted (Smith/Simon, unan.) ordering work done.
(P/W to handle)

- (o) Sidewalk at 1736 W. Orangeburg Ave., Lot 16 of Block 6255 (Mr. Clark L. Duarte)

ACTION: Res. 72-274 adopted (Smith, Simon, unan.) ordering work done.
(P/W to handle)

- (p) Sidewalk at 1510 W. Orangeburg Ave., Lot 9 of Block 6041 (Larry Fraioli)

ACTION: Res. 72-275 adopted (Smith/Simon, unan.) ordering work done.
(P/W to handle)

- (q) Sidewalk at 1518 W. Orangeburg Ave., Lot 7 of Block 6041 (Mr. Charles W. Greenhaw)
(Drop from agenda - doing own work)

DROPPED FROM AGENDA

- (r) Sidewalk at 1522 W. Orangeburg Ave., Lot 6 of Block 6041 (Frank Z. House)

ACTION: Res. 72-276 adopted (Smith/Simon, unan.) ordering work done.
(P/W to handle)

- (s) Sidewalk at 1337 W. Orangeburg Ave., Lot 14 of Block 6078 (Lester F. Jackson)

ACTION: Res. 72-277 adopted (Smith/Simon, unan.) ordering work done.
(P/W to handle)

- (t) Sidewalk on W. Orangeburg Ave. and sidewalk on Tully Road at 1400 Tully Road, Lots 10 and 11 of Block 6074. (Dolores I. Kirkpatrick)

ACTION: Res. 72-278 adopted (Smith/Simon, unan.) ordering work done.
(P/W to handle)

13. Hearings (continued)

- (u) Sidewalk at 1816 W. Orangeburg Ave., Lot 22 of Block 6255
(Miss Minnie F. Klein)

ACTION: Res. 72-279 adopted (Smith/Simon, unan.) ordering work done.
(P/W to handle)

- (v) Sidewalk at 1513 W. Orangeburg Ave., Lot 11 of Block 6079
(Larry R. Lee)

ACTION: Res. 72-280 adopted (Smith/Simon, unan.) ordering work done.
(P/W to handle)

- (w) Sidewalk on W. Orangeburg Ave. at 1403 Stetson Ave., Lot 9
of Block 6074 (Gerald M. Lillie)

ACTION: Res. 72-281 adopted (Smith/Simon, unan.) ordering work done.
(P/W to handle)

- (x) Sidewalk on W. Orangeburg Ave. at 1400 Albany Ave., Lot 11
of Block 6072 (Vivian D. Lott)

ACTION: Res. 72-282 adopted (Smith/Simon, unan.) ordering work done.
(P/W to handle)

- (y) Sidewalk at 1427 W. Orangeburg Ave., Lot 4 of Block 6078
(Ray D. Madden)

ACTION: Res. 72-283 adopted (Smith/Simon, unan.) ordering work done.
(P/W to handle)

- (z) Sidewalk on W. Orangeburg Ave. at 1731 W. Orangeburg Ave.,
Lot 10 of Block 6254 (Stanley W. Lust)

ACTION: Res. 72-284 adopted (Smith/Simon, unan.) ordering work done.
(P/W to handle)

- (aa) Sidewalk at 1813 W. Orangeburg Ave., Lot 5 of Block 6254.
(Eldon L. Mawyer)

ACTION: Res. 72-285 adopted (Smith/Simon, unan.) ordering work done.
(P/W to handle)

- (bb) Sidewalk at 1807 W. Orangeburg Ave., Lot 6 of Block 6254
(Loren W. Melton)

ACTION: Res. 72-286 adopted (Smith/Simon, unan.) ordering work done.
(P/W to handle)

- (cc) Sidewalk at 1605 W. Orangeburg Ave., Lot 15 of Block 6082
(Joseph A. Messamore)

ACTION: Res. 72-287 adopted (Smith/Simon, unan.) ordering work done.
(P/W to handle)

- (dd) Sidewalk on W. Orangeburg Ave. at 1400 Stetson Ave., Lots 11 and
12 of Block 6073 (Albert R. Muth)

ACTION: Res. 72-288 adopted (Smith/Simon, unan.) ordering work done.
(P/W to handle)

- (ee) Sidewalk at 1529 W. Orangeburg Ave., Lot 7 of Block 6079
(Ronald Osmonson)

ACTION: Res. 72-289 adopted (Smith/Simon, unan.) ordering work done.
(P/W to handle)

13. Hearings (continued)

- (ff) Sidewalk on W. Orangeburg Ave. and sidewalk on Kearney Ave. at 1501 W. Orangeburg, Lot 14 of Block 6079 4:10 P.M.
(Richard D. Pedrioli)

ACTION: Res. 72-290 adopted (Smith/Simon, unan.) ordering work done.
(P/W to handle)

- (gg) Sidewalk at 1526 W. Orangeburg Ave., Lot 5 of Block 6041
(Hilmer Plautz)
(Drop from agenda - doing own work)

DROPPED FROM AGENDA

- (hh) Sidewalk at 1732 W. Orangeburg Ave., Lot 15 of Block 6255
(Rudolph M. Ramirez)

ACTION: Res. 72-291 adopted (Smith/Simon, unan.) ordering work done.
(P/W to handle)

- (ii) Sidewalk at 1828 W. Orangeburg Ave., Lot 25 of Block 6255
(Carl M. Santos)

ACTION: Res. 72-292 adopted (Smith/Simon, unan.) ordering work done.
(P/W to handle)

- (jj) Sidewalk at 1541 W. Orangeburg Ave., Lot 4 of Block 6079
(Mrs. Jessie Sapp)

ACTION: Res. 72-293 adopted (Smith/Simon, unan.) ordering work done.
(P/W to handle)

- (kk) Sidewalk at 1804 and 1808 W. Orangeburg Ave., Lots 19 and 20 of Block 6255 (Seventh Day Adventist Church)

ACTION: Res. 72-294 adopted (Smith/Simon, unan.) ordering work done.
(P/W to handle)

- (ll) Sidewalk on W. Orangeburg Ave. at 1401 Albany Ave., Lot 10 of Block 6073 (Elizabeth P. Shiell)

ACTION: Res. 72-295 adopted (Smith/Simon, unan.) ordering work done.
(P/W to handle)

- (mm) Sidewalk at 1534 W. Orangeburg Ave., Lot 3 of Block 6041
(Henry Silva)

ACTION: Res. 72-296 adopted (Smith/Simon, unan.) ordering work done.
(P/W to handle)

- (nn) Sidewalk at 1801 W. Orangeburg Ave., Lot 7 of Block 6254
(Clyde J. Smith)

ACTION: Res. 72-297 adopted (Smith/Simon, unan.) ordering work done.
(P/W to handle)

- (oo) Sidewalk at 1538 W. Orangeburg Ave., Lot 2 of Block 6041
(Edward W. Smith)

ACTION: Res. 72-298 adopted (Smith/Simon, unan.) ordering work done.
(P/W to handle)

- (pp) Sidewalk at 1820 W. Orangeburg Ave., Lot 23 of Block 6255.
(Mrs. Naomi Speake)

ACTION: Res. 72-299 adopted (Smith/Simon, unan.) ordering work done.
(P/W to handle)

13. Hearings (continued)

- (qq) Sidewalk on Orangeburg Ave. and Carver Road at 1649 W. Orangeburg Ave., portion of Lots 4 and 5 of Block 6082. (Leonard J. Soranno)

4:10 P.M.

ACTION: Res. 72-300 adopted (Smith/Simon, unan.) ordering work done. (P/W to handle)

- (rr) Sidewalk at 1525 W. Orangeburg Ave., Lot 8 of Block 6079 (Robert A. Tollison)

ACTION: Res. 72-301 adopted (Smith/Simon, unan.) ordering work done. (P/W to handle)

- (ss) Sidewalk at 1533 W. Orangeburg Ave., Lot 6 of Block 6079 (William J. Tordsen)

ACTION: Res. 72-302 adopted (Smith/Simon, unan.) ordering work done. (P/W to handle)

- (tt) Sidewalk at 1530 W. Orangeburg Ave., Lot 4 of Block 6041 (Martin K. Van Sandt)

ACTION: Res. 72-303 adopted (Smith/Simon, unan.) ordering work done. (P/W to handle)

- (uu) Sidewalk at 1812 W. Orangeburg Ave., Lot 21 of Block 6255 (Mrs. Edith Mae Walk)

ACTION: Res. 72-304 adopted (Smith/Simon, unan.) ordering work done. (P/W to handle)

- (vv) Sidewalk on W. Orangeburg Ave. at 1401 Concord Ave., Lot 10 of Block 6072 (Wiley Edward Walker, Sr.)

ACTION: Res. 72-305 adopted (Smith/Simon, unan.) ordering work done. (P/W to handle)

- (ww) Sidewalk at 1542 W. Orangeburg Ave., Lot 1 of Block 6041 (James M. Weaving)

ACTION: Res. 72-306 adopted (Smith/Simon, unan.) ordering work done. (P/W to handle)

- (xx) Sidewalk at 1421 W. Orangeburg Ave., Lot 5 of Block 6078. (C. B. Wheeler)
(Drop from agenda - doing own work)

DROPPED FROM AGENDA

- (yy) Sidewalk at 1728 W. Orangeburg Ave., Lot 14 of Block 6255 (Ernest Whitescorn)

ACTION: Res. 72-307 adopted (Smith/Simon, unan.) ordering work done. (P/W to handle)

- (zz) Sidewalk at 1629 W. Orangeburg Ave., Lot 9 of Block 6082 (Gary L. Phillips)

ACTION: Res. 72-308 adopted (Smith/Simon, unan.) ordering work done. (P/W to handle)

13. Hearings (continued)

4:10 P.M.

- (a-1) Sidewalk on W. Orangeburg Ave. at 1404 Martin Ave.,
Lot 1 of Block 6254 (William E. Wilson)

ACTION: Res. 72-309 adopted (Smith/Simon, unan.) ordering work done.
(P/W to handle)

- (a-2) Sidewalk on W. Orangeburg Ave. at 1601 W. Orangeburg
Ave., Lot 16 of Block 6082 (Henry J. Windle)

ACTION: Res. 72-310 adopted (Smith/Simon, unan.) ordering work done.
(P/W to handle)

- (a-3) Sidewalk at 1429 W. Orangeburg Ave., Lot 3 of Block 6078
(Haron G. Wright)

ACTION: Res. 72-311 adopted (Smith/Simon, unan.) ordering work done.
(P/W to handle)

- (a-4) Sidewalk at 1743 W. Orangeburg Ave., Lot 8 of Block 6254
(Neal Bruce Wright)

ACTION: Res. 72-312 adopted (Smith/Simon, unan.) ordering work done.
(P/W to handle)

14. Matters for the good of the community.

4:15 P.M.

(These may be presented by citizens in the audience)

NONE

ORDINANCES

CONSENT

15. Final adoption of Ordinance No. 1179-C.S. amending Section
18-3-9 of zoning map (Chester Allen)
(Motion adopting needed)

ACTION: By motion Ord. No. 1179-C.S. adopted. (Clerk to handle)

CONSENT

NEW BUSINESS

16. Requirement for construction of curbs and gutters at the locations
listed below:

(Informal requests were sent to the property owners over 30 days ago.
As the work has not been done, it is recommended that resolutions be
adopted instructing the Superintendent of Streets to give notice. Resol-
utions setting 4:20 P.M. March 20, 1972 for hearings needed)

- (a) Sidewalk at 1011 College Avenue, a portion of Block 824
(Harry M. Allen)

ACTION: Res. 72-313 adopted setting hearing. (P/W to handle)

16. (b) Sidewalk at 925 College Ave., a portion of Block 824
(Mr. Stathe Angelo)

ACTION: Res. 72-314 adopted setting hearing. (P/W to handle)

(c) Sidewalk on College Ave. at 1050 Exeter Ave., Lots 7, 8
and portion of 9, Block 821 (Mrs. Leah B. Barr)

ACTION: Res. 72-315 adopted setting hearing. (P/W to handle)

(d) Sidewalk on College Avenue at 1033 Cecil Way, Lot 9 of
Block 832 (Joseph E. Bearden)

ACTION: Res. 72-316 adopted setting hearing. (P/W to handle)

(e) Sidewalk on College Avenue at 908 College, Lot 9 of
Block 820 (Warner A. Benthall)

ACTION: Res. 72-317 adopted setting hearing. (P/W to handle)

(f) Sidewalk on College Avenue at 1023 College Avenue, portion
of Block 824 (Mr. Harold Dewey Blakley)

ACTION: Res. 72-318 adopted setting hearing. (P/W to handle)

(g) Sidewalk at 1003 College Avenue, portion of Block 824
(William K. Boulos)

ACTION: Res. 72-319 adopted setting hearing. (P/W to handle)

(h) Sidewalk at 1242 College, Lot 2 of Block 6011 (Humberto Centeno)

ACTION: Res. 72-320 adopted setting hearing. (P/W to handle)

(i) Sidewalk at 1112 College Avenue, Lot 6 of Block 832 (Robert
Coleman)

ACTION: Res. 72-321 adopted setting hearing. (P/W to handle)

(j) Sidewalk on College Avenue at 1002 College Avenue, Lot 8
of Block 823 (Winston R. Curtis, Jr.)

ACTION: Res. 72-322 adopted setting hearing. (P/W to handle)

(k) Sidewalk on College Avenue at 1032 Ulrich Avenue, Lot 1 of
Block 6011 (Byron Damiani)

ACTION: Res. 72-323 adopted setting hearing. (P/W to handle)

(l) Sidewalk at 1120 College Avenue, Lot 4 of Block 832
(James H. Gallian)

ACTION: Res. 72-324 adopted setting hearing. (P/W to handle)

16. (m) Sidewalk on College Avenue and W. Roseburg Ave. at 1045 W. Roseburg Ave., Lots 10 and South 40' of Lot 9, Block 6011 (Wilfred L. Gross)

ACTION: Res. 72-325 adopted setting hearing. (P/W to handle)

(n) Sidewalk at 1236 College Ave., Lot 3 of Block 6011 (John M. Haller)

ACTION: Res. 72-326 adopted setting hearing. (P/W to handle)

(o) Sidewalk on College Avenue and Princeton Ave. at 1045 Princeton Avenue, Lot 8 of Block 820 (Mrs. Gladys Hansen)

ACTION: Res. 72-327 adopted setting hearing. (P/W to handle)

(p) Sidewalk at 1116 College Ave., Lot 5 of Block 832 (Edward R. Herman)

ACTION: Res. 72-328 adopted setting hearing. (P/W to handle)

(q) Sidewalk on College Ave. at 1018 College Avenue, Lot 10 of Block 823 (Royce Horton)

ACTION: Res. 72-329 adopted setting hearing. (P/W to handle)

(r) Sidewalk at 1015 College, portion of Block 824 (William G. Howe)

ACTION: Res. 72-330 adopted setting hearing. (P/W to handle)

(s) Sidewalk on College Ave. and Princeton Ave. at 1046 Princeton, Lot 10 of Block 813 (George S. Kounias)

ACTION: Res. 72-331 adopted setting hearing. (P/W to handle)

(t) Sidewalk at 1104 College, Lot 8 of Block 832 (Mrs. Pauline D. Meek)

ACTION: Res. 72-332 adopted setting hearing. (P/W to handle)

(u) Sidewalk at 1019 College, portion of Block 824 (Miss Betty D. Middleton)

ACTION: Res. 72-333 adopted setting hearing. (P/W to handle)

(v) Sidewalk at 1128 College Ave., Lot 2 of Block 832 (Tony Nunes)

ACTION: Res. 72-334 adopted setting hearing. (P/W to handle)

(w) Sidewalk at 1108 College Ave., Lot 7 of Block 832, (Mrs. Jessie M. Paine)

ACTION: Res. 72-335 adopted setting hearing. (P/W to handle)

(x) Sidewalk at 1007 College Ave., portion of Block 824 (Mrs. Sophia Petrakis)

ACTION: Res. 72-336 adopted setting hearing. (P/W to handle)

CONSENT

16. (y) Sidewalk on College Ave. and W. Roseburg Ave. at 1004 W. Roseburg Ave., Lot 1 of Block 832 (Robert Raingruber)

ACTION: Res. 72-337 adopted setting hearing. (P/W to handle)

(z) Sidewalk at 921 College Avenue, portion of Block 824 (Marian L. Randall)

ACTION: Res. 72-338 adopted setting hearing. (P/W to handle)

(aa) Sidewalk at 1214 College Ave., portion of Block 6011 (Wilbur V. Ray)

ACTION: Res. 72-339 adopted setting hearing. (P/W to handle)

(bb) Sidewalk at 1124 College, Lot 3 of Block 832 (Donald R. Roe)

ACTION: Res. 72-340 adopted setting hearing. (P/W to handle)

(cc) Sidewalk on College Ave. at 1080 Stanford Ave., Lot 10 of Block 820 (Robert W. Rolfe)

ACTION: Res. 72-341 adopted setting hearing. (P/W to handle)

(dd) Sidewalk on College Ave. and Princeton Ave. at northwest corner of College and Princeton, Lot 8 of Block 824 (George R. Sanders)

ACTION: Res. 72-342 adopted setting hearing. (P/W to handle)

(ee) Sidewalk at 941 College Ave. portion of Block 824 (George C. Sue)

ACTION: Res. 72-343 adopted setting hearing. (P/W to handle)

(ff) Sidewalk at 933 College, portion of Block 824 (Alford W. Webb)

ACTION: Res. 72-344 adopted setting hearing. (P/W to handle)

(gg) Sidewalk on College Ave. at 1101 Ulrich Ave., Lot 14 of Block 6031 (Melvin L. Wisdom)

ACTION: Res. 72-345 adopted setting hearing. (P/W to handle)

CONSENT

17. Consider letter agreement from Edward E. Mitchell of Orrick, Herrington, Rowley & Sutcliffe whereby they agree to act as bond counsel for the City of Modesto for assessment proceedings for Improvement District No. 20 (Street Lighting in Various Areas of the City)
(This matter was discussed by the Council at its meeting on February 2., 1972 at which time the staff was authorized to arrange for bond counsel. A copy of the letter agreement is being transmitted to the Mayor and the Council with the agenda. Resolution approving agreement needed)

ACTION: Res. 72-346 adopted approving letter agreement. (Clerk to handle)

CONSENT

18. Request by City Attorney for vacation commencing March 27, 1972 through March 31, 1972.
(Motion granting request needed)

ACTION: By motion request granted.

CONSENT

19. Land Purchase Agreement (Vitt) - Senior Citizens Center Parking Lot.
(Memo with agenda. Resolution accepting grant deed and authorizing execution of agreement needed. Estimated cost \$7,000; funds budgeted in Account 6322-31, Senior Citizens Center parking lot acquisition)

ACTION: Res. 72-347 adopted approving agreement with and accepting Grant Deed from Susie C. Vitt, et al. (Clerk to handle)

CONSENT

20. Consider resolution offering a reward for information leading to the arrest and conviction of persons damaging city property.
(Memo and resolution with agenda. Resolution needed)

ACTION: Res. 72-348 adopted offering reward of \$50. (C/Mgr to handle)

CONSENT

21. Consider approval of agreement to provide sewer service to a subdivision outside the City.
(Developers: Tempo Homes, Inc. The developers of Tempo Park No. 2 a 62-lot subdivision in the County of Stanislaus on the west side of Musick Ave. and the south side of Pecos Ave., have signed an agreement for sewer service which basically requires that the development be to city standards and that deed restrictions be recorded which require annexation. Resolution approving agreement needed)

ACTION: Res. 72-349 adopted approving agreement with Tempo Homes, Inc. (P/W to handle)

CONSENT

22. Consider resolution establishing the City of Modesto Youth Commission. (Copies of resolution being distributed with agenda. Resolution needed)

ACTION: Res. 72-350 adopted establishing City of Modesto Youth Commission. (C/Mgr to handle)

REPORTS

CONSENT

23. Presentation of financial statement for February 1972. (Copies of report will be presented at meeting. Motion accepting report needed)

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

MISCELLANEOUS

24. Legislation.

ACTION: By motion (Smith/Dixon, unan.) AB 396 supported. (C/Mgr to handle)

25. Appointments.

ACTION: Res. 72-351 adopted (Dunlap/Elliott, unan.) appointing Lyn Green and reappointing Mrs. Peggy Mensinger as members of the Library and Culture Commission for terms ending January 1, 1973 and January 1, 1976 respectively. (Clerk to handle)

26. Matters too late for the agenda.

ACTION: Councilman Newton asked the reason for the delay in the FACE Program for the West Side. The City Manager reported that efforts were being made to speed up the progress and would continue.

The meeting between Council representatives and the Black Caucus was discussed. It was agreed that the City Manager would make a full report on the incident at 5th & K Streets after the Court hearings have been finished. The Police Chief assured the Council that if any evidence of police brutality shows up before the trials corrective measures will be taken immediately.

Councilman Dixon reported that he was pleased with the action taken in creating a Youth Commission and complimented the staff.

Adjournment at 5:15 P.M.

ATTEST:

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

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, MARCH 13, 1972 AT 7:30 P.M.

ROLL CALL Present: Dixon, Dunlap, Elliott, Newton, Simon, Smith,
Mayor Davies
Absent: None
Councilman Dixon arrived at 7:34 P.M.

Pledge of allegiance to the Flag
Invocation: Reverend George Telle, Trinity Presbyterian Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED Items 1, 2, 3, 4, 5, 6, 7, 8, 11,
Elliott/Newton, unan. 12, 13, 14, 15, 16, 17, 18, 19

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

APPROVAL OF MINUTES

CONSENT

1. Minutes of March 6, 1972.
(Motion approving needed)

ACTION: By motion minutes approved.

WRITTEN COMMUNICATIONS

CONSENT

2. Request of Modesto City Employees Association for meet and confer session.
(Motion referring to staff for follow-up needed)

ACTION: By motion referred to staff for follow-up. (C/Mgr to handle)

CONSENT

3. Request for payment of \$1,973.50 to James E. Price in connection with construction of a 12-inch sanitary sewer line in Haddon Ave.
(Memo with agenda. Motion authorizing payment needed)

ACTION: By motion payment of \$1,973.50 authorized. (Finance to handle)

BIDS

CONSENT

4. Consider approval of specifications and authorize call for bids to be opened March 28, 1972 at 2:00 P.M. for furnishing one (1) new trailer mounted continuous rodding machine for sewer line cleaning.
(Resolution approving needed. Estimated cost \$7,185; funds budgeted in Account 5424-48-512, Capital Outlay - Service Division, p. 80)

ACTION: Res. 72-352 adopted approving specifications and bid call.
(Clerk to handle)

CONSENT

5. Consider approval of plans and specs and call for bids for the installation of water lines in Dragoo Park No. 1, Wyldewood Estates No. 2 and Coleman Acres No. 2.

(Suggested bid opening March 28, 1972 at 10:10 A.M. Costs and Revenues, Dragoo Park No. 1: Const. Cost Conn. Charges Net Ann. Revenue

	\$9,395.81	\$4,250.00	\$544.00
Wyldewood No. 2	5,132.48	3,625.00	- -
Coleman Acres No.2	544.00	464.00	- -

Estimated cost \$16,386.45 (Mat. \$8,037.35; labor, \$8,349.10. Funds budgeted in Accounts 6804-50-101, Water Line Extension and 5301-50-101, New Services) (Resolution needed)

ACTION: Res. 72-353 adopted approving plans and specifications and bid call. (Clerk to handle)

CONSENT

6. Approve plans and specifications and call for bids for construction of a subtrunk sewer on McHenry between Woodrow and Warren. (Suggested bid opening: March 28, 1972 at 10:00 A.M. This subtrunk line is needed to provide sewer service for McHenry Estates Subdivision. Resolution needed. Estimated cost \$46,704.00. (Const. \$44,204.00, Eng. \$2,500). Funds budgeted in Account 6561-212, Ext. Subtrunk Sewers)

ACTION: Res. 72-354 adopted approving plans and specifications and bid call. (Clerk to handle)

CONSENT

7. Consider award of bid for installation of water lines in Newcastle Estates No. 1 and Applegate No. 2 Subdivisions. (Bids were opened March 7, 1972. The low bid submitted by Valley Construction, which is 28% under the Engineer's Estimate, is considered acceptable. It is recommended by the Public Works Department that the bid be awarded to them. Resolution needed. Funds budgeted in Accounts 6804-50-101, Water Line Extension, and 5301-50-101, New Services)

ACTION: Res. 72-355 adopted awarding contract to Valley Construction. (P/W to handle)

CONSENT

8. Consider rejecting all bids received for three putting greens mowers, and authorize a new call for bids to be opened March 28, 1972 at 2:10 P.M. (Memorandum with agenda. Resolution rejecting bids received and resolution authorizing new call for bids needed. Estimated cost \$11,025.00. Funds budgeted in Account 5419-48-512, Working Capital Fund, page 80)

ACTION: Res. 72-356 adopted rejecting bid received. (Finance to handle)
Res. 72-357 adopted authorizing new bid call. (Clerk to handle)

HEARINGS

9. Hearing on amendment to Section 10-2.501 relating to subdivision directional signs in R-1 zones. 7:35 P.M.

ACTION: A motion introduced by Councilman Dixon referring the matter to the Public Projects Committee to consider a variance on directional signs in the perimeter area of the City died for lack of a second.

Ord. No. 1180-C.S. adopted (Smith/Simon, maj. - Dixon, Dunlap and Mayor Davies, no) approving sign limiting height to 6' and area to 16 sq. ft., amending Title 10 of Code. (Clerk to handle)

Ord. No. 1181-C.S. adopted (Smith/Simon, maj. - Dixon, Dunlap and Mayor Davies, no) approving sign limiting height to 6' and area to 16 sq. ft., amending Title 9 of Code. (Clerk to handle)

10. Matters for the good of the community. 7:40 P.M.
(These may be presented by interested people in the audience)

NONE

NEW BUSINESS

CONSENT

11. Requirement for construction of curbs and gutters and/or sidewalks at the locations listed below.

(Informal requests were sent to the property owners over 30 days ago. As the work has not been done, it is recommended that resolutions be adopted instructing the Superintendent of Streets to give notice. Resolutions setting 4:05 P.M. April 3, 1972 for hearings needed)

(a) Sidewalk at 1536 College Ave., Lot 17 of Block 6121
(Randall K. Anderson)

ACTION: Res. 72-358 adopted setting hearing. (P/W to handle)

(b) Sidewalk at 1526 College Avenue, Lot 15 of Block 6121,
(Mrs. Iva P. Ard)

ACTION: Res. 72-359 adopted setting hearing. (P/W to handle)

(c) Sidewalk at 1544 College Avenue, Lot 19 of Block 6121
(Mrs. Gladys M. Baker)

ACTION: Res. 72-360 adopted setting hearing. (P/W to handle)

(d) Sidewalk at 1522 College Avenue, Lot 14 of Block 6121
(John D. Bartol)

ACTION: Res. 72-361 adopted setting hearing. (P/W to handle)

(e) Sidewalk at 1617 College Avenue, Lot 4 of Block 6139
(Mrs. Elsie O. Bassi)

ACTION: Res. 72-362 adopted setting hearing. (P/W to handle)

CONSENT

11. (f) Sidewalk at 1706 College Avenue, Lot 6 of Block 6138
(Mrs. Verle Mae Brewer)

ACTION: Res. 72-363 adopted setting hearing. (P/W to handle)

(g) Sidewalk at 1705 College Avenue, portion of Block 6139
(Gerald N. Follettie)

ACTION: Res. 72-364 adopted setting hearing. (P/W to handle)

(h) Sidewalk on College Avenue and sidewalk on W. Granger Avenue
at 1047 W. Granger Avenue, Lot 2 of Block 6138 (Dunbar G.
Garey)

ACTION: Res. 72-365 adopted setting hearing. (P/W to handle)

(i) Sidewalk at 1516 College Avenue, Lot 13 of Block 6121
(Alfon J. Gemperli)

ACTION: Res. 72-366 adopted setting hearing. (P/W to handle)

(j) Sidewalk at 1620 College Avenue, portion of Block 6139
(William B. Grogan)

ACTION: Res. 72-367 adopted setting hearing. (P/W to handle)

(k) Sidewalk at 1530 College Avenue, Lot 16 of Block 6121
(Leon L. LaFaille)

ACTION: Res. 72-368 adopted setting hearing. (P/W to handle)

(l) Sidewalk on College Avenue at 1720 College Avenue, portion
of block 6138 (Robert L. Larson)

ACTION: Res. 72-369 adopted setting hearing. (P/W to handle)

(m) Sidewalk at 1540 College Avenue, Lot 18 of Block 6121
(Bill W. Love)

ACTION: Res. 72-370 adopted setting hearing. (P/W to handle)

(n) Sidewalk on College Avenue and sidewalk on W. Granger Avenue
at 1105 W. Granger Avenue, portion of Block 6139 (Warren E.
Lovejoy)

ACTION: Res. 72-371 adopted setting hearing. (P/W to handle)

(o) Sidewalk at 1710 College Avenue, Lot 7 of Block 6138
(Mrs. Katherine McGriffin)

ACTION: Res. 72-372 adopted setting hearing. (P/W to handle)

(p) Sidewalk on College Avenue at 1713 College Avenue, portion of
Block 6139 (Jack Matheny)

ACTION: Res. 72-373 adopted setting hearing. (P/W to handle)

CONSENT

11. (q) Sidewalk at 1701 College Avenue, portion of Block 6139
(Neal E. Mathies)

ACTION: Res. 72-374 adopted setting hearing. (P/W to handle)

(r) Sidewalk 1707 College Avenue, portion of Block 6139
(Clifford W. Morris)

ACTION: Res. 72-375 adopted setting hearing. (P/W to handle)

(s) Sidewalk on College Avenue and sidewalk on W. Granger Avenue at 1550 College Avenue, Lot 20, of Block 6121 (Murnace H. Neal)

ACTION: Res. 72-376 adopted setting hearing. (P/W to handle)

(t) Sidewalk on College Avenue at 1025 Pearl Street, Lot 11 of Block 6121 (Donald E. Nelson)

ACTION: Res. 72-377 adopted setting hearing. (P/W to handle)

(u) Sidewalk at 1625 College Avenue, portion of Block 6139
(Mrs. Elizabeth W. Nickerson)

ACTION: Res. 72-378 adopted setting hearing. (P/W to handle)

(v) Sidewalk at 1628 College Avenue, Lot 4 of Block 6138
(Benjamin J. Sayre)

ACTION: Res. 72-379 adopted setting hearing. (P/W to handle)

(w)
Sidewalk at 1702 College Avenue, Lot 5 of Block 6138
(Rosemond C. Shipley)

ACTION: Res. 72-380 adopted setting hearing. (P/W to handle)

(x) Sidewalk at 1512 College Avenue, Lot 12 of Block 6121
(Neville J. Smith)

ACTION: Res. 72-381 adopted setting hearing. (P/W to handle)

(y) Sidewalk at 1712 College Avenue, portion of Block 6138
(Richard A. Weiglein)

ACTION: Res. 72-382 adopted setting hearing. (P/W to handle)

(z) Sidewalk at 1716 College Avenue, portion of Block 6138
(Richard A. Weiglein)

ACTION: Res. 72-383 adopted setting hearing. (P/W to handle)

(aa) Sidewalk at 1616 College Avenue, Lot 1 and 2 of Block 6138
(Mrs. Annie Wright)

ACTION: Res. 72-384 adopted setting hearing. (P/W to handle)

CONSENT

12. Amend 1971-72 budget of City of Modesto to:

- (a) Include estimated revenue and expenditures for the Neighborhood Youth Advisory Program (Fund 221)
(Resolution approving budget for the grant funds needed)

ACTION: Res. 72-385 adopted amending budget to establish fund (221) for Neighborhood Youth Advisory Program. (Finance to handle)

- (b) Appropriate an interfund transfer from General Fund to the Neighborhood Youth Advisory Program Fund.
(Resolution approving transfer of funds from General Fund needed)

(The grant agreement with the California Council on Criminal Justice requires special accounting for the grant funds and City of Modesto matching expenditures. Estimated cost: Grant funds \$24,577 - city funds \$7,875)

transfer

ACTION: Res. 72-386 adopted approving interfund/of \$7,875 from General Fund (101) to Neighborhood Youth Advisory Program Fund (221)
(Finance to handle)

CONSENT

13. Consider agreement with Mr. Walter J. Tweedy for the removal of the old almond trees on the Robertson Road Park site.
(Memo with agenda. Resolution approving agreement needed)

ACTION: Res. 72-387 adopted approving agreement. (Finance to handle)

REPORTS FROM THE PLANNING COMMISSION

CONSENT

14. Uninhabited annexation to the City of Modesto- Lincoln No. 1 Addition.
(The IAFB Commission has authorized this annexation without notice or public hearing - February 23, 1972.
(Resolution annexing area to City needed)

ACTION: Res. 72-388 adopted annexing Lincoln No. 1 Addition to City.
(Clerk to handle)

CONSENT

15. Recommend an addition of Section 10-2-225.1 to Article 2 of Chapter 2 of Title X and amendment to Section 10-2-501 of Article 5 of Chapter 2 of Title X of the Modesto Municipal Code (zoning regulations)
By Res. 72-37 adopted March 7, 1972 the Planning Commission recommends an addition of Section 10-2-225.1 to Article 2 of Chapter 2 of Title X and amendment to Section 10-2-501 of Article 5 of Chapter 2 of Title X of the Modesto Municipal Code (zoning regulations) to provide for State authorized family care homes. Resolution setting March 27, 1972 at 7:35 P.M. for public hearing needed)

ACTION: Res. 72-389 adopted setting hearing. (Clerk to handle)

CONSENT

16. Recommend that the 60-foot wide cul-de-sac street to be extended easterly from Coffee Road, approximately 800 feet north of Briggsmore Avenue, be officially named "Spanos Court."
 (By Resolution No. 72-36 adopted by the Planning Commission on March 7, 1972 recommends that the 60-foot wide cul-de-sac street to be extended easterly from Coffee Road, approximately 800 feet north of Briggsmore Avenue, be officially named "Spanos Court." Resolution needed)

ACTION: Res. 72-390 adopted naming Spanos Court. (Clerk to handle)

CONSENT

17. Set date for public hearing for annexation to the City of uninhabited territory (Sonoma No. 3 Addition)
 (Approved by LAFC on February 23, 1972. Resolution setting April 24, 1972 at 7:35 P.M. for public hearing needed)

ACTION: Res. 72-391 adopted setting hearing. (Clerk to handle)

CONSENT

18. Set date for public hearing for annexation to the City of uninhabited territory (Maze-Emerald Addition)
 (Approved by LAFC on February 23, 1972. Resolution setting May 1, 1972 at 4:10 P.M. for public hearing needed)

ACTION: Res. 72-392 adopted setting hearing. (Clerk to handle)

APPROPRIATION TRANSFERS

CONSENT

19. Request for appropriation transfer to provide funds for paying increase to Monroe Taylor granted by Council.
 (Resolution approving needed. Estimated cost \$200)

ACTION: Res. 72-393 adopted approving appropriation transfer of \$200 from Account 60-101 to Account 235-30-101. (Finance to handle)

MISCELLANEOUS

20. Legislation.

NONE

21. Appointments.

NONE

22. Matters too late for the agenda.

NONE

Adjournment at 8:30 P.M.

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

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, MARCH 20, 1972 AT 4:00 P.M.

ROLL Present: Dixon, Dunlap, Elliott, Newton, Simon, Mayor Davies
Absent: Smith
Councilman Newton arrived at 4:05 P.M.

Pledge of allegiance to the Flag

Invocation: Reverend Donald Nelson, Centenary Methodist Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED Items 1, 2, 5, 6, 7, 8, 14, 15,
Simon/Dixon, unan. - Newton and Smith, 17, 18, 19, 20, 21, 22, 23
absent

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

APPROVAL OF MINUTES

CONSENT

1. Minutes of March 13, 1972.
(Motion approving needed)

ACTION: By motion minutes approved.

CONSENT

2. Letter from Principal of John C. Fremont Elementary School regarding student pedestrians at the corner of Orangeburg and College Avenues.
(Motion referring to proper budget session needed)

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

3. Letter from President of Modesto City Employees' Association requesting consideration of proposal that City supply durable decals to be worn on employees' protective head gear to identify wearer as employee of City.

ACTION: By motion (Elliott/Dunlap, unan. - Smith and Newton, absent) request approved. (Personnel to handle)

City Manager to discuss with President, MCEA, suggestion that employees' names be added.

4. Letter from President of Modesto City Employees' Association asking that City pay a portion of costs of playing Industrial League softball.

ACTION: Res. 72-394 adopted (Simon/Dunlap, unan. - Smith and Newton, absent) approving appropriation transfer of \$232 from Account 60-101 to Account 428-65-101 (towards cost of softball team) (Finance to handle)

CONSENT

5. Letter from Greater Modesto Chamber of Commerce requesting that \$15,000 be budgeted for fiscal year 1972-73 for advertising and promotion of City.
(Motion referring to proper budget session needed)

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

CONSENT

6. Letter from Downtown Improvement District requesting expansion of office facility.
(Motion approving request needed)

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

BIDS

CONSENT

7. Consider award of bid for installation of water lines in Morton Boulevard between LaLoma and Grand Street.
(Memo with agenda. Resolution needed. Estimated cost \$16,595.25; funds budgeted in Account 6804-50-101, Strengthen Water System.)

ACTION: Res. 72-395 adopted awarding bid. (P/W to handle)

CONSENT

8. Consider rejecting bids for improvements at Davis Park, and authorize a new call for bids.
(Bid opening date April 4, 1972 at 10:00 A.M. Memo with agenda. Resolution rejecting bids received and resolution authorizing new call for bids needed. Estimated cost \$29,727 (\$28,727, Construction, \$1,000 Inspection). Funds budgeted in Account 6315-31-321, Davis Park Stages 3 and 4)

ACTION: Res. 72-396 adopted rejecting bids opened February 22, 1972.
(City Clerk to handle)

Res. 72-397 adopted approving new call for bids. (P & R to handle)

HEARINGS

9. Hearing on amendment to Sections 7-3-9 and 18-3-9 of the zoning map to rezone from One-family Residential Zone, R-1 to Two-family Residential Zone, R-2, property located north of West Rumble Road and west of Carver Road. (Harley Brannan) 4:05 P.M.
- ACTION: Ord. No. 1182-C.S. adopted (Elliott/Dunlap, unan. - Newton and Smith, absent) approving rezoning from R-1 to R-2. (Clerk to handle)
10. Hearing on amendment to Section 15-3-9 of the zoning map to rezone from One-family Residential Zone, R-1, to Two-family Residential Zone, R-2, property located along the south side of Floyd Avenue between Rose Ave. and Bahia Way. (Harley Brannan) 4:10 P.M.
- ACTION: Ord. No. 1183-C.S. adopted (Simon/Dunlap, unan. - Smith, absent) approving rezoning from R-1 to R-2. (Clerk to handle)
11. Hearing on amendment to Section 21-3-9 of the zoning map to rezone from One-family Residential Zone, R-1, to Two-family residential zone, R-2, property located on the south side of East Orangeburg Ave., west of Sunrise Ave. and on both sides of Fiori Ave. (Larry K. Gilbert) 4:15 P.M.
- ACTION: Res. 72-398 adopted (Dunlap/Simon, unan. - Smith, absent) denying the requested R-2 zoning and allowing the applicant to file an amended application for P-D zoning. (Planning to handle)
12. Hearings on requirement of sidewalks at the following locations: 4:20 P.M.
- (a) Sidewalk at 1011 College Avenue, a portion of Block 824 (Harry M. Allen)
- ACTION: By motion (Dixon/Dunlap, unan. - Smith, absent) hearing continued to March 27, 1972. (P/W to handle)
- (b) Sidewalk at 925 College Ave., a portion of Block 824 (Mr. Stathe Angelo)
- Dropped from agenda - doing own work.
- (c) Sidewalk on College Ave. at 1050 Exeter Ave., Lots 7, 8 and portion of 9, Block 821 (Mrs. Leah B. Barr)
- ACTION: By motion (Dixon/Dunlap, unan. - Smith, absent) hearing continued to March 27, 1972. (P/W to handle)
- (d) Sidewalk on College Avenue at 1033 Cecil Way, Lot 9 of Block 832 (Joseph E. Bearden)
- ACTION: By motion (Dixon/Dunlap, unan. - Smith, absent) hearing continued to March 27, 1972. (P/W to handle)

12. (e) Sidewalk on College Avenue at 908 College, Lot 9 of Block 820 (Warner A. Benthall) 4:20 P.M.

ACTION: By motion (Dixon/Dunlap, unan. - Smith, absent) hearing continued to March 27, 1972. (P/W to handle)

(f) Sidewalk on College Avenue at 1023 College Avenue, portion of Block 824 (Mr. Harold Dewey Blakley)

Dropped from agenda - doing own work.

(g) Sidewalk at 1003 College Avenue, portion of Block 824 (William K. Boulos)

ACTION: By motion (Dixon/Dunlap, unan. Smith, absent) hearing continued to March 27, 1972. (P/W to handle)

(h) Sidewalk at 1242 College, Lot 2 of Block 6011 (Humberto Centeno)

Dropped from agenda - doing own work.

(i) Sidewalk at 1112 College Avenue, Lot 6 of Block 832 (Robert Coleman)

ACTION: By motion (Dixon/Dunlap, unan. Smith, absent) hearing continued to March 27, 1972. (P/W to handle)

(j) Sidewalk on College Avenue at 1002 College Avenue, Lot 8 of Block 823 (Winston R. Curtis, Jr.)

ACTION: By motion (Dixon/Dunlap, unan. - Smith, absent) hearing continued to March 27, 1972. (P/W to handle)

(k) Sidewalk on College Avenue at 1032 Ulrich Avenue, Lot 1 of Block 6011 (Byron Damiani)

ACTION: By motion (Dixon/Dunlap, unan. - Smith, absent) hearing continued to March 27, 1972. (P/W to handle)

(l) Sidewalk at 1120 College Avenue, Lot 4 of Block 832 (James H. Gallian)

ACTION: By motion (Dixon/Dunlap, unan. Smith, absent) hearing continued to March 27, 1972. (P/W to handle)

(m) Sidewalk on College Avenue and W. Roseburg Ave. at 1045 W. Roseburg Ave., Lots 10 and South 40' of Lot 9, Block 6011 (Wilfred L. Gross)

Dropped from agenda - doing own work.

12. (n) Sidewalk at 1236 College Ave., Lot 3 of Block 6011 4:20 P.M.
(John M. Haller)

ACTION: By motion (Dixon/Dunlap, unan. - Smith, absent) hearing continued to March 27, 1972. (P/W to handle)

(o) Sidewalk on College Avenue and Princeton Ave. at
1045 Princeton Avenue, Lot 8 of Block 820 (Mrs. Gladys Hansen)

ACTION: By motion (Dixon/Dunlap, unan. - Smith, absent) hearing continued to March 27, 1972. (P/W to handle)

(p) Sidewalk at 1116 College Avenue, Lot 5 of Block 832
(Edward R. Herman)

ACTION: By motion (Dixon/Dunlap, unan. - Smith, absent) hearing continued to March 27, 1972. (P/W to handle)

(q) Sidewalk on College Avenue at 1018 College Avenue,
Lot 10 of Block 823 (Royce Horton)

Dropped from agenda - doing own work.

(r) Sidewalk at 1015 College, portion of Block 824
(William G. Howe)

Dropped from agenda - doing own work.

(s) Sidewalk on College Ave. and Princeton Ave. at
1046 Princeton, Lot 10 of Block 813 (George S. Kounias)

ACTION: By motion (Dixon/Dunlap, unan. Smith, absent) hearing continued to March 27, 1972. (P/W to handle)

(t) Sidewalk at 1104 College, Lot 8 of Block 832
(Mrs. Pauline D. Meek)

ACTION: By motion (Dixon/Dunlap, unan. - Smith, absent) hearing continued to March 27, 1972. (P/W to handle)

(u) Sidewalk at 1019 College, portion of Block 824
(Miss Betty D. Middleton)

Dropped from agenda - doing own work.

(v) Sidewalk at 1128 College Ave., Lot 2 of Block
832 (Tony Nunes)

ACTION: By motion (Dixon/Dunlap, unan. - Smith, absent) hearing continued to March 27, 1972. (P/W to handle)

(w) Sidewalk at 1108 College Ave., Lot 7 of Block 832
(Mrs. Jessie M. Paine)

ACTION: By motion (Dixon/Dunlap, unan. - Smith, absent) hearing continued to March 27, 1972. (P/W to handle)

12. (x) Sidewalk at 1007 College Ave., portion of Block 824 4:20 P.M.
(Mrs. Sophia Petrakis)

ACTION: By motion (Dixon/Dunlap, unan. - Smith, absent) hearing continued to March 27, 1972. (P/W to handle)

(y) Sidewalk on College Ave. and W. Roseburg Ave. at
1004 W. Roseburg Ave., Lot 1 of Block 832 (Robert Raingruber)

ACTION: By motion (Dixon/Dunlap, unan. - Smith, absent) hearing continued to March 27, 1972. (P/W to handle)

(z) Sidewalk at 921 College Avenue, portion of Block 824
(Marian L. Randall)

ACTION: By motion (Dixon/Dunlap, unan. - Smith, absent) hearing continued to March 27, 1972. (P/W to handle)

(aa) Sidewalk at 1214 College Ave., portion of Block 6011
(Wilbur V. Ray)

Dropped from agenda - doing own work.

(bb) Sidewalk at 1124 College, Lot 3 of Block 832
(Donald R. Roe)

ACTION: By motion (Dixon/Dunlap, unan. - Smith, absent) hearing continued to March 27, 1972. (P/W to handle)
Mr. Roe pointed out that notices of the hearing were sent to him containing incorrect Streets and Highways Code Section reference.

(cc) Sidewalk on College Ave. at 1030 Stanford Ave.,
Lot 10 of Block 820 (Robert W. Rolfe)

ACTION: By motion (Dixon/Dunlap, unan. - Smith, absent) hearing continued to March 27, 1972. (P/W to handle)

(dd) Sidewalk on College Ave. and Princeton Ave. at
northwest corner of College and Princeton, Lot 8 of
Block 824 (George R. Sanders)

ACTION: By motion (Dixon/Dunlap, unan. - Smith, absent) hearing continued to March 27, 1972. (P/W to handle)

(ee) Sidewalk at 941 College Ave. portion of Block 824
(George C. Sue)

ACTION: By motion (Dixon/Dunlap, unan.-Smith, absent) hearing continued to March 27, 1972. (P/W to handle)

(ff) Sidewalk at 933 College, portion of Block 824
(Alford W. Webb)

Dropped from agenda - doing own work.

(gg) Sidewalk on College Ave. at 1101 Ulrich Ave.,
Lot 14 of Block 6031 (Melvin L. Wisdom)

ACTION: By motion (Dixon/Dunlap, unan. - Smith, absent) hearing continued to March 27, 1972. (P/W to handle)

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

ACTION: SP-4 Robert Tognetti, representative of the U. S. Army Reserve Unit, Kansas Avenue, invited members of the Council to attend open house April 9, 1972.

ORDINANCES

CONSENT

14. Final adoption of Ordinance 1180-C.S. relating to zoning regulations (signs)
(Motion adopting needed)

ACTION: By motion Ordinance No. 1180-C.S. adopted. (Clerk to handle)

CONSENT

15. Final adoption of Ord. 1181-C.S. relating to sign regulations.
(Motion adopting needed)

ACTION: By motion Ordinance No. 1181-C.S. adopted. (Clerk to handle)

NEW BUSINESS

16. Consider request of Tony Vieira, city employee, for 60-day extension of sick leave.
(Memo with agenda. Motion approving request needed)

ACTION: By motion (Dixon/Elliott, unan. - Newton and Smith, absent) extension of sick leave approved. (Personnel to handle)

CONSENT

17. Right of way acquisition - Paradise Road Project - Edward Kleim.
(Memo with agenda. Resolution accepting grant deed and authorizing execution of agreement by City Manager needed. Estimated cost \$65. Funds budgeted in Account 6648-207, Paradise Road Project)

ACTION: Res. 72-399 adopted accepting grant deed and authorizing execution of agreement. (Clerk to handle)

CONSENT

18. A resolution approving the final map of the Coffee Plaza No. 5 subdivision of the City of Modesto and authorizing an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code.
(The subdivision agreement has been signed and all fees paid. Coffee Plaza No. 5 Subdivision is located on the southwest corner of Floyd Avenue and Rose Avenue. It contains 38.537 acres. Resolution approving final map and authorizing execution of agreement needed)

ACTION: Res. 72-400 adopted approving final map and approving agreement with subdividers. (Clerk to handle)

CONSENT

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

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

CONSENT

20. A resolution approving final map of the Erin Estates No. 1 Subdivision of the City of Modesto and authorizing an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code.
(The subdivision agreement has been signed and all fees paid. Erin Estates No. 1 Subdivision is located on the west side of Sonoma Avenue north of Scenic Drive. It contains 9.67 acres. Resolution approving final map and authorizing execution of agreement by City needed)

ACTION: Res. 72-401 adopted approving final map and approving agreement with subdividers. (Clerk to handle)

REPORTS

CONSENT

21. Report on United Airlines application to Public Utilities Commission for adjustment in certain intrastate passenger fares.
(Memo with agenda. Motion approving report needed)

ACTION: By motion report approved.

APPROPRIATION TRANSFERS

CONSENT

22. Appropriation transfer of \$600.00 to cover annexation filing fees for balance of fiscal year.
(State legislation effective January 1, 1972 requires that filing fees be paid to the State Board of Equalization for all annexations to the City of Modesto and Sewer District No. 1. Resolution approving transfer needed)

ACTION: Res. 72-402 adopted approving transfer of \$600 from Account 60-101 to Account 420-14-101. (Finance to handle)

CONSENT

23. Appropriation transfer of \$24,028 to pay Modesto Irrigation District for the collection of utility users tax.
(We have received the first bill from the M.I.D. in the amount of \$15,508.52 for: Installation, \$10,394.71; billing (3 months) \$5,113.81. Collection costs will be about \$1,704 a month for the balance of the year, and are included in the appropriation transfer. The basis for collection charges are now being reviewed by the Finance Department. Resolution approving transfer needed)

ACTION: Res. 72-403 adopted approving appropriation transfer of \$24,028 from Account 60-101 to Account 431-65-101, Utility Tax Collections. (Finance to handle)

MISCELLANEOUS

24. Legislation.

ACTION: By motion (Dunlap/Newton, unan. - Smith, absent) SB-116 opposed.

By motion (Dunlap/Simon, unan. - Smith, absent) ACA 31 approved.

The City Manager requested that he be informed if any member of the Council wished to attend the Statewide Tax and Legislative Conference to be held in Sacramento, April 26 and 27, 1972.

25. Appointments.

ACTION: Res. 72-404 adopted (Elliott/Dixon, unan. - Newton and Smith, absent) reappointing Mrs. Mary Johnson to the Board of Zoning Adjustment for a term ending January 1, 1976.

Res. 72-405 adopted (Elliott/Simon, unan. - Newton and Smith, absent) appointing Jim Howell, 3436 Bluegum Avenue, John Sanders, 221 McHenry and Maxwell Norton, Student Body President, Davis High School, 5766 Stoddard Avenue, to the Land Use Subcommittee of Project Greater Modesto. (Clerk to handle)

Adjournment at 5:30 P.M.

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

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, MARCH 27, 1972 AT 7:30 P.M.

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

Pledge of allegiance to the Flag
Invocation:

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 4, 5, 6, 9, 14, 15
Smith/Dunlap, unan.

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

1. SUGGESTION AWARDS: (1) \$25 award to Terry Edwards (Parking and Traffic Department) for suggestion to implement new method of cancelling parking validation stamps.
(2) \$50 award to Sammy Rushing (Public Works Dept.) for suggestion to use a swivel power hydrant setter for hydrant placement and replacement. (Mayor to present awards)

ACTION: Awards presented to Terry Edwards and Sammy Rushing by Mayor Davies.

CONSENT

APPROVAL OF MINUTES

2. Minutes of March 20, 1972.
(Motion accepting needed)

ACTION: By motion, minutes approved.

WRITTEN CORRESPONDENCE

3. Letter from E. & J. Gallo Winery regarding proposed plan for developing winery property in the Yosemite Boulevard-Grand Street-Dry Creek area.

DROPPED FROM AGENDA

CONSENT

BIDS

4. Consider approval of plans, specifications and call for bids for the installation of water lines in Coffee Plaza No. 5 and Erin Estates.
(Suggested bid opening April 11, 1972 at 10:00 A.M. Costs and revenues, Coffee Plaza No. 5, Const. Costs, \$38,687.26; Conn. charges \$25,375; net annual revenue, \$3,248; Erin Estates: Const. costs \$14,891.54; Conn. charges, \$5,625; Net annual revenue, \$720. Estimated cost \$53578.80 (Labor \$23,088; Mtl. \$30,490.80) Funds budgeted in Accounts 6804-50-101, Water Line Extension and 5301-50-101, New Services)

ACTION: Res. 72-406 adopted approving plans, specifications and bid call. (P/W to handle)

CONSENT

5. Consider acceptance of B. J. Rommel's contract for construction of storeroom at Maddux Youth Center.
(Original contract \$2,989.00) All work in conjunction with this contract has been completed to the satisfaction of the Public Works and Parks Departments. Therefore it would be in order to accept the work as complete. Resolution accepting work needed. Estimated cost \$2,989. Funds budgeted in Account 5201-33-321, Maddux Youth Center Storeroom)

ACTION: Res. 72-407 adopted accepting work as complete. (Clerk to handle)

CONSENT

6. Consider acceptance of Landmark Builders contract for construction of golf cart building at Dryden Golf Course.
(Original contract \$10,951.80. All work in conjunction with this contract has been completed to the satisfaction of the Public Works and Parks Departments. Therefore, it would be in order to accept the work as complete. Resolution accepting work as complete and resolution approving appropriation transfer of \$723 to cover cost of engineering needed. Estimated cost \$10,951.80; balance of funds budgeted in Account 6251-321, Golf Cart Shelter)

ACTION: Res. 72-408 adopted accepting work as complete. (Clerk to handle)

Res. 72-409 adopted transferring \$723 from Account 6274-31-321 to Account 6251-31-321.

HEARINGS

7. Hearing on amendment to Section 10-2.225.1 and 10-2.501 of Code relating to family care homes in residential zones. 7:35 P.M.

ACTION: Ord. No. 1184-C.S. adopted (Newton/Smith, unan.) approving amendments to Sections 10-2.225.1 and 10-2.501. (Clerk to handle)

8. Continued hearings on requirement for construction of sidewalks at the following locations: 7:40 P.M.
(Continued from March 20th meeting. Because incorrect notices were given, these hearings should be closed and resolutions setting new hearings adopted. Resolutions rescinding old resolutions and setting new hearings for April 24, 1972 at 7:45 P.M. needed)

(a) Sidewalk at 1011 College Avenue, a portion of Block 824. (Harry M. Allen)

ACTION: Res. 72-410 adopted (Elliott/Dunlap, unan.) rescinding resolution setting previous hearing and setting new hearing. (Clerk to handle)

(b) Sidewalk on College Ave. at 1050 Exeter Ave., Lots 7, 8 and portion of 9, Block 821. (Mrs. Leah B. Barr)
(Drop from agenda - doing own work)

DROPPED FROM AGENDA

8. (c) Sidewalk on College Avenue at 1033 Cecil Way, Lot 9 of Block 832. (Joseph E. Bearden) 7:40 P.M.

ACTION: Res. 72-411 adopted (Elliott/Dunlap, unan.) rescinding resolution setting previous hearing and setting new hearing. (Clerk to handle)

(d) Sidewalk on College Avenue at 908 College, Lot 9 of Block 820. (Warner A. Benthall)

ACTION: Res. 72-412 adopted (Elliott/Dunlap, unan.) rescinding resolution setting previous hearing and setting new hearing. (Clerk to handle)

(e) Sidewalk at 1003 College Avenue, portion of Block 824. (William K. Boulos)

ACTION: Res. 72-413 adopted (Elliott/Dunlap, unan.) rescinding resolution setting previous hearing and setting new hearing. (Clerk to handle)

(f) Sidewalk at 1112 College Avenue, Lot 6 of Block 832. (Robert Coleman)

ACTION: Res. 72-414 adopted (Elliott/Dunlap, unan.) rescinding resolution setting previous hearing and setting new hearing. (Clerk to handle)

(g) Sidewalk on College Avenue at 1002 College Avenue, Lot 8 of Block 823. (Winston R. Curtis, Jr.)

ACTION: Res. 72-415 adopted (Elliott/Dunlap, unan.) rescinding resolution setting previous hearing and setting new hearing. (Clerk to handle)

(h) Sidewalk on College Avenue at 1032 Ulrich Avenue, Lot 1 of Block 6011. (Byron Damiani)

ACTION: Res. 72-416 adopted (Elliott/Dunlap, unan.) rescinding resolution setting previous hearing and setting new hearing. (Clerk to handle)

(i) Sidewalk at 1120 College Avenue, Lot 4 of Block 832 (James H. Gallian)

ACTION: Res. 72-417 adopted (Elliott/Dunlap, unan.) rescinding resolution setting previous hearing and setting new hearing. (Clerk to handle)

(j) Sidewalk at 1236 College Ave., Lot 3 of Block 6011. (John M. Haller)

ACTION: Res. 72-418 adopted (Elliott/Dunlap, unan.) rescinding resolution setting previous hearing and setting new hearing. (Clerk to handle)

(k) Sidewalk on College Avenue and Princeton Ave. at 1045 Princeton Avenue, Lot 8 of Block 820. (Mrs. Gladys Hansen)

ACTION: Res. 72-419 adopted (Elliott/Dunlap, unan.) rescinding resolution setting previous hearing and setting new hearing. (Clerk to handle)

(l) Sidewalk at 1116 College Avenue, Lot 5 of Block 832. (Edward R. Herman)

ACTION: Res. 72-420 adopted (Elliott/Dunlap, unan.) rescinding resolution setting previous hearing and setting new hearing. (Clerk to handle)

8. (m) Sidewalk on College Ave. and Princeton Ave. at 7:40 P.M.
1046 Princeton, Lot 10 of Block 813. (George S. Kounias)

ACTION: Res. 72-421 adopted (Elliott/Dunlap, unan.) rescinding resolution setting previous hearing and setting new hearing. (Clerk to handle)

(n) Sidewalk at 1104 College, Lot 8 of Block 832.
(Miss Portia M. Davis, formerly owned by Mrs. Pauline D. Meek)

ACTION: Res. 72-422 adopted (Elliott/Dunlap, unan.) rescinding resolution setting previous hearing and setting new hearing. (Clerk to handle)

(o) Sidewalk at 1128 College Ave., Lot 2 of Block 832.
(Tony Nunes)

ACTION: Res. 72-423 adopted (Elliott/Dunlap, unan.) rescinding resolution setting previous hearing and setting new hearing. (Clerk to handle)

(p) Sidewalk at 1108 College Ave., Lot 7 of Block 832.
(Mrs. Jessie M. Paine)

ACTION: Res. 72-424 adopted (Elliott/Dunlap, unan.) rescinding resolution setting previous hearing and setting new hearing. (Clerk to handle)

(q) Sidewalk at 1007 College Ave., portion of Block 824.
(Mrs. Sophia Petrakis)

ACTION: Res. 72-425 adopted (Elliott/Dunlap, unan.) rescinding resolution setting previous hearing and setting new hearing. (Clerk to handle)

(r) Sidewalk on College Ave. and W. Roseburg Ave. at
1004 W. Roseburg Ave., Lot 1 of Block 832. (Robert
Raingruber)

ACTION: Res. 72-426 adopted (Elliott/Dunlap, unan.) rescinding resolution setting previous hearing and setting new hearing. (Clerk to handle)

(s) Sidewalk at 921 College Avenue, portion of Block 824.
(Marian L. Randall)

ACTION: Res. 72-427 adopted (Elliott/Dunlap, unan.) rescinding resolution setting previous hearing and setting new hearing. (Clerk to handle)

(t) Sidewalk at 1124 College, Lot 3 of Block 832.
(Donald R. Roe)

ACTION: Res. 72-428 adopted (Elliott/Dunlap, unan.) rescinding resolution setting previous hearing and setting new hearing. (Clerk to handle)

(u) Sidewalk on College Ave. at 1030 Stanford Ave.,
Lot 10 of Block 820. (Robert W. Rolfe)

ACTION: Res. 72-429 adopted (Elliott/Dunlap, unan.) rescinding resolution setting previous hearing and setting new hearing. (Clerk to handle)

(v) Sidewalk on College Ave. and Princeton Ave. at
northwest corner of College and Princeton, Lot 8 of
Block 824. (George R. Sanders)

ACTION: Res. 72-430 adopted (Elliott/Dunlap, unan.) rescinding resolution setting previous hearing and setting new hearing. (Clerk to handle)

8. (w) Sidewalk at 941 College Ave. portion of Block 824. 7:40 P.M.
(George C. Sue)
(Drop from agenda - doing own work)

DROPPED FROM AGENDA

- (x) Sidewalk on College Ave. at 1101 Ulrich Ave.,
Lot 14 of Block 6031. (Melvin L. Wisdom)

ACTION: Res. 72-431 adopted (Elliott/Dunlap, unan.) rescinding resolution setting previous hearing and setting new hearing. (Clerk to handle)

- 9A. Matters for the good of the community. 7:45 P.M.
(These may be presented by citizens in the community)

ACTION: City Manager announced that the City Clerk will return to work Wednesday, March 29, 1972.

Bill Ulm, member of the Farm-City Advisory Committee, was introduced by Mayor Davies.

CONSENT

9. Schedule informal hearing on bike lanes for April 10 at 8:00 P.M.
(The Council requested a report after the bike lanes on Tully Road had been in place for six months. A report by the Director of Parking and Traffic has been completed, and it is suggested that an informal hearing be set. Motion setting hearing needed)

ACTION: By motion, hearing set for April 10, 1972 at 8:00 P.M.
(Parking & Traffic to handle)

10. Citizen participation in effort to combat crime in the City of Modesto.
(To be presented by Councilman Dixon)

ACTION: Councilman Dixon cited recent examples of citizen participation in crime prevention.

By motion, City Clerk directed to write to James Duddleston, Riverbank, and Ray Stratton, Modesto, expressing the Council's appreciation for their action in apprehending a suspect in a purse snatching incident. (Clerk to handle)

NEW BUSINESS

11. Requirement for construction of sidewalks at the following locations. (Informal requests were sent to the property owners more than 30 days prior to March 13, 1972. As the work had not been done by that date, the Council adopted resolutions instructing the Superintendent of Streets to give notice and setting 4:05 P.M., April 3, 1972, for hearings. Because incorrect notices were given, new resolutions should now be adopted rescinding the earlier resolutions and setting new hearings. Adoption of resolutions rescinding old resolutions and setting new hearings for 4:05 P.M. on April 17, 1972 needed)

(a) Sidewalk at 1536 College Ave., Lot 17 of Block 6121.
(Randall K. Anderson)

ACTION: Res. 72-432 adopted (Simon/Smith, unan.) rescinding resolution setting previous hearing and setting new hearing. (Clerk to handle)

(b) Sidewalk at 1526 College Avenue, Lot 15 of Block 6121.
(Mrs. Iva P. Ard)

ACTION: Res. 72-433 adopted (Simon/Smith, unan.) rescinding resolution setting previous hearing and setting new hearing. (Clerk to handle)

(c) Sidewalk at 1544 College Avenue, Lot 19 of Block 6121.
(Mrs. Gladys M. Baker)

ACTION: Res. 72-434 adopted (Simon/Smith, unan.) rescinding resolution setting previous hearing and setting new hearing. (Clerk to handle)

(d) Sidewalk at 1522 College Avenue, Lot 14 of Block 6121.
(John D. Bartol)

ACTION: Res. 72-435 adopted (Simon/Smith, unan.) rescinding resolution setting previous hearing and setting new hearing. (Clerk to handle)

(e) Sidewalk at 1617 College Avenue, Lot 4 of Block 6139.
(Mrs. Elsie O. Bassi)

ACTION: Res. 72-436 adopted (Simon/Smith, unan.) rescinding resolution setting previous hearing and setting new hearing. (Clerk to handle)

(f) Sidewalk at 1706 College Avenue, Lot 6 of Block 6138.
(Mrs. Verle Mae Brewer)

ACTION: Res. 72-437 adopted (Simon/Smith, unan.) rescinding resolution setting previous hearing and setting new hearing. (Clerk to handle)

(g) Sidewalk at 1705 College Avenue, portion of Block 6139.
(Gerald N. Follettie)

ACTION: Res. 72-438 adopted (Simon/Smith, unan.) rescinding resolution setting previous hearing and setting new hearing. (Clerk to handle)

(h) Sidewalk on College Avenue and sidewalk on W. Granger Avenue at 1047 W. Granger Avenue, Lot 2 of Block 6138. (Dunbar G. Garey)

ACTION: Res. 72-439 adopted (Simon/Smith, unan.) rescinding resolution setting previous hearing and setting new hearing. (Clerk to handle)

11. (i) Sidewalk at 1516 College Avenue, Lot 13 of Block 6121.
(Alfon J. Gemperli)

ACTION: Res. 72-440 adopted (Simon/Smith, unan.) rescinding resolution setting previous hearing and setting new hearing. (Clerk to handle)

(j) Sidewalk at 1620 College Avenue, portion of Block 6139.
(William B. Grogan)

ACTION: Res. 72-441 adopted (Simon/Smith, unan.) rescinding resolution setting previous hearing and setting new hearing. (Clerk to handle)

(k) Sidewalk at 1530 College Avenue, Lot 16 of Block 6121.
(Leon L. LaFaille)

ACTION: Res. 72-442 adopted (Simon/Smith, unan.) rescinding resolution setting previous hearing and setting new hearing. (Clerk to handle)

(l) Sidewalk on College Avenue at 1720 College Avenue, portion of Block 6138. (Robert L. Larson)

ACTION: Res. 72-443 adopted (Simon/Smith, unan.) rescinding resolution setting previous hearing and setting new hearing. (Clerk to handle)

(m) Sidewalk at 1540 College Avenue, Lot 18 of Block 6121.
(Bill W. Love)

ACTION: Res. 72-444 adopted (Simon/Smith, unan.) rescinding resolution setting previous hearing and setting new hearing. (Clerk to handle)

(n) Sidewalk on College Avenue and sidewalk on W. Granger Avenue at 1105 W. Granger Avenue, portion of Block 6139. (Warren E. Lovejoy)

ACTION: Res. 72-445 adopted (Simon/Smith, unan.) rescinding resolution setting previous hearing and setting new hearing. (Clerk to handle)

(o) Sidewalk at 1710 College Avenue, Lot 7 of Block 6138.
(Mrs. Katherine McGriffin)

ACTION: Res 72-446 adopted (Simon/Smith, unan.) rescinding resolution setting previous hearing and setting new hearing. (Clerk to handle)

(p) Sidewalk on College Avenue at 1713 College Avenue, portion of Block 6139. (Jack Matheny)

ACTION: Res. 72-447 adopted (Simon/Smith, unan.) rescinding resolution setting previous hearing and setting new hearing. (Clerk to handle)

(q) Sidewalk at 1701 College Avenue, portion of Block 6139.
(Neal E. Mathies)

ACTION: Res. 72-448 adopted (Simon/Smith, unan.) rescinding resolution setting previous hearing and setting new hearing. (Clerk to handle)

11. (r) Sidewalk at 1707 College Avenue, portion of Block 6139.
(Clifford W. Morris)

ACTION: Res. 72-449 adopted (Simon/Smith, unan.) rescinding resolution setting previous hearing and setting new hearing. (Clerk to handle)

(s) Sidewalk on College Avenue and sidewalk on W. Granger Avenue at 1550 College Avenue, Lot 20, of Block 6121. (Murnaca H. Neal)

ACTION: Res. 72-450 adopted (Simon/Smith, unan.) rescinding resolution setting previous hearing and setting new hearing. (Clerk to handle)

(t) Sidewalk on College Avenue at 1025 Pearl Street, Lot 11 of Block 6121. (Donald E. Nelson)

ACTION: Res. 72-451 adopted (Simon/Smith, unan.) rescinding resolution setting previous hearing and setting new hearing. (Clerk to handle)

(u) Sidewalk at 1625 College Avenue, portion of Block 6139.
(Mrs. Elizabeth W. Nickerson)

ACTION: Res. 72-452 adopted (Simon/Smith, unan.) rescinding resolution setting previous hearing and setting new hearing. (Clerk to handle)

(v) Sidewalk at 1628 College Avenue, Lot 4 of Block 6138.
(Benjamin J. Sayre)

ACTION: Res. 72-453 adopted (Simon/Smith, unan.) rescinding resolution setting previous hearing and setting new hearing. (Clerk to handle)

(w) Sidewalk at 1702 College Avenue, Lot 5 of Block 6138.
(Rosemond C. Shipley)

ACTION: Res. 72-454 adopted (Simon/Smith, unan.) rescinding resolution setting previous hearing and setting new hearing. (Clerk to handle)

(x) Sidewalk at 1512 College Avenue, Lot 12 of Block 6121.
(Neville J. Smith)

ACTION: Res. 72-455 adopted (Simon/Smith, unan.) rescinding resolution setting previous hearing and setting new hearing. (Clerk to handle)

(y) Sidewalk at 1712 College Avenue, portion of Block 6138.
(Richard A. Weiglein)

DROPPED FROM AGENDA - doing own work.

(z) Sidewalk at 1716 College Avenue, portion of Block 6138.
(Richard A. Weiglein)

DROPPED FROM AGENDA - doing own work.

11. (aa) Sidewalk at 1616 College Avenue, Lot 1 and 2 of Block 6138.
(Mrs. Annie Wright)

ACTION: Res. 72-456 adopted (Simon/Smith; unan.) rescinding resolution setting previous hearing and setting new hearing. (Clerk to handle)

REPORTS FROM THE PLANNING COMMISSION

12. Consider establishment of two policies:

- (a) Consider policy for street improvements across Hetch-Hetchy Aqueduct; and

ACTION: By motion (Smith/Dixon, unan.), continued to April 3, 1972.
(City Manager to handle)

- (b) Consider a policy regarding the extension of Northridge Drive to Prescott Road.

(Two memos with agenda - one from Director of Public Works and one from the Director of Planning, plus two maps attached, and Planning Commission Res. 72-47. Action needed: (a) Motion approving policy for Hetch-Hetchy crossings; (b) Motion approving the extension of Northridge Drive between Conant and Prescott, as recommended by the Planning Commission)

ACTION: By motion (Dunlap/Newton, unan.), extension approved. (P/W to handle)

Councilman Elliott was excused from the remainder of the meeting.

13. Recommend that East Orangeburg Avenue between Coffee and Claus Roads be developed to a two-lane, 60-foot wide collector street standard. (On March 21, 1972 the Planning Commission, by Resolution No. 72-45, recommended to the Council that East Orangeburg Avenue between Coffee and Claus Roads be developed to a two-lane, 60-foot wide collector street standard. Further information is included in attached resolution (72-45), memorandum, City Planning Commission agendas and minutes, and zoning policies; County Board of Supervisors Resolution. Resolution reaffirming 60-foot wide collector street policy for East Orangeburg Avenue, and motion referring this matter to the City-County Liaison Committee needed)

ACTION: By motion (Newton/Dixon, unan.), matter referred to City-County Liaison Committee for discussion and report back to Council.
(C/Mgr to handle)

A petition opposing the widening of East Orangeburg in excess of 40 feet, one recommending that it be kept a two-lane collector street, and one recommending that East Orangeburg between Old Oakdale Road and Claus Road be a four-lane major street were filed with the City Clerk.

APPROPRIATION TRANSFERS

CONSENT

14. Request for appropriation transfer of \$1,300.
(Additional funds are needed in this account to repair a leak in the discharge piping at the Woodland Avenue Sewage Lift Station. Funds requested from General Reserve of the General Fund (60-101) to Account 321-52-101. Resolution needed)

ACTION: Res. 72-457 adopted approving appropriation transfer of \$1,300.
(Finance to handle)

CONSENT

15. Request for appropriation transfer of \$2,000.
(The damage repair account is an allowance to cover repair of damaged vehicles - primarily used for police cars. A review of this account indicates that current funds are insufficient for the remainder of the fiscal year. Request for transfer from General Reserve to Account 334-48-512, Damage Repairs. Resolution authorizing transfer needed.)

ACTION: Res. 72-458 adopted approving appropriation transfer.
(Finance to handle)

MISCELLANEOUS

16. Legislation.

ACTION: By motion (Dixon/Dunlap, unan. - Elliott, absent), AB 477 and AB 478 supported by Council. (C/Mgr to handle)

Consideration of AB 974 held over for one week for further information to Council. (C/Mgr to handle)

SB 411, consideration held over for one week.

By motion (Smith/Dixon, unan. - Elliott, absent), AB 596 supported by Council. (C/Mgr to handle)

By motion (Smith/Simon, unan. - Elliott, absent), AB 452 and AB 475 opposed by Council. (C/Mgr to handle)

By motion (Dixon/Newton, unan. - Elliott, absent) ACA 50 opposed by Council. (C/Mgr to handle)

By motion (Simon/Smith, unan. - Elliott, absent) AB 73 opposed by Council. (C/Mgr to handle)

By motion (Smith/Dixon, unan. - Elliott, absent), SB 437 opposed by Council. (C/Mgr to handle)

17. Appointments.

ACTION: Res. 72-459 adopted (Simon/Smith, unan. - Elliott, absent) reappointing Don Hammond to a five year term to the Greater Modesto Community Foundation Commission. (Clerk to handle)

Res. 72-460 adopted (Dunlap/Smith, unan. - Elliott, absent) appointing Sharon Weir, 571 Tully Road, Modesto to the Crime and Drugs Committee of Project Greater Modesto. (Clerk to handle)

18. Matters too late for the agenda.

ACTION: A motion (Davies/Smith, unan. - Elliott, absent) that the Council support the six bills presented by Senator Harmer to the State Legislature to combat pornography was tabled for one week.

The staff was directed to furnish the Council members with copies of the proposed legislation. (C/Mgr to handle)

Adjournment at 10:35 P.M.

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

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, APRIL 3, 1972 AT 4:00 P.M.

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

Pledge of allegiance to the Flag.

Invocation: Reverend James Fraley, First Christian Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2, 3, 4, 5, 6, 7, 8,
Smith/Dunlap, unan. - Elliott and 9, 10, 12, 13, 15, 15A, 16, 17
Newton, absent. 18, 19, 20, 22, 23, 24, 28, 29, 30
31

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

APPROVAL OF MINUTES

CONSENT

1. Minutes of March 27, 1972.
(Motion approving needed)

ACTION: By motion minutes approved.

CONSENT

2. Requests of Modesto Band of Stanislaus County, Inc., as follows:

- (a) Payment of \$350 budgeted for expenses at Cal-Expo in 1971.
(Motion ordering payment needed)

ACTION: By motion payment authorized. (Finance to handle)

- (b) Payment of \$1,500 budgeted for 1971 concerts.
(Motion ordering payment needed)

ACTION: By motion payment authorized. (Finance to handle)

- (c) Inclusion of \$350 in 1972-73 budget for Cal-Expo appearance.
(Motion referring to proper budget session needed)

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

- (d) Inclusion of \$1,800 in 1972-73 budget for summer concerts.
(Motion referring to proper budget session needed)

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

CONSENT

3. Request of Fourth of July Committee for \$1,000 to be budgeted for Celebration.
(Motion referring to proper budget hearing needed)

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

BIDS

CONSENT

4. Consider award of bid for installation of water lines in Dragoo Park No. 1, Wyldewood Estates No. 2 and Coleman Acres No. 2 subdivisions. (Bids were opened March 28, 1972. The low bid submitted by Valley Construction which is 24% under the Engineer's Estimate is considered Acceptable. It is recommended by the Public Works Dept. that the bid be awarded to low bidder. Resolution needed. Estimated cost \$8,411 (Ext. \$6,206; Ser. \$2,205). Funds budgeted in Account 6804-50-101, Water Line Extension and 5301-50-101, New Services)

ACTION: Res. 72-461 adopted awarding contract to Valley Construction Co. (P/W to handle)

CONSENT

5. Consider award of bid for construction of subtrunk sewer in McHenry between Woodrow and Warren. (Bids were opened on March 28, 1972. The low bid submitted by Shield Construction Co. which is 7% over the Engineer's Estimate is considered acceptable. It is the recommendation of the Public Works Department that bid be awarded to low bidder. Resolution needed. Estimated cost \$47,622.98 (Const. \$45,122.98; Eng. & Insp. \$2,500). Funds budgeted in Account 6561-212, Ext. Subtrunk Sewers)

ACTION: Res. 72-462 adopted awarding contract to Shield Construction Co. (P/W to handle)

CONSENT

6. Accept as complete the construction of traffic signals and street lights at Coffee and Rumble - \$11,510. (The construction of the joint City-County-Sylvan Union School District traffic signals has been completed. The signals have been in operation since January 7, 1972; however, acceptance was delayed until contractor replaced faulty vehicle detector. Resolution accepting work as complete needed. Funds budgeted in Account 6141-56-321, Construction of traffic signals and street lighting Coffee and Rumble)

ACTION: Res. 72-463 adopted accepting contract. (Clerk to handle)

CONSENT

7. Consider approval of plans and specifications and call for bids for construction of baseball field lighting for Downey Park. (Suggested bid opening date April 18, 1972 at 10:10 A.M. The baseball field lights are part of the improvements which were set forth in the Downey Park Master Plan. Resolution approving plans, specifications and call for bids needed. Estimated cost \$80,000 (\$74,000 Const.; \$5,000 Eng. & Insp.) Funds budgeted in Account 6290-31-321, Downey Park 1, 2, 3, & 4 and 6290-324, Downey Park 1, 2, 3, & 4)

ACTION: Res. 72-464 adopted approving plans and specifications and bid call. (Clerk to handle)

CONSENT

8. Approve plans and specifications and call for bids for asphalt concrete resurfacing various city streets, Spring 1972.
(Bid opening April 18, 1972 at 10:00 A.M. This will complete the street overlay program budgeted in 1971-72 fiscal year. Resolution approving needed. Estimated cost \$6,360 (contract \$6,000; Eng. \$360). Funds budgeted in Account 6660-207, Misc. Resurfacing and 6657-41-321, Var. Resd. St. A.C. overlays)

ACTION: Res. 72-465 adopted approving plans and specifications and bid call. (Clerk to handle)

CONSENT

9. Consider award to low bidder H. V. Carter Co. of Oakland to furnish three putting green mowers.
(Memorandum with agenda. Resolution needed. Estimated cost \$7,469.00. Funds budgeted in Account 5419-48-512, Service Division Working Capital Fund, p. 80)

ACTION: Res. 72-466 adopted awarding contract to H. V. Carter Co. (Finance to handle)

CONSENT

10. Consider award to low bidder Pacific Pipe Tool, Sacramento, to furnish one new trailer mounted continuous sewer line rodding machine.
(Memo with agenda. Resolution needed. Estimated cost \$4,797. Funds budgeted in Account 5424-48-512, Service Division Capital Outlay, p. 80)

ACTION: Res. 72-467 adopted awarding contract to Pacific Pipe Tool. (Finance to handle)

11. Matters for the good of the community.
(These may be presented by interested people in the audience)

ACTION: Alfred E. Menshew, Co-Chairman, Stanislaus County Fourth of July Committee requested payment of 1971-72 budgeted funds in amount of \$750.
By motion, (Simon/Dunlap, unan. - Elliott and Newton, absent) payment approved. (Finance to handle)

Frank Andrews spoke briefly on historical film in his possession.

ORDINANCES

CONSENT

12. Final adoption of the following:

- (a) Ord. No. 1182-C.S. (amendment to Secs. 7-3-9 and 18-3-9 (Brannan))
- (b) Ord. No. 1183-C.S. (amendment to Sec. 15-3-9 (Brannan))
- (c) Ord. No. 1184-C.S. amending zoning text.
(Three motions adopting above ordinances needed)

ACTION: By motion Ord. Nos. 1182-C.S., 1183-C.S. and 1184-C.S. adopted.
(Clerk to handle)

CONSENT

13. Consider amending Sec. 9-1.13.1 of the building code relating to fire-retardant roof coverings.
(Memo with agenda. Introduction of ordinance needed)

ACTION: By motion Ord. No. 1185-C.S. introduced. (Clerk to handle)

UNFINISHED BUSINESS

14. Further consideration of policy for street improvements over Hetch-Hetchy aqueduct.
(Carried over from March 27th meeting)

ACTION: Res. 72-468 adopted (Dixon/Dunlap, unan. - Elliott, and Newton, absent) approving recommended policy as outlined in memorandum from Director of Public Works dated March 23, 1972. (P/W to handle)

CONSENT

15. Consider adoption of resolution approving issuance of bonds pursuant to certificate of issue of City Treasurer (M18-34A) - Improvement District No. 18. (Sewer service to the remaining areas within the City. Resolution needed)

ACTION: Res. 1219-S.P. adopted approving issuance of bonds for Improvement District No. 18. (Finance to handle)

CONSENT

15A. Consider waiving formal bid procedure and authorize purchase of bond preparations services and other supplies for Improvement District No. 18 from Carlisle, a Division of Litton Industries, San Francisco.
(This method of obtaining bonds is recommended due to the limited services available in the locality adjacent to the bond counsel. The staff believes the costs to be most realistic. Resolution with five (5) affirmative votes needed. Estimated cost \$3,825; Funds budgeted in Account 6593-212, Sewer Service, p. 68)

ACTION: Res. 1220-S.P. adopted waiving formal bid procedure and authorizing purchase of services and supplies from Carlisle.
(Finance to handle)

CONSENT

16. Consider request for sewer service to property outside the City at 1715 Crows Landing Road.
(Property Owner: Jim R. and Geneva H. Woodward. The property owners have signed an agreement to annex to the City when required to do so. The property owners must extend a sewer lateral for service. Resolution approving agreement needed)

ACTION: Res. 72-469 adopted approving agreement. (P/W to handle)

CONSENT

17. Consider approval of agreement with California Air Charter, Inc. to allow them to conduct an air cargo service at the Modesto City-County Airport. Base landing fees of \$25 per month for 25 landings, single engine aircraft, and \$30.00 per month of 25 landings per month, engine aircraft, with an appropriate sliding scale for landings in excess of 25 per month are established by the agreement. Resolution approving agreement needed)

ACTION: Res. 72-470 adopted approving agreement. (P/W to handle)

CONSENT

18. Accept improvements in Northgate No. 8 subdivision and authorize the City Clerk to file notice of completion and release bond upon expiration of the statutory periods.
(Northgate No. 8 subdivision is located between TWSRR and Sherwood Avenue north of Leveland. All improvements have been completed to the satisfaction of the Public Works Department and all fees have been paid. Resolution needed)

ACTION: Res. 72-471 adopted accepting improvements in Northgate No. 8.
(Clerk to handle)

CONSENT

19. Consider amendment to agreements between City and Heidi Warner and Monroe Taylor.
(Copies of amendments and a memo with agenda. Two resolutions: approving amendments to agreements needed)

ACTION: Res. 72-472 adopted approving amendment to agreement with Heidi Warner.

Res. 72-473 adopted approving amendment to agreement with Monroe Taylor. (Clerk to handle)

CONSENT

20. Consider request from Modesto Irrigation District for encroachment permit for access to its new substation on Briggsmore, just west of Coffee Road.
(Memo with agenda. Resolution approving encroachment permit needed)

ACTION: Res. 72-474 adopted approving encroachment permit to M.I.D. to construct a driveway and install a gate on the west side of its new property off Lateral No. 4 to be used during construction period from April 15 to October 1, 1972. (P/W to handle)

21. Consider wage increase and other benefits for parking attendants. (Memo with agenda recommends 15¢ per hour increase from present \$1.25 per hour and that offsetting charges for parking be instituted. It is suggested that D.I.D. and D.M.A. be solicited for their views. Motion referring matter to D.I.D. and D.M.A. for their recommendations needed. Estimated cost \$1,686/year. Funds budgeted in Account 57-120, Part-Time Wages)

ACTION: By motion (Smith/Simon, unan. - Elliott, and Newton, absent) referred to Downtown Improvement District and Downtown Merchants Association for their recommendation. (P & T to handle)

CONSENT

22. Report of Superintendent of Streets on cost of installation of curbs and gutter and/or sidewalks at the locations listed below. (Resolutions setting 4:10 P.M. April 17, 1972 for hearings needed. Contract costs listed below with properties. Funds budgeted in Account 5302-51-101, Curbs and gutters, Special)

(a) Sidewalk along Fusco Avenue at 1835 Uccello Avenue, a portion of Block 2158 (Fred G. Cavener - \$308.35)

ACTION: Res. 72-475 adopted setting hearing. (E/W to handle)

(b) Curb and gutter at 1550 Sunrise Avenue, a portion of Block 1223. (Bruce W. Johnson - \$325.50)

ACTION: Res. 72-476 adopted setting hearing. (P/W to handle)

(c) Sidewalk along Locke Road at 701 Rose Avenue, a portion of Block 1025. (Leland C. McCafferty - \$540.40)

ACTION: Res. 72-477 adopted setting hearing. (P/W to handle)

(d) Sidewalk along Locke Road at Lot A of Block 1025 (Max/Ann Land Co - \$34.70.)

ACTION: Res. 72-478 adopted setting hearing. (P/W to handle)

(e) Curb and gutter at 144 Drake Avenue, Lot 25 of Block 1191 (Bruce F. Rice - \$240.25)

ACTION: Res. 72-479 adopted setting hearing. (P/W to handle)

(f) Sidewalk at 304 Tokay Avenue, a portion of Lots 7 and 8 of Block 6903 Robert W. Riddick - \$146.50)

ACTION: Res. 72-480 adopted setting hearing. (P/W to handle)

(g) Sidewalk at 805 Magnolia Avenue, the North 55 feet of Lot 36 of Block 709 (Miss M. D. Vaughn c/o Jim Perry - \$113.35)

ACTION: Res. 72-481 adopted setting hearing. (P/W to handle)

CONSENT

23. Schedule hearing on application for federal grant to purchase a new bus. (It is suggested that the hearing be held on May 8 at 7:35 P.M. Memo explaining the matter with agenda. Resolution setting hearing needed)

ACTION: Res. 72-482 adopted setting hearing. (P & T to handle)

CONSENT

24. Right of way acquisition - Paradise Avenue - Ida L. Bracco.
(Memo with agenda. Resolution accepting grant deed and approving right of way agreement needed. Estimated cost \$500. Funds budgeted in Paradise Avenue Widening Account)

ACTION: Res. 72-483 adopted accepting grant deed and approving right of way agreement. (P/W to handle)

25. Consider funding work at City-County Airport in connection with ILS installation.
(Memo with agenda. Motion expressing interest in proceeding as recommended by Airport Manager and referring matter to County Board of Supervisors for their concurrence needed. Estimated cost \$11,500; Funds to be requested later from Fund 321, Special Capital Outlay)

ACTION: By motion (Simon/Dixon, unan. - Elliott, and Newton, absent) action held over for one week to enable staff to obtain cost figures. (P/W to handle)
By motion (Smith/Dunlap, unan. - Elliott and Newton, absent) staff directed to appear before County Board of Supervisors to obtain its concurrence. (C/Mgr to handle)

REPORTS

26. Report on budget request from SAAG.

ACTION: By motion (Dixon/Simon, unan. - Elliott and Newton, absent) matter held over for one week to give the City Manager an opportunity to meet with Mr. Dodd. (C/Mgr to handle)

27. Report on tennis courts.
(Memo with agenda. Motion directing staff needed)

ACTION: By motion (Dixon/Dunlap, unan. - Elliott and Newton, absent) Alternate No. 4 outlined in memorandum of Director of Parks and Recreation dated March 30, 1972, approved by Council amended as follows: "Construction of six (6) or more courts in community parks" (P & R to handle)

- 27A. Report from Public Projects Committee on garbage collection study.

ACTION: By motion (Dunlap/Smith, unan. - Elliott and Newton, absent) report accepted. (C/Mgr to handle)

REPORTS FROM THE PLANNING COMMISSION

CONSENT

28. Uninhabited annexation to the City of Modesto - Modesto State Hospital Addition.
(The LAF Commission has authorized this annexation without notice or public hearing - August 21, 1970) Resolution annexing area to City needed)

ACTION: Res. 72-484 adopted approving annexation to the City of Modesto.
(Clerk to handle)

CONSENT

29. Vacation and abandonment of portions of Center Street, Tuolumne Boulevard, the 20-foot alley in Block 307, and the 20-foot public utility easement in Block 306.
(By Resolution No. 72-48 adopted at the March 21, 1972 meeting, the Planning Commission recommended to the Council the vacation and abandonment of portions of Center Street, Tuolumne Blvd., the 20-foot alley in Block 307, and the 20-foot public utility easement in Block 306. Two resolutions of intention to vacate and abandon and setting April 24, 1972 at 7:50 P.M. for public hearings needed)

ACTION: Res. of Intention 1221-S.P., R.I. 334 adopted setting hearing for vacation and abandonment of portions of Center Street, Tuolumne Blvd., and the 20-foot alley in Block 307. (Clerk to handle)

Res. of Intention 1222-S.P., R.I. 335 adopted setting hearing for vacation and abandonment of public utility easement in Block 306. (Clerk to handle)

APPROPRIATION TRANSFERS

CONSENT

30. Request for appropriation transfer of \$2,500.
(The following items have been required at the remote ponding site over and above that originally budgeted: Drain ditch cleaning, \$600; Tule island removal \$679; pilot plant repair \$898; testing of San Joaquin River \$130 - \$2,107.00. Funds needed for balance of fiscal year \$400 + \$2,507. We request for transfer from General Fund, General Reserve, to Account 235-53-101, Services, Professional & Other. Estimated cost \$2,500. Resolution approving transfer needed)

ACTION: Res. 72-485 adopted approving appropriation transfer. (Finance to handle)

CONSENT

31. Request for appropriation transfer of \$27,000.
(Overloading of the remote ponds last summer during the canning season necessitated additional chemical usage over and above that originally budgeted. Under the direction of Jenks & Adamson and Dr. Oswald, \$32,000 was spent for ammonia and \$8,000 for phosphate. An additional \$27,000 is needed for the balance of the fiscal year for chlorine. Request for transfer from General Reserve to Account 312-53-101, Chemicals, Drugs and Lab Supplies needed. Resolution authorizing transfer needed. Estimated cost \$27,000)

ACTION: Res. 72-486 adopted approving appropriation transfer. (Finance to handle)

MISCELLANEOUS

32. Legislation

- (a) Further consideration of SB 411 and AB 974.

ACTION: By motion (Smith/Simon, unan. - Elliott and Newton, absent) AB 974 supported by Council. (C/Mgr to handle)

By motion (Smith/Dunlap, unan. - Elliott and Newton, absent) SB 411 supported by Council. (C/Mgr to handle)

33. Appointments.

ACTION: Res. 72-487 adopted (Simon/Dixon, unan. - Elliott and Newton, absent) appointing Susan Hackett to Art and Culture Subcommittee of Project Greater Modesto. (Clerk to handle)

34. Matters too late for the agenda.

ACTION: Res 72-488 adopted (Simon/Dixon, unan. - Elliott and Newton, absent) asking Governor Reagan to declare Stanislaus County a disaster area as a result of frost damage. (C/Atty to handle)

Adjournment at 5:15 P.M.

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

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, APRIL 10, 1972 AT 7:30 P.M.

Roll call Present: Dixon, Dunlap, Elliott, Newton, Smith, Mayor Davies
Absent: Simon
Councilman Dixon and Newton arrived at 7:33 P.M.

Pledge of allegiance to the Flag

Invocation: Reverend Harold Knowles, Central Baptist Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2, 3, 4, 7, 8, 12, 13
Item 25 removed from consent 14, 15, 16, 18, 19, 20, 21, 22,
Elliott/Dunlap, unan. - Simon, absent 23, 24, ~~25~~, 26, 27, 28, 29, 30,
32, 33, 34, 35

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

APPROVAL OF MINUTES

CONSENT

1. Minutes of April 3, 1972.
(Motion approving needed)

ACTION: By motion minutes approved.

WRITTEN COMMUNICATIONS

CONSENT

2. Request of Cal Relays for payment of \$3,000 budgeted for 1972.
(Motion authorizing payment needed)

ACTION: By motion payment authorized. (Finance to handle)

CONSENT

3. Request of Cal Relays for \$4,000 to be included in 1972-73 budget.
(Motion referring to proper budget session needed)

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

CONSENT

4. Request of Glen G. and Marilyn Streeter that traffic lights be installed at intersections of Woodrow and McHenry and Standiford and McHenry.
(Motion referring to staff for report needed)

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

5. Request of developers in Scenic-Sonoma-Orangeburg area that City of Modesto advance funds for a portion of the cost of the sewer trunk system in McGuire Drive and Peppermint Drive.

DROPPED FROM AGENDA

6. Offer of LaCore Tire Co. to donate approximately 300 Colorado Blue Spruce seedlings to City for planting in parks.

ACTION: By motion (Mayor Davies/Elliott, unan. - Simon, absent) offer accepted with appreciation. (P & R to handle)

BIDS

CONSENT

7. Consider award of bid for construction of backstop and fencing at Davis Park.
(Bids were opened April 4, 1972. The low bid submitted by Matteson Construction Company, which is 9% under the architect's estimate, is considered acceptable. It is recommended by Parks and Recreation and Public Works that the bid be awarded to low bidder. Resolution awarding bid needed. Estimated cost \$27,150 (26,150 construction; \$1,000 engineering and inspection. Funds budgeted in Account 6315-31-321, Davis Park, Stages 3 and 4)

ACTION: Res. 72-489 adopted awarding bid to Matteson Construction Co. (P & R and P/W to handle)

CONSENT

8. Consider approval of specification and call for bids to be opened April 27, 1972 at 2:00 P.M. for automotive equipment listed below. (20 Sedans; 15 pickups; 1 van; 2 flatbed dump trucks; 1 truck cab & chassis 47, 1000 GVW. Memos from Director of Finance and Director of Public Works with agenda. Three resolutions needed: (1) Resolution to approve specifications and call for bids; (2) Resolution approving appropriation transfer of \$3,098 from the Service Division Working Capital Fund Reserve; (3) Resolution to transfer \$68,761 from the General Fund, General Reserve and appropriating the amount in the various accounts in the Service Division Working Capital Fund. Estimated cost \$137,488. Funds budgeted in various accounts, Service Division Capital Outlay)

ACTION: Res. 72-490 adopted approving specifications and call for bids. (Finance to handle)

Res. 72-491 adopted approving appropriation transfer of \$3,098 from Account 60-48-512 to Account 5437-48-512. (Finance to handle)

Res. 72-492 adopted transferring \$68,761 from General Fund, General Reserve to various accounts in Service Division Capital Fund. (Finance to handle)

HEARINGS

9. Joint hearing with State on corridor and design for Paradise Road improvements. (TOPICS) 7:35 P.M.

ACTION: By motion (Dixon/Smith, unan. - Simon, absent) hearing continued to April 17, 1972 at 4:20 P.M. (P/W to handle)

10. Matters for the good of the community. 7:40 P.M.
(These may be presented by interested people in the audience)

ACTION: Frank Andrews spoke briefly on various subjects.

11. Informal hearing on bike lanes. 8:00 P.M.

ACTION: By motion (Smith/Dixon, unan. - Simon, absent) established bike lanes authorized to remain and staff to report to Council again in six months. (P & T to handle)

ORDINANCES

CONSENT

12. Final adoption of Ordinance No. 1185-C.S. relating to fire retardant roof covering.
(Motion adopting needed)

ACTION: By motion Ord. No. 1185-C.S. adopted. (Clerk to handle)

CONSENT

13. Proposed amendment to limited ambulance ordinance.
(Memo of explanation with agenda. Motion introducing ordinance needed)

ACTION: By motion Ord. No. 1186-C.S. introduced amending limited ambulance ordinance. (Clerk to handle)

CONSENT

14. Consider proposed amendment to the subdivision ordinance relating to establishment of storm drainage areas.
(Memo with agenda. Motion referring to Planning Commission for its review and recommendation needed)

ACTION: By motion referred to Planning Commission for review and recommendation. (Planning to handle)

CONSENT

15. Consider allocation of authority on mutual aid.
(Copies of a memo, a proposed ordinance, and an administrative order are being distributed with the agenda. Motion introducing ordinance needed)

ACTION: By motion Ord. No. 1187-C.S. introduced regarding delegation of mutual aid. (Clerk to handle)

OLD BUSINESS

CONSENT

16. Fourth of July celebration.

(Memo with agenda. Motion rescinding Council's motion of April 3 requesting payment of 1971-72 budgeted funds in amount of \$750 for 4th of July celebration, and motion that Council refer to proper budget meeting the request of the Stanislaus County Fourth of July Committee for \$1,000 for the 7/4/72 celebration (this amount to be paid the Committee in July 1972)

ACTION: By motion, Council's motion of April 3 requesting payment of 1971-72 budgeted funds in amount of \$750 for 4th of July celebration rescinded. (Clerk to handle)
By motion, request for funds referred to proper budget session. (Finance to handle)

17. Further consideration of budget request of SAAG.

ACTION: Res. 72-493 adopted (Dixon/Smith, unan. - Simon, absent) approving budget request. (C/Mgr to handle)

NEW BUSINESS

CONSENT

18. Consider employer-employee relations resolution and personnel rules.

(Copies of a memo, the proposed employer-employee relations resolution and the personnel rules being distributed to council members with agenda. Motion authorizing Manager and staff to consult with the employee associations needed)

ACTION: By motion, City Manager and staff authorized to consult with employee associations. (C/Mgr to handle)

CONSENT

19. Adoption of resolution acknowledging receipt of "Notice of Intention to Circulate Petition to Annex Territory known as the Sunrise-Granger Addition to the City of Modesto" and approving intention of proponents to circulate petitions.

(The notice was published March 30, 1972 and filed with the City Clerk on March 31, 1972. Adoption of resolution needed)

ACTION: Res. 72-493-A adopted acknowledging receipt of notice of intention to circulate petitions. (Planning to handle)

CONSENT

20. Resolution determining that the public interest and convenience require that Lincoln No. 1 Addition be annexed to the Modesto Municipal Sewer District No. 1 and naming a time and place for hearing.

(The subject area has been annexed to the City of Modesto and it is now necessary to annex it to the Modesto Municipal Sewer District. Suggested hearing date May 22, 1972 at 7:35 P.M. Resolution setting hearing needed - 2/3 affirmative vote required)

ACTION: Res. 72-494 adopted naming time and place for hearing. (Clerk to handle)

CONSENT

21. Right of way acquisition - Paradise Avenue - Mr. and Mrs. W. J. Masciorini.
(Memo with agenda. Resolution accepting grant deed and authorizing City Manager to execute the right of way agreement - Paradise right of way. Estimated cost \$4,500. Funds budgeted in Account 6647-207, Misc. right of way)

ACTION: Res. 72-495 adopted accepting grant deed and authorizing City Manager to execute right of way agreement. (Clerk to handle)

CONSENT

22. Consider agreement with California Peace Officers Standards and Training Commission (P.O.S.T.) to serve as consultant for special study.
(Memo of explanation and copy of proposed agreement with agenda. Resolution approving agreement needed)

ACTION: Res. 72-496 adopted approving agreement. (Police to handle)

CONSENT

23. Notification of TOPICS Apportionments for fiscal years 1971-72 and 1972-73.
(The apportionments for each of the fiscal years are \$72,331. Resolution accepting TOPICS grants needed)

ACTION: Res. 72-497 adopted accepting TOPICS grants. (P & T to handle)

CONSENT

24. Consider lease agreement with Richard Price and Beatrice R. Price for the house located at 701 McClure Road.
(This house is located on recently acquired property which will eventually become a portion of the Dry Creek Regional Park. The lease agreement is on a month-to-month basis, and the rental is \$35 per month. Special conditions of the agreement are: (1) Lessee shall pay the possessory interest tax; and (2) a \$5 late payment fee will be charged if lessee fails to make his monthly payment within ten days of the date due. Resolution approving lease agreement needed)

ACTION: Res. 72-498 adopted approving lease agreement. (Finance to handle)

~~CONSENT~~

25. Consider adoption of guidelines for experimental aircraft flights at Modesto City-County Airport as recommended by the Airport Manager.
(Memo with agenda. Resolution approving guidelines needed)

ACTION: Res. 72-499 adopted (Elliott/Dunlap, unan. - Simon, absent) approving guidelines for experimental aircraft flights at Airport. (P/W to handle)

CONSENT

26. Consider approval of lease agreement with Standard Oil Co. to deliver oil products to the Airport.
(The proposed lease agreement is similar to others we have at the Airport covering delivery of oil products and provides for payment by Standard Oil of 5¢ per gallon on all oil delivered to operators at the Airport other than those with whom we now have lease agreements for gas concessions. We recommend on this lease that the normal insurance requirements be waived because of the fact Standard Oil Co. is a self-insured corporation. This has been cleared with the City Attorney. Resolution approving lease agreement)

ACTION: Res. 72-500 adopted approving lease agreement. (P/W to handle)

CONSENT

27. Adoption of resolution providing for notice of filing of assessment-Improvement District No. 17.
(M17-22) Street Lighting in unlit areas of City, Resolution setting May 8, 1972 at 8:00 P.M. for hearing needed)

ACTION: Res. 1223-S.P. adopted providing for notice of filing of assessment - Improvement District No. 17. (Clerk to handle)

CONSENT

28. A resolution approving final map of Coffee Plaza No. 6 Subdivision of the City of Modesto and authorizing an agreement with the subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code.
(The subdivision agreement has been signed and all fees paid. Coffee Plaza No. 6 subdivision is located on the west side of Rose Avenue at Celeste Drive. It contains 11.51 acres. Resolution approving final map and authorizing execution of agreement by City needed)

ACTION: Res. 72-501 adopted approving final map. (P/W to handle)

CONSENT

29. Renewal of food concession at Beard Brook Park.
(Mr. Charles Wright has requested the renewal of a contract to operate a food concession at Beard Brook Park. The City's relationship with Mr. Wright regarding this concession has been most satisfactory, and it is recommended that the contract be renewed for one year. All the terms and conditions which applied under the last agreement will remain in force. Resolution needed)

ACTION: Res. 72-502 adopted approving renewal of contract. (P & R to handle)

CONSENT

30. Request by California Attorney General for authorization to drop certain damage claims on behalf of the City of Modesto, which is one of the plaintiffs, in an antitrust action against certain automobile manufacturers.

(Memo with agenda. Motion authorizing City Attorney to sign the requested authorization needed)

ACTION: By motion, City Attorney authorized to sign the requested authorization. (C/Atty to handle)

REPORTS

31. Tree report.

(Memo with agenda. Motion directing staff needed)

ACTION: By motion (Dixon/Dunlap, unan. - Simon, absent) city policy on tree removal as outlined in memo from Director of Parks and Recreation dated April 6, 1972 reaffirmed. (P & R to handle)

CONSENT

32. Presentation of financial statement for March 1972.

(Copies of report will be presented at meeting. Motion accepting report needed)

ACTION: Motion adopted accepting report. (Finance to handle)

REPORTS FROM THE PLANNING COMMISSION

CONSENT

33. Consider amendment to the sign provisions of the C-1 zone - shopping center identification signs.

(Report by planning staff and Board of Zoning Adjustment Resolution No. 427 with agenda. Motion referring to Planning Commission for recommendation needed)

ACTION: By motion, proposed amendments to the sign provisions of the C-1 zone - shopping center identification signs, referred to Planning Department for recommendation and report to Council. (Planning to handle)

APPROPRIATION TRANSFERS

CONSENT

34. Appropriation transfer of \$500 from the General Reserve to Administration of rental property.

(The acquisition of additional property for the Brighton widening project and additional park sites has resulted in more rental property administration expenses than originally estimated. Annual revenue from rental property is now estimated at \$10,515. Resolution approving transfer needed)

ACTION: Res. 72-503 adopted approving appropriation transfer of \$500 from Account 60-101 to 225-65-101. (Finance to handle)

CONSENT

35. Approval of appropriation transfer for baseball field lighting for Downey Park.
(On April 3, 1972 Council approved plans and specifications and bid call for this project. Resolution approving appropriation transfer of \$30,000 from Davis Park Development Stage 3 to Downey Park Stages 2, 3 and 4)

ACTION: Res. 72-504 adopted approving appropriation transfer of \$30,000 from Account 6315-31-321 to Account 6290-31-321. (Finance to handle)

MISCELLANEOUS

36. Legislation.

ACTION: By motion (Dixon/Newton, unan. - Simon, absent) AB 206, SB 333 and SB 360 opposed.

By motion (Newton/Smith, unan. - Simon, absent) SB 369 and SB 370 opposed.

AB 569 - no action taken.

By motion (Dixon/Smith, unan. - Simon, absent) SB 490 opposed.

Legislation presented to State Legislature by Senator Harmer: On March 27, 1972, a motion (Davies/Smith) that the Council support the six bills presented by Senator Harmer to the State Legislature to combat pornography was tabled to enable the Council members to study the bills.

By motion (Dixon/Dunlap, unan. - Simon, absent) the motion tabled March 27, 1972 was brought before the Council for action.

By motion (Dixon/Elliott, maj. - Dunlap and Smith, no - Simon, absent) the motion on the floor was amended to indicate Council support of the principle of the bills.

By the motion as amended (Davies/Smith, unan. - Simon, absent) the Council expressed its support in principle of the bills presented to the State Legislature by Senator Harmer to combat pornography.

37. Appointments.

None

38. Matters too late for the agenda.

None

Adjournment at 9:10 P.M.

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

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, APRIL 17, 1972 AT 4:00 P.M.

Roll call Present: Dixon, Elliott, Newton, Simon, Smith, Mayor Davies
Absent: Dunlap
Councilman Dixon arrived at 4:02 P.M.
Councilman Newton arrived at 4:07 P.M.

Pledge of allegiance to the Flag

Invocation: Reverend Loyal M. Friesen, First Baptist Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2, 3, 5, 6, 7, 12, 16, 17, 18, 21
Item 18 removed from consent
Smith/Elliott, unan. - Dunlap and
Newton, absent

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

CONSENT

1. Confirmation of canvass of ballots, Glendale-Miller Addition, election held April 11, 1972.
(Ballots for this election will be canvassed on April 14, 1972 by the City Clerk. Unofficial results are as follows: Number of registered voters in area, 269; number of persons voting, 214; number of yes votes, 127; number of no votes, 87. Resolution confirming canvass and declaring results of election and ordinance annexing area needed)

ACTION: Res. 72-505 adopted confirming canvass.

Ord. 1188-C.S. adopted approving annexation. (Clerk to handle)

APPROVAL OF MINUTES

CONSENT

2. Minutes of April 10, 1972.

ACTION: By motion, minutes approved.

CONSENT

WRITTEN COMMUNICATIONS

3. Appeal from Board of Zoning Adjustment decision to not allow use of loud speaker system that is audible outside of building of the California 5-minute car wash at McHenry and Mensinger.
(Resolution setting May 8, 1972 at 7:40 P.M. for hearing needed)

ACTION: Res. 72-506 adopted setting hearing. (Clerk to handle)

4. Request of Project Greater Modesto for approval and proposal of Youth Subcommittee to publish information concerning youth-oriented organizations in this area.

ACTION: By motion (Dixon/Smith, unan. - Dunlap, absent) request for City funds for publication of a pamphlet to be distributed to youth in Modesto referred to staff for report and recommendation.
(P & R to handle)

CONSENT

5. Consider award of bid for installation of water lines in Coffee Plaza No. 5 and Erin Estates.
(Bids were opened April 17, 1972. The low bid submitted by Lloyd E. Tull, which is 38% under the Engineers Estimate, is considered acceptable. It is recommended by the Public Works Department that the bid be awarded to low bidder. Resolution needed. Estimated cost \$22,092 (\$19,612 Ext., \$2,480 Serv.) Funds budgeted in Account 6804-50-101, Water Line Extension and 5301-50-101, New Services)

ACTION: Res. 72-507 adopted awarding bid. (P/W to handle)

CONSENT

6. Consider acceptance of Valley Construction Company's contract for installation of water lines in Carver Manor No. 2, Tully Manor No. 6 and Standiford Avenues.
(Original contract \$13,242.25. All work on this contract has been completed to the satisfaction of the Public Works Department. It would be in order to accept the work as complete and file the notice of completion. Resolution accepting work as complete needed. Final cost \$13,869.75 (Ext. \$10,719.75; Services, \$3,150) Funds budgeted in Account 6804-50-101, Water Line Extensions and 5301-50-101, New Services)

ACTION: Res. 72-508 adopted accepting work as complete. (P/W to handle)

CONSENT

7. Consider approval of specifications and authorize call for bids to be opened May 2, 1972 at 2:00 P.M. for annual requirements of traffic line paint.
(Resolution needed. Estimated cost \$13,859. Funds budgeted in Account 321-56-101, Construction Materials, p. 60)

ACTION: Res. 72-509 adopted approving specifications and call for bids. (Finance to handle)

HEARINGS

8. Hearings on requirement for sidewalks at the following locations: 4:05 P.M.

(a) Sidewalk at 1536 College Avenue, Lot 17 of Block 6121 (Randall K. Anderson)

ACTION: Res. 72-510 adopted (Dixon/Newton, unan. - Dunlap, absent) ordering work done. (P/W to handle)

(b) Sidewalk at 1526 College Avenue, Lot 15 of Block 6121 (Mrs. Iva P. Ard)

ACTION: Res. 72-511 adopted (Dixon/Newton, unan. - Dunlap, absent) ordering work done. (P/W to handle)

(c) Sidewalk at 1544 College Avenue, Lot 19 of Block 6121 (Miss Gladys M. Baker)

ACTION: Res. 72-512 adopted (Dixon/Newton, unan. - Dunlap, absent) ordering work done. (P/W to handle)

8. (d) Sidewalk at 1522 College Avenue, Lot 14 of Block 6121 (John D. Bartoll) 4:05 P.M.

ACTION: Res. 72-513 adopted (Dixon/Newton, unan. - Dunlap, absent) ordering work done. (P/W to handle)

(e) Sidewalk at 1617 College Avenue, Lot 4 of Block 6139. (Miss Elsie O. Bassi)

ACTION: Res. 72-514 adopted (Dixon/Newton, unan. - Dunlap, absent) ordering work done. (P/W to handle)

(f) Sidewalk at 1706 College Avenue, Lot 6 of Block 6138. (Mrs. Verle Mae Brewer)

DROPPED FROM AGENDA

(g) Sidewalk at 1705 College Avenue, portion of Block 6139. (Mr. Gerald N. Follettie)

ACTION: Res. 72-515 adopted (Dixon/Newton, unan. - Dunlap, absent) ordering work done. (P/W to handle)

(h) Sidewalk on College Avenue and sidewalk on West Granger Avenue at 1047 W. Granger Avenue, Lot 2 of Block 6138 (Dunbar G. Garey)

ACTION: Res. 72-516 adopted (Dixon/Newton, unan. - Dunlap, absent) ordering work done. (P/W to handle)

(i) Sidewalk at 1516 College Avenue, Lot 13 of Block 6121. (Alfon J. Gemperli)

ACTION: Res. 72-517 adopted (Dixon/Newton, unan. - Dunlap, absent) ordering work done. (P/W to handle)

(j) Sidewalk at 1620 College Avenue, portion of Block 6139. (William B. Grogan)

ACTION: Res. 72-518 adopted (Dixon/Newton, unan. - Dunlap, absent) ordering work done. (P/W to handle)

(k) Sidewalk at 1530 College Avenue, Lot 16 of Block 6121. (Leon L. LaFaille)

ACTION: Res. 72-519 adopted (Dixon/Newton, unan. - Dunlap, absent) ordering work done. (P/W to handle)

(l) Sidewalk on College Avenue at 1720 College Avenue, portion of Block 6138. (Robert L. Larson)

ACTION: Res. 72-520 adopted (Dixon/Newton, unan. - Dunlap, absent) ordering work done. (P/W to handle)

(m) Sidewalk at 1540 College Avenue, Lot 18 of Block 6121 (Bill W. Love)

ACTION: Res. 72-521 adopted (Dixon/Newton, unan. - Dunlap, absent) ordering work done. (P/W to handle)

8. (n) Sidewalk on College Avenue and W. Granger Avenue at 4:05 P.M.
1105 W. Granger, portion of Block 6139. (Warren E. Lovejoy)

ACTION: Res. 72-522 adopted (Dixon/Newton, unan. - Dunlap, absent)
ordering work done. (P/W to handle)

(o) Sidewalk at 1710 College Avenue, Lot 7 of Block 6138.
(Mrs. Katherine McGriffin)

DROPPED FROM AGENDA

(p) Sidewalk on College Avenue at 1713 College Ave.,
portion of Block 6139. (Jack Matheny)

ACTION: Res. 72-523 adopted (Dixon/Newton, unan. - Dunlap, absent)
ordering work done. (P/W to handle)

(q) Sidewalk at 1701 College Avenue, portion of Block
6139. (Neal E. Mathies)

ACTION: Res. 72-524 adopted (Dixon/Newton, unan. - Dunlap, absent)
ordering work done. (P/W to handle)

(r) Sidewalk at 1707 College Avenue, portion of Block
6139. (Clifford W. Morris)

ACTION: Res. 72-525 adopted (Dixon/Newton, unan. - Dunlap, absent)
ordering work done. (P/W to handle)

(s) Sidewalk on College Avenue and W. Granger at 1550 College
Avenue, Lot 20 of Block 6121. (Murnace H. Neal)

ACTION: Res. 72-526 adopted (Dixon/Newton, unan. - Dunlap, absent)
ordering work done. (P/W to handle)

(t) Sidewalk on College Avenue at 1025 Pearl Street,
Lot 11 of Block 6121. (Donald E. Nelson)

ACTION: Res. 72-527 adopted (Dixon/Newton, unan. - Dunlap, absent)
ordering work done. (P/W to handle)

(u) Sidewalk at 1625 College Avenue, portion of Block
6139. (Mrs. Elizabeth W. Nickerson)

ACTION: Res. 72-528 adopted (Dixon/Newton, unan. - Dunlap, absent)
ordering work done. (P/W to handle)

(v) Sidewalk at 1628 College Avenue, Lot 4 of Block
6138. (Benjamin J. Sayre)

ACTION: Res. 72-529 adopted (Dixon/Newton, unan. - Dunlap, absent)
ordering work done. (P/W to handle)

(w) Sidewalk at 1702 College Avenue, Lot 5 of Block
6138. (Rosemond C. Shipley)

ACTION: Res. 72-530 adopted (Dixon/Newton, unan. - Dunlap, absent)
ordering work done. (P/W to handle)

8. (x) Sidewalk at 1512 College Avenue, Lot 12 of Block 6121. (Neville J. Smith) 4:05 P.M.

ACTION: Res. 72-531 adopted (Dixon/Newton, unan. - Dunlap, absent) ordering work done. (P/W to handle)

(y) Sidewalk at 1616 College Avenue, Lot 1 and 2 of Block 6138 (Mrs. Annie Wright)

ACTION: Res. 72-532 adopted (Dixon/Newton, unan. - Dunlap, absent) ordering work done. (P/W to handle)

9. Hearings on cost of installation of curb, gutter and/or sidewalk at the following locations: 4:10 P.M.

(a) Sidewalk along Fusco Avenue at 1835 Uccello Avenue., a portion of Block 2158 - Fred G. Cavener - \$308.35)

ACTION: Res. 72-533 adopted (Smith/Dixon, unan. - Dunlap, absent) confirming costs and approving assessment. (Finance to handle)

(b) Curb and gutter at 1550 Sunrise Avenue, a portion of Block 1223. - Bruce W. Johnson - \$325.50.

(Seven annual installment payments recommended)

ACTION: Res. 72-534 adopted (Smith/Dixon, unan. - Dunlap, absent) confirming costs and approving assessment to be paid in seven installments. (Finance to handle)

(c) Sidewalk along Locke Road at 701 Rose Avenue, a portion of Block 1025 (Leland C. McCafferty - \$540.40)

ACTION: Res. 72-535 adopted (Smith/Dixon, unan. - Dunlap, absent) confirming cost and approving assessment. (Finance to handle)

(d) Sidewalk along Locke Road at Lot A of Block 1025. (Max/Ann Land Co. - 34.70)

ACTION: Res. 72-536 adopted (Smith/Dixon, unan. - Dunlap, absent) confirming cost and approving assessment. (Finance to handle)

(e) Curb and gutter at 144 Drake Avenue, Lot 25 of Block 1191. (Bruce F. Rice - \$240.25)

ACTION: Res. 72-537 adopted (Smith/Dixon, unan. - Dunlap, absent) confirming cost and approving assessment. (Finance to handle)

(f) Sidewalk at 304 Tokay Avenue, a portion of Lots 7 and 8 of Block 6903. (Robert W. Riddick - \$146.50)

(Payment in three annual installments recommended)

ACTION: Res. 72-538 adopted (Smith/Dixon, unan. - Dunlap, absent) confirming cost and approving assessment to be paid in three installments. (Finance to handle)

(g) Sidewalk at 805 Magnolia Avenue, the north 55 feet of Lot 36 of Block 709. (Miss M. D. Vaughn, c/o Jim Perry - \$113.35)

ACTION: Res. 72-539 adopted (Smith/Dixon, unan. - Dunlap, absent) confirming cost and approving assessment. (Finance to handle)

10. Matters for the good of the community. 4:15 P.M.
(These may be presented by interested persons in the audience)

ACTION: Frank Andrews spoke on various subjects.

Ron Ratto, Downey High, and Max Norton, Davis High, requested that the Mayor proclaim April 19 Earth Day and Ride Your Bike Day in Modesto. A petition signed by students of the various high schools and an agenda for the Ecological Fair were filed with the City Clerk

Joseph Fox, Downey High, representing the Key Clubs, presented to the Council and filed with the City Clerk a "Youth in Government Day Record" of the major council actions taken April 5, 1972 at "Youth in Government Day." He asked that the Council take action along the lines suggested.

11. Continued hearing for Paradise Road reconstruction to reaffirm the right of way alignment and the need to acquire specific properties for the project. 4:20 P.M.

ACTION: The public hearing was held and closed, and council action held over to May 1, 1972.

ORDINANCES

CONSENT

12. Final adoption of the following ordinances:

- (a) Ord. No. 1186-C.S. relating to limited ambulances.
(Motion adopting needed)

ACTION: By motion Ord. No. 1186-C.S. adopted. (Clerk to handle)

- (b) Ord. No. 1187-C.S. relating to mutual aid.
(Motion adopting needed)

ACTION: By motion Ord. No. 1187-C.S. adopted. (Clerk to handle)

13. Consider adoption of new electrical code.
(Memo with agenda. Introduction of ordinance amending Chapter 3 of Title IX (Electrical Code) of Modesto Municipal Code)

ACTION: By motion (Smith/Elliott, unan. - Dunlap absent) Ord. No. 1189-C.S. introduced adopting 1971 electrical code. (Clerk to handle)

UNFINISHED BUSINESS

14. Consider additional funding for grading and outer marker site acquisition in connection with the Instrument Landing System Project at the airport.
(This matter was considered by the City Council at its April 3 meeting and referred to the Board of Supervisors to ascertain the Board's attitude in proceeding with the grading work and outer marker site acquisition at local expense without FAA participation. The Board of Supervisors at its April 11 meeting approved proceeding with the project at local expense. It would be in order for City Council to direct staff to complete plans for call for bids on the work and proceed with the acquisition of the outer marker site. Motion directing staff needed)

ACTION: By motion (Dixon/Elliott, unan. - Dunlap, absent) staff directed to complete plans for call for bids and proceed with acquisition of outer marker site. (P/W to handle)

NEW BUSINESS

15. Preliminary master plans - Mark Twain and Sutter Parks.
(Oral report to be made at meeting by Ribera & Sue, Landscape Architects. Motion directing architect needed)

Mayor Davies was excused from the meeting, Vice Mayor Smith presiding.

ACTION: By motion (Elliott/Newton, unan. - Dunlap and Mayor Davies, absent) preliminary plans for Sutter Park accepted. (P & R to handle)

Mayor Davies returned to the meeting.

By motion (Smith/Simon, unan. - Dunlap, absent) preliminary plans for Mark Twain Park accepted. (P & R to handle)

CONSENT

16. Request by City Attorney for permission to attend League of California Cities Spring Conference in Palm Springs, California May 3-5, 1972.
(Funds have been budgeted in the City Attorney's 1971-72 budget. Motion approving request needed)

ACTION: By motion approved.

REPORTS

CONSENT

17. Further report on Sid Evens' request to reopen former city parking lot (west side 10th St. between K and L Streets).
(Memo with agenda. Lot has been reopened as a private operation and the request may now be forgotten. Motion accepting report needed)

ACTION: By motion report accepted.

CONSENT

18. Report on traffic signals on McHenry at both Sylvan and Woodrow.
(Report by Director of Parking and Traffic sent with agenda. It appears that 1973 will be the earliest for these signals. Motion accepting report needed)

ACTION: Res. 72-540 adopted (Simon/Dixon, unan. - Dunlap, absent) urging our state legislators to speed installation of traffic signals at McHenry-Sylvan and McHenry-Woodrow. (C/Atty to handle)

By motion (Smith/Dixon, unan. - Dunlap, absent) report of Director of Parking and Traffic accepted. (P & T to handle)

19. Report of Downtown Improvement District and Downtown Modesto Association on proposed increase in wages for parking lot attendants.

ACTION: A motion (Dixon/Newton - Elliott, Newton, Simon, Smith and Mayor Davies voting no - Dunlap, absent) that parking lot attendants be paid the minimum wage failed to carry.

By motion (Simon/Smith, unan. - Dunlap and Dixon, absent) 15¢ per hour increase for parking lot attendants approved per Alternate No. 3 of memo of Director of Parking and Traffic dated March 29, 1972, free parking space for each attendant approved, and staff authorized to prepare necessary documents. (P & T to handle)

20. Report on letter to Council from Modesto Fire Fighters Association regarding P.E.P. employees.
(Firefighters have requested to appear before the City Council, Memo with agenda)

ACTION: Open and closed examinations discussed. No action taken.

REPORTS FROM THE PLANNING COMMISSION

CONSENT

21. Unhabited annexation to the City of Modesto - Carpenter Road No. 2 Addition.
(The LAF Commission has authorized this annexation without notice or public hearing - January 28, 1972. Resolution approving annexation needed)

ACTION: Res. 72-541 adopted approving annexation. (Clerk to handle)

MISCELLANEOUS

22. Legislation.

None.

23. Appointments.

ACTION: Res. 72-542 adopted (Elliott/Dixon, unan. - Dunlap, absent) appointing Gene Gray, David Mendonca, William Strobel and Hy Youngheim to Transportation Subcommittee of Project Greater Modesto. (Clerk to handle)

24. Matters too late for the agenda.

ACTION: Res. 72-543 adopted (Simon/Elliott, unan. - Dunlap, absent) setting hearing for further discussion of widening of East Orangeburg Ave. from Coffee to Claus Road on April 24, 1972 at 8:00 P.M. (Clerk to handle)

Councilman Simon asked that the staff research the City's status regarding Citizens' Cemetery. (C/Atty to handle)

Adjournment at 8:40 P.M.

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

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, APRIL 24, 1972 AT 7:30 P.M.

Roll Call Present: Dixon, Dunlap, Elliott, Newton, Simon, Smith,
Mayor Davies
(Councilman Newton arrived at 7:42 P.M.)
Absent: None

Pledge of allegiance to the Flag

Invocation: Reverend Robert Segerhammar, Emanuel Lutheran Church,
College Avenue

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 4, 5, 6, 7, 15, 16,
Item 24 removed from consent 17, 18, 19, 20, 21, 22, 23, ~~24~~,
Simon/Elliott, unan. - Newton, absent 25, 26, 28, 29, 30, 31, 32, 33,
34

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

APPROVAL OF MINUTES

CONSENT

1. Minutes of April 17, 1972.

ACTION: By motion, minutes approved.WRITTEN COMMUNICATIONS

2. Request of City of Ceres for support in effort to obtain legislation requiring candidates for election to City Councils in General Law cities to file for particular seat and to permit election of Mayor by people.

ACTION: By motion (Dixon/Dunlap, unan. - Newton, absent) Resolution of City of Ceres supported. (C/Mgr to handle)BIDS

CONSENT

4. Consider award of bid for asphalt concrete resurfacing various city streets, Spring 1972.

(Bids were opened April 18, 1972. The low bid submitted by George Reed, Inc., which is 4.6% over the Engineer's Estimate, is considered acceptable. It is recommended by the Public Works Department that the bid be awarded low bidder. Resolution awarding bid needed. Estimated cost: Contract \$6,277.50. Funds budgeted in Account 6660-207, Misc. Resurfacing and 6657-41-321, Var. Resurf. St. A.C. Overlays)

ACTION: Res. 72-544 adopted awarding bid to George Reed, Inc. (P/W to handle)

CONSENT

5. Marshall and Sherwood Parks.

(Approve plans and specifications and call for bids for installation of lights at Sherwood and Marshall Parks.

(Bid opening May 9, 1972 at 10:00 A.M. Resolution approving plans and specifications and call for bids needed. Estimated cost, Marshall-\$6,800 (Contract \$6,500; Insp. and Eng. \$300); Sherwood-\$2,700 (Contract, \$2,600; Insp. & Eng. \$100) Funds budgeted in Account 6274-31-321, Marshall Park Development, and 6301-31-321, Sherwood Park Development)

ACTION: Res. 72-545 adopted approving plans, specifications and call for bids for installation of lights at Sherwood and Marshall Parks. (P & R to handle)

CONSENT

6. Marshall and Sherwood Parks.

(Approve plans and specifications and call for bids for installation of play areas, internal walks and picnic units at Marshall and Sherwood Parks.

(Bid opening May 9, 1972 at 10:10 A.M. Resolution approving plans, specifications and call for bids needed. Estimated cost Marshall-\$31,500 (\$30,000 const; \$1,500 engr. & insp) Sherwood-\$21,000 (\$20,000 const; \$1,000 engr. & insp) Funds budgeted in Accounts 6274-31-321, Marshall Park Development and 6301-31-321, Sherwood Park Dev., Stage 3)

ACTION: Res. 72-546 adopted approving plans, specifications and call for bids for installation of play areas, internal walks and picnic units at Marshall and Sherwood Parks. (P & R to handle)

CONSENT

7. Consider award of bids for installation of lights on Downey Park Baseball Field.

(Bids were opened April 18, 1972. Memo with agenda. Resolution awarding bid needed. Estimated cost \$69,200 (\$64,000 contract; \$5,000 Engr. & Inspection). Funds budgeted in Accounts 6290-31-321, Downey Park, Stages 1, 2, 3, 4, and 6290-324, Downey Park, Stages 1, 2, 3A, pp 74 and 76)

ACTION: Res. 72-547 adopted approving award of bid to Industrial Electrical Co. for \$64,200. (P & R to handle)

HEARINGS

8. Annexation of Sonoma No. 3 Addition to City of Modesto 7:35 P.M.

ACTION: Ord. No. 1190-C.S. adopted (Elliott/Dunlap, unan. - Newton, absent) annexing area to City.

Res. 72-548 adopted (Elliott/Dunlap, unan. - Newton, absent) declaring no majority protest. (Clerk to handle)

(a) Sidewalk at 1011 College Avenue, a portion of Block 824. (Harry M. Allen)
(Drop from agenda - doing own work)

DROPPED FROM AGENDA

(b) Sidewalk on College Avenue at 1033 Cecil Way, Lot 9 of Block 832. (Joseph E. Bearden)

ACTION: Res. 72-549 adopted (Dixon/Newton, unan.) ordering work done.
(P/W to handle)

(c) Sidewalk on College Avenue at 908 College, Lot 9 of Block 820. (Warner A. Benthall)

ACTION: Res. 72-550 adopted (Dixon/Newton, unan.) ordering work done.
(P/W to handle)

(d) Sidewalk at 1003 College Avenue, portion of Block 824. (William K. Boulos)

ACTION: Res. 72-551 adopted (Dixon/Newton, unan.) ordering work done.
(P/W to handle)

(e) Sidewalk at 1112 College Avenue, Lot 6 of Block 832. (Robert Coleman)

ACTION: Res. 72-552 adopted (Dixon/Newton, unan.) ordering work done.
(P/W to handle)

(f) Sidewalk on College Avenue at 1002 College Avenue, Lot 8 of Block 823. (Winston R. Curtis, Jr.)
(Drop from agenda - doing own work)

DROPPED FROM AGENDA

(g) Sidewalk on College Avenue at 1032 Ulrich Avenue, Lot 1 of Block 6011. (Byron Damiani)

ACTION: Res. 72-553 adopted (Dixon/Newton, unan.) ordering work done.
(P/W to handle)

(h) Sidewalk at 1120 College Avenue, Lot 4 of Block 832. (James H. Gallian)

ACTION: Res. 72-554 adopted (Dixon/Newton, unan.) ordering work done.
(P/W to handle)

(i) Sidewalk at 1236 College Avenue, Lot 8 of Block 6011. (John M. Haller)

ACTION: Res. 72-555 adopted (Dixon/Newton, unan.) ordering work done.
(P/W to handle)

9. (j) Sidewalk on College Avenue and Princeton Ave. at 1045
Princeton Avenue, Lot 8 of Block 820. (Mrs. Gladys Hansen)

ACTION: Res. 72-556 adopted (Dixon/Newton, unan.) ordering work done.
(P/W to handle)

- (k) Sidewalk at 1116 College Avenue, Lot 5 of Block 832.
(Edward R. Herman)

ACTION: Res. 72-557 adopted (Dixon/Newton, unan.) ordering work done.
(P/W to handle)

- (l) Sidewalk on College Ave. and Princeton Ave. at 1046 Princeton,
Lot 10, of Block 813. (George S. Kounias)

ACTION: Res. 72-558 adopted (Dixon/Newton, unan.) ordering work done.
(P/W to handle)

- (m) Sidewalk at 1104 College, Lot 8 of Block 832.
(Miss Portia M. Davis, formerly owned by Mrs. Pauline D. Meek)

ACTION: Res. 72-559 adopted (Dixon/Newton, unan.) ordering work done.
(P/W to handle)

- (n) Sidewalk at 1128 College Ave., Lot 2 of Block 832. (Tony Nunes)

ACTION: Res. 72-560 adopted (Dixon/Newton, unan.) ordering work done.
(P/W to handle)

- (o) Sidewalk at 1108 College Ave., Lot 7 of Block 832.
(Mrs. Jessie M. Paine)

ACTION: Res. 72-561 adopted (Dixon/Newton, unan.) ordering work done.
(P/W to handle)

- (p) Sidewalk at 1007 College Ave., portion of Block 824.
(Mrs. Sophia Petrakis)

ACTION: Res. 72-562 adopted (Dixon/Newton, unan.) ordering work done.
(P/W to handle)

- (q) Sidewalk on College Ave. and W. Roseburg Ave. at 1004 W. Roseburg
Ave., Lot 1 of Block 832. (Robert Raingruber)

ACTION: Res. 72-563 adopted (Dixon/Newton, unan.) ordering work done.
(P/W to handle)

- (r) Sidewalk at 921 College Avenue, portion of Block 824.
(Marian L. Randall)

ACTION: Res. 72-564 adopted (Dixon/Newton, unan.) ordering work done.
(P/W to handle)

- (s) Sidewalk at 1124 College, Lot 3 of Block 832. (Donald R. Roe)

ACTION: Res. 72-565 adopted (Dixon/Newton, unan.) ordering work done.
(P/W to handle)

- (t) Sidewalk on College Ave. at 1030 Stanford Ave., Lot 10 of
Block 820. (Robert W. Rolfe)

ACTION: Res. 72-566 adopted (Dixon/Newton, unan.) ordering work done.
(P/W to handle)

7:45 P.M.

9. (u) Sidewalk on College Ave. and Princeton Ave. at northwest corner of College and Princeton, Lot 8 of Block 824. (George W. Sanders)
(Drop from agenda - doing own work)

DROPPED FROM AGENDA

- (v) Sidewalk on College Ave. at 1101 Ulrich Ave., Lot 14 of Block 6031. (Melvin L. Wisdom)

ACTION: Res. 72-567 adopted (Dixon/Newton, unan.) ordering work done.
(P/W to handle)

10. Hearing on abandonment of portions of Center Street, Tuolumne Blvd. and 20-foot alley in Block 307.

7:50 P.M.

ACTION: Res. No. 1224-S.P. adopted (Simon/Smith, unan.) approving abandonment. (Clerk to handle)

11. Hearing on abandonment of 20-foot public utility easement in Block 306.

7:50 P.M.

ACTION: Res. No. 1225-S.P. adopted (Simon/Smith, unan.) approving abandonment. (Clerk to handle)

12. Further consideration of East Orangeburg widening.
(Residents have requested that hearing be continued due to another meeting scheduled for this time at Rose Avenue School. Motion continuing to May 8, 1972 at 8:05 P.M. needed)

8:00 P.M.

ACTION: Res. 72-567-A adopted (Smith/Dixon, unan.) continuing informal hearing to May 8, 1972 at 8:05 P.M. (Clerk to handle)

13. Matters for the good of the community.
(These may be presented by interested persons in the audience)

8:05 P.M.

NONE

NEW BUSINESS

14. Discussion of letter from Modesto Junk Co. to Southern Pacific.
(Copies of the letter have been sent to council members. Motion directing staff needed)

ACTION: By motion (Smith/Simon, unan. - Newton, absent) staff directed to provide more information and report to Council next week.
(C/Mgr to handle)

CONSENT

15. Requirement for construction of curbs and gutters and/or sidewalks at the locations listed below: (72-16/18)
(Informal requests were sent to the property owners over 30 days ago. As the work has not been done, it is recommended that a resolution be adopted instructing the Superintendent of Streets to give notices. Resolution setting 7:45 P.M. May 8, 1972 for hearing needed)

(a) Sidewalk on Coldwell Avenue at 545 No. Olive Avenue, a portion of Block 467 (Catherine D. Hurd)

(b) Sidewalk on Coldwell Ave. at 546 Myrtle Ave., a portion of Block 467 (John Henry Jennings)

(c) Sidewalk at 815 Coldwell Avenue, Lot 12 of Block 800 (Henry D. Garaventa)

(d) Sidewalk at 1003 Coldwell Ave., a portion of Block 802 (Manoog A. Bedoian)

(e) Sidewalk at 1015 Coldwell Ave., Lot 1 of Block 802 (Albert C. Emminger)

(f) Sidewalk on W. Granger Ave. at 1601 Stetson Ave., Lot 12 of Block 6142 (John C. Cooper)

(g) Sidewalk on W. Granger Ave. at 1600 Stetson Ave., Lot 13 of Block 6141. (James A. Martin)

(h) Sidewalk on W. Granger Ave. at 1601 Albany Ave., a portion of Block 6141 (Fred B. Otis)

(i) Sidewalk on W. Granger Ave. at 1600 Concord Ave., Lot 23 of Block 6139. (Eileen F. Davis)

(j) Sidewalk on W. Granger Ave. at 1549 Bronson Ave., Lot 1 of Block 6122 (Raymond L. Bowen)

(k) Sidewalk on W. Granger Ave. at 1550 Ardmore Ave., Lot 20 of Block 6122. (Darrell Reid)

(l) Sidewalk on W. Granger Ave. at 1537 Albany Ave., Lot 1 of Block 6118 (Michael Hassey)

(m) Sidewalk on W. Granger Ave. at 1538 Stetson Ave., Lot 20 of Block 6118 (Mario Dali)

(n) Sidewalk on W. Granger Ave. at 1562 Tully Road, Lots 18, 19 and 20 of Block 6117 (Frank J. Francek)

ACTION: Res. 72-568 adopted setting hearing for sidewalk requirement May 8, 1972 at 7:45 P.M. (P/W to handle)

CONSENT

16. Consider request for sewer service to property outside the City at 613 Romeo Ave.
(Property owners, Rafaela S. and Jose Sanchez, have signed an agreement to annex when requested to do so by City. The property is not contiguous to the City and the owners must extend the sewer line. (Resolution approving agreement needed)

ACTION: Res. 72-569 adopted approving agreement for sewer service. (P/W to handle)

CONSENT

17. Consider Fire Department request to purchase equipment and replace fire station apparatus room door.
(Memo from City Manager being distributed with agenda. Motion approving request needed. Estimated cost \$5,560. Funds budgeted in accounts 110-21-101, Regular and Overtime Salaries & Wages, and 130-21-101)

ACTION: By motion, request to purchase equipment and replace fire station apparatus room door approved. (Fire Dept. to handle)

CONSENT

18. Request by Police Department to purchase dictating and transcribing equipment.
(Memo with agenda. Motion approving request needed. Estimated cost \$5,214. Funds budgeted in Account 110-22-101, Salaries & Wages, Regular, p. 37 of budget)

ACTION: By motion, request to purchase dictating and transcribing equipment approved. (Police Dept. to handle)

CONSENT

19. Dryden Golf Course food concession.
(Consider awarding bid to Mrs. Lila Huff to operate the food concession at Dryden Golf Course. Memo with agenda. Resolution awarding bid to Mrs. Huff needed)

ACTION: Res. 72-570 adopted awarding bid to Mrs. Lila Huff. (P & R to handle)

CONSENT

20. Accept improvements in Brookview Estates No. 2 Subdivision and authorize the City Clerk to file a notice of completion and release bonds upon expiration of statutory period.
(Brookview Estates No. 2 Subdivision is located east of Trask Lane and north of M.I.D. Lateral No. 2. All improvements have been completed to the satisfaction of the Public Works Department and all fees have been paid. Resolution accepting improvements needed)

ACTION: Res. 72-571 adopted accepting improvements in Brookview Estates No. 2 Subdivision. (Clerk to handle)

CONSENT

21. Consider two leases of Dry Creek Park site property to Joseph Lorenzo and A. E. Sommerfeld.
(Memo with agenda. Two resolutions approving leases needed)

ACTION: Res. 72-572 adopted approving lease of Dry Creek Park site to Joseph Lorenzo. (Finance to handle)
Res. 72-573 adopted approving lease of Dry Creek Park site to A. E. Sommerfeld. (Finance to handle)

CONSENT

22. Request of County of Stanislaus for right of entry on city-owned property south of Dry Creek and west of El Vista Ave.
(Memo with agenda. Resolution authorizing right of entry needed)

ACTION: Res. 72-574 adopted approving request of Stanislaus County for right of entry on city-owned property south of Dry Creek and west of El Vista Ave. (P/W to handle)

CONSENT

23. Consider submission of an amended application for aid under the Airport and Airways Development Program.
(Memo with agenda. Resolution authorizing amended application needed)

ACTION: Res. 72-575 adopted approving amended application for Airport and Airway Development Program. (P/W to handle)

CONSENT

24. Consider approval of interim Airport Security Program.
(Memo with agenda. Interim Airport Security Program also with agenda. Resolution approving security program and resolution approving appropriation transfer in amount of \$750 needed)

ACTION: DROPPED FROM AGENDA. To be placed on May 1st agenda.

CONSENT

25. Proposed amendment to agreement with Junior Women's Club of Modesto for construction of "Safety Town." Memo with agenda. Resolution approving amendment to agreement needed)

ACTION: Res. 72-576 adopted approving amendment to agreement for construction of "Safety Town." (P & R to handle)

CONSENT

26. A resolution approving final map of North Hampton Park No. 1 Subdivision of the City of Modesto and authorizing an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code.
(The subdivision agreement has been signed and all fees paid. North Hampton Park No. 1 Subdivision is located south of Sylvan Ave. and west of Coffee Road. It contains 15.25 acres. Resolution approving final map and authorizing execution of agreement by City needed)

ACTION: Res. 72-577 adopted approving final map. (Clerk to handle)

REPORTS

27. Report on Senior Citizens Center.
(Report with agenda. Motion directing staff needed)

ACTION: By motion (Elliott/Dunlap, unan.) the matter of the possible sale of the community center at 800 East Morris referred to staff for report and recommendation. (P & R to handle)

By motion (Elliott/Dixon, unan.) that the matter of the use of senior citizens facilities at Scenic and Bodem be referred to staff; that the staff be directed to have such meetings as are necessary with representatives of users of the building in an effort to resolve some of the immediate problems. (P & R to handle)

REPORTS FROM THE PLANNING COMMISSION

CONSENT

28. Recommend amendment to Section 15-3-9 of the zoning map (Harley Brannan)
(By Res. No. 72-54 adopted April 18, 1972 the Planning Commission recommends an amendment to Section 15-3-9 of the zoning map as requested by Harley D. Brannan to rezone from one-family residential zone, R-1, to two-family residential zone, R-2, and Multiple-family residential zone, R-3, property located on the west side of Old Oakdale Road, north of Briggsmore Ave. and MID Lateral No. 3. Resolution setting May 15, 1972 at 4:05 P.M.)

ACTION: Res. 72-578 adopted setting May 15, 1972 at 4:05 P.M. for hearing. (Clerk to handle)

CONSENT

29. Recommend amendment to Section 20-3-9 of the Zoning Map (William B. Wetmore, DVM).
(Be Res. No. 72-53, adopted on April 18, 1972, the Planning Commission recommends an amendment to Section 20-3-9 of the Zoning Map as requested by William B. Wetmore, D.V.M. to rezone from Two-family Residential Zone, R-2, to Professional Office Zone, P-0, property located on the south side of W. Granger Avenue between McHenry Ave. and Florida Ave. Resolution setting May 15, 1972 at 4:10 P.M. for public hearing needed)

ACTION: Res. 72-579 adopted setting May 15, 1972 at 4:10 P.M. for hearing. (Clerk to handle)

CONSENT

30. Recommend Ordinance Amending Sections 4-4.502 and 4-4.802 of Chapter 4 of Title IV of the Modesto Municipal Code, and adding Section 4-4-.803 thereto (relating to Subdivision Regulations).
(By Res. 72-56, adopted on April 18, 1972, the Planning Commission recommends an Ordinance amending Sections 4-4.502 and 4-4.802 of Chapter 4 of Title IV of the Modesto Municipal Code, and adding Section 4-4-.803 thereto relating to Subdivision Regulations. Motion introducing ordinance needed.)

ACTION: Ord. No. 1191-C.S. introduced amending sections relating to subdivision regulations. (Clerk to handle)

CONSENT

31. Abandonment of 25-foot street easement dedicated for a temporary turn-around across the front of Lot 11, Block 13057, Greenwood Estates No. 4 Subdivision and retention of a 10-foot public utility easement.
(Memo with Agenda. Resolution vacating and abandoning a 25-foot street easement across the front of Lot 11, Block 13057, Greenwood Estates No. 4 Subdivision, excepting the easterly 10 feet reserved as a public utility easement needed)

ACTION: Res. No. 1226-S.P. adopted abandoning 25-foot easement and retaining a 10-foot public utility easement. (Clerk to handle)

CONSENT

32. Uninhabited annexation to the City of Modesto - McHenry-Rumble No. 2 Addition.
(This annexation will be heard by the Local Agency Formation Commission on April 21, 1972. We anticipate approval. If disapproved, this matter will be withdrawn. Resolution annexing needed)

ACTION: Res. 72-580 adopted approving annexation of McHenry-Rumble No. 2 Addition to City of Modesto. (Clerk to handle)

CONSENT

33. Planning Commission recommendation - Capital Improvement Program, 1972-73 to 1977-78.
(See IBM Listing and letter of transmittal. Motion to accept needed)

ACTION: By motion, proposed Capital Improvement Program for 1972-73 to 1977-78 referred to proper budget session. (Finance to handle)

CONSENT

34. Amend Budget for 1971-72 fiscal year to estimate additional revenue and budget the expenditure of the additional funds.
(The City Council previously accepted the grant from the California Council on Criminal Justice for a "Feasibility Study - Alternate Law Enforcement Systems". It is now necessary to amend the budget so that the expenditure of the grant funds will be authorized.
(Resolution needed) Estimated cost: \$15,000.00.

ACTION: Res. 72-581 adopted amending budget to authorize expenditure of grant from California Council on Criminal Justice.
(Finance to handle)

MISCELLANEOUS

35. Legislation

NONE

36. Appointments

ACTION: Res. 72-582 adopted (Simon/Smith, unan.) appointing Salvadore Morales to the Library and Culture Commission for a term expiring January 1, 1975. (Clerk to handle)

37. Matters too late for the agenda

ACTION: (a) Citizens' Cemetery: By motion (Smith/Dunlap, unan) City Attorney instructed to determine legal status of the City in regard to Citizens' Cemetery to the extent of going to court if necessary. (C/Atty to handle)

(b) Councilman Simon asked that the Council consider an alternative to its conduct of 3-man committee meetings. He suggested that the meetings be held in the council chambers, open to the public. It was suggested that the matter be placed on the regular agenda at a future meeting.

Adjournment at 9:15 P.M.

EXECUTIVE SESSION: The Council went into executive session at 9:16 P.M. to consider labor negotiations.

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

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, MAY 1, 1972 AT 4:00 P.M.

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

Absent: None

Councilmen Dixon and Newton arrived at 4:08 P.M.

Pledge of allegiance to the Flag.

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2, 5, 6, 7, 8, 11, 14,
Simon/Elliott, unan. - Dixon and Newton, 15, 16, 17, 18, 19, 20, 21, 22,
absent 24, 25, 26, 27, 28, 29, 30, 31,
32(a)

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

APPROVAL OF MINUTES

CONSENT

1. Minutes of April 24, 1972.

ACTION: By motion minutes approved.

WRITTEN COMMUNICATIONS

CONSENT

2. Request of Downtown Improvement District for permission to hold sidewalk sale on May 25, 26, and 27, 1972.
(Resolution approving request needed.)

ACTION: Res. 72-583 adopted granting request. (C/Mgr to handle)

3. Further consideration of Paradise Road improvements.

ACTION: By motion (Smith/Simon, unan.) continued to May 8, 1972.
(Clerk to handle)

4. Request of El Vista Parents for a traffic signal committee for a discussion of the need for traffic signals.

ACTION: By motion (Smith/Dunlap, unan.) request referred to proper budget session with assurance that Council intends to advance El Vista/Encina traffic signals to 1972-73 fiscal year. (Finance to handle)

5. Request of George S. Gray for encroachment permit to allow a brick wall on city property at 3000 Deanna Way.
(Resolution setting May 22, 1972 at 7:35 P.M. for hearing needed)

ACTION: Res. 72-584 adopted setting hearing. (Clerk to handle)

BIDS

CONSENT

6. Consider approval of plans, specifications and call for bids for the installation of water lines in Coffee Plaza No. 6 and North Hampton Park No. 1.
(Suggested bid opening date: May 16, 1972 at 10:00 A.M.
Costs and Revenue: Coffee Plaza No. 6: Construction cost \$10,364.13; connection charges \$10,191.00; net annual revenue, \$1,264.00.
North Hampton Park No. 1: Costs and revenue, \$15,499.36; connection charges, \$7,500; net annual revenue, \$960. Estimated cost \$25,863.49 (Mat. \$14,923.24, Labor \$10,940.25.) Funds budgeted in Account 6804-50-101, Water Line Extensions and 5301-50-101, New Services. Resolution needed)

ACTION: Res. 72-585 adopted approving plans and specifications and bid call. (Clerk to handle)

CONSENT

7. Consider approval of specifications and authorize call for bids to be opened at 2:00 P.M., May 17, 1972 for furnishing dictating and transcribing equipment: 10 dictating units and 4 transcribers for Police; 1 transcriber and stand for Personnel.
(Resolution needed. Estimated cost \$5,616; funds budgeted in Account 5502-22-101 and 5501-17-101, Capital Outlay. Not shown in budget.)

ACTION: Res. 72-586 adopted approving specifications and bid call. (Clerk to handle)

CONSENT

8. Consider approval of specifications and authorize call for bids to be opened May 16, 1972 at 2:00 P.M. for one new tractor and five-gang mowing unit.
(Resolution needed. Estimated cost \$7,907; funds budgeted in Account No. 5432-48-512, Service Division Capital Outlay. Not shown in budget. This item included in request for accelerated purchase approved 4/10/72)

ACTION: Res. 72-587 adopted approving specifications and bid call. (Clerk to handle)

HEARINGS

9. Annexation of Maze-Emerald Addition to City. 4:10 P.M.

ACTION: Res. 72-588 adopted (Newton/Smith, unan.) declaring that no majority protest has been made.

- Ord. No. 1192-C.S. adopted (Newton/Smith, unan.) annexing Maze-Emerald Addition to City. (Clerk to handle)
10. Matters for the good of the community. 4:15 P.M.
(These may be presented by interested persons in the audience)

NONE

ORDINANCES

CONSENT

11. Final adoption of the following:

- (a) Ordinance No. 1189-C.S. adopting 1971 electrical code.
(Motion adopting needed)

ACTION: By motion Ord. No. 1189-C.S. adopted. (Clerk to handle)

- (b) Ord. No. 1191-C.S. pertaining to subdivision regulations.
(Motion adopting needed)

ACTION: By motion Ord. No. 1191-C.S. adopted. (Clerk to handle)

UNFINISHED BUSINESS

12. Further consideration of letter from Modesto Junk Co. re freight rates.

ACTION: By motion (Smith/Simon, unan.) staff directed to inform Southern Pacific and Modesto Junk Co. that Council is interested in recycling programs and encouraging them to work with Scrap Iron Institute in developing more economical methods of transporting scrap and to ask Chamber of Commerce to look into rate discrepancies. (C/Mgr to handle)

13. Consider approval of Interim Airport Security Program.
(Memo and Interim Airport Security Program with agenda. Resolution approving security program needed. Resolution approving appropriation transfer of \$750 needed. Estimated cost \$750)

ACTION: Res. 72-589 adopted (Smith/Elliott, unan.) approving Interim Airport Security Program subject to changes suggested by Council.

Res. 72-590 adopted (Smith/Elliott, unan.) approving appropriation transfer of \$750 from Account 60-230 to Account 5401-46-230)
(Finance to handle)

A motion (Dixon/Simon) to authorize the development and formation of a citizens' airport advisory committee to be jointly formed by the City and County (if the County wishes to participate) with the duties of the committee to be mutually agreeable to both City and County failed.

By motion (Simon/Elliott, unan.) staff and appropriate representatives of users of the airport directed to get together to discuss the possibility and ramifications of establishing a commission or advisory committee of some type. (P/W to handle)

CONSENT

14. Food concession agreement for Dryden Golf Course Clubhouse.
(Last week the Council authorized the awarding of the food concession bid to Mrs. Lila Huff. Mrs. Huff has now signed the agreement which was a part of the bid document and it is ready for council approval. Resolution approving agreement needed)

ACTION: Res. 72-591 adopted approving agreement. (Clerk to handle)

NEW BUSINESS

CONSENT

15. Request by City Clerk for permission to attend Biennial City Clerk's Institute in Monterey May 10, 11 and 12, 1972.
(Funds are budgeted for this. Motion approving request needed)

ACTION: By motion request approved.

CONSENT

16. Resolutions determining that the public interest and convenience require that annexation additions listed below be annexed to the Modesto Municipal Sewer District #1 and naming time and place for hearings:
(a) Modesto State Hospital Addition, proposed hearing date 6/19/72 at 4:05 P.M.; (b) Sonoma No. 3 Addition, 6/19/72 at 4:10 P.M.
(c) McHenry-Rumble No. 2, 6/19/72 at 4:15 P.M.
(It is now necessary to commence proceedings to annex the additions to the Sewer District. Three resolutions setting hearings needed (2/3 affirmative vote required))

ACTION: Res. 72-592 adopted setting hearing. (Modesto State Hospital Add.)
Res. 72-593 adopted setting hearing. (Sonoma No. 3 Addition)
Res. 72-594 adopted setting hearing. (McHenry-Rumble No. 2 Add.)
(Clerk to handle)

CONSENT

17. Requirement for construction of curbs and gutters and/or sidewalks at the locations listed below. (72/18-21
(Informal requests were sent to the property owners over 30 days ago. As the work has not been done, it is recommended that a resolution be adopted instructing the Superintendent of Streets to give notices. Resolution setting 4:15 P.M., May 15, 1972 for hearing needed)

- (a) Curb and gutter along Bodem Street at 128 Bodem Street, Lot 6 of Block 596. (Manuel S. Cardoza, Jr.)
- (b) Sidewalk along Tully Road at 820 Tully Road, Lot 20 of Block 809. (Frances R. and Gertrude L. Kissinger)
- (c) Sidewalk along Tully Road and Princeton Avenue at 824-26 Tully Road, Lot 1 of Block 809. (Dodds B. Bunch)
- (d) Sidewalk at 902 Tully Road, a portion of Block 810. (Earl M. Allen)
- (e) Sidewalk along Tully Road at 1238 Fordham Avenue, a portion of Block 810. (James A. Davidson)
- (f) Sidewalk at 1430 Tully Road, a portion of Block 6074. (Walter H. Sanford)
- (g) Sidewalk at 1604 Tully Road, Lot 14 of Block 6142. (Alma E. Woodman)
- (h) Sidewalk at 1608 Tully Road, Lot 15 of Block 6142. (Alma E. Woodman)
- (i) Sidewalk at 1612 Tully Road, Lot 16 of Block 6142. (Mario Cannizzaro)
- (j) Sidewalk at 1624 Tully Road, Lot 19 of Block 6142. (Yee C. Mui and Kam Chee Lew)
- (k) Sidewalk at 1628 Tully Road, Lot 20 of Block 6142. (Harold L. Neyman)
- (l) Sidewalk at 1700 Tully Road, Lot 21 of Block 6142. (Frank J. Burton)
- (m) Sidewalk at 1710 Tully Road, Lot 22 of Block 6142. (Bonno V. Kroeze)
- (n) Sidewalk along Tully Road at 1716 Tully Road, a portion of Block 6142. (Henry V. Meedom)
- (o) Sidewalk along Tully Road at 1719 Tully Road, a portion of Block 6118-A. (Joe Nunes, Jr.)

CONSENT

Sidewalk, and/or curb and gutter continued.

17. (p) Sidewalk at 1725-27 Tully Road, a portion of Block 6118-A.
(Ralph J. Simas)
- (q) Sidewalk at 1713-17 Tully Road, a portion of Block 6118-A.
(Willie M. Bachmann)
- (r) Sidewalk along Tully Road at 1709 Tully Road, a portion of Block 6118-A. (Owen F. Flory)
- (s) Sidewalk along Tully Road at 1635 Tully Road, a portion of Block 6116. (W. Lawrence Meek)
- (t) Sidewalk at 1631 Tully Road, a portion of Block 6116.
(W. Lawrence Meek)
- (u) Sidewalk at 1625-27 Tully Road, a portion of Block 6116.
(Kenneth C. Geist)
- (v) Sidewalk at 1611-13 Tully Road, a portion of Block 6116.
(Chateau Convalescent Hospital, Inc.)
- (w) Sidewalk along Tully Road at 1326 Del Rey Avenue, Lot 1 of Block 6027. (Danny R. Harris)
- (x) Sidewalk along Tully Road at 1317 Greenwood Drive, Lot 12 of Block 6027. (Louis H. Sturdivan)

ACTION: Res. 72-595 adopted setting hearing. (P/W to handle)

CONSENT

18. A resolution approving final map of Eastridge No. 1 Subdivision of the City of Modesto and authorizing an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code. (The subdivision agreement has been signed and all fees paid. Eastridge No. 1 Subdivision is located on the east side of Sonoma Avenue, north of Scenic Drive. It contains 13.23 acres. Resolution approving final map and authorizing execution of agreement needed)

ACTION: Res. 72-596 adopted approving final map of Eastridge No. 1 Subdivision. (Clerk to handle)

CONSENT

19. Resolution approving final map of Riedel Estates No. 1 Subdivision of the City of Modesto and authorizing an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code. (The subdivision agreement has been signed and all fees paid. Riedel Estates No. 1 Subdivision is located at the west side of Sonoma Avenue, north of Scenic Drive. It contains 9.09 acres. Resolution approving final map and authorizing execution of agreement by City needed)

ACTION: Res. 72-597 adopted approving final map of Riedel Estates No. 1 Subdivision. (Clerk to handle)

CONSENT

20. Revised agreements for operating Modesto Tower and Sears validation parking lots.
(The increase in the parking attendants' salaries will increase operating costs on these lots. Both companies have signed agreements reflecting the higher operating costs beginning May 1, 1971. Memo with agenda. Two resolutions approving the agreements and authorizing the City Manager to sign them needed)

ACTION: Res. 72-598 adopted approving agreement with Modesto Tower, Inc.
Res. 72-599 adopted approving agreement with Sears Roebuck & Co.
(Clerk to handle)

CONSENT

21. Accept improvements in Greenfield Village #2 Subdivision and authorize City Clerk to file notice of completion and release bonds upon expiration of statutory periods.
(Greenfield Village #2 Subdivision is located east of Rose Avenue and south of Orangeburg Avenue. All improvements have been completed to the satisfaction of the Public Works Department and all fees paid. Resolution accepting improvements needed).

ACTION: Res. 72-600 adopted accepting improvements in Greenfield Village No. 2 Subdivision. (Clerk to handle)

CONSENT

22. Accept improvements in Renee Manor #5 Subdivision and authorize City Clerk to file notice of completion and release bonds upon expiration of statutory period.
(Renee Manor #5 Subdivision is located east of Carver and north of Rumble Road. All improvements have been completed to the satisfaction of the Public Works Department and all fees paid. Resolution accepting improvements needed).

ACTION: Res. 72-601 adopted accepting improvements in Renee Manor No. 5 Subdivision. (Clerk to handle)

23. Presentation of 1972-73 preliminary budget.
(Copies of the preliminary budget will be distributed at the meeting. The Council must set a date for a formal public hearing (May 22, 1972 at 8:00 P.M. is recommended) and establish a schedule for review of the budget. (Last year the council met every Wednesday and Friday at 4:00 P.M. until the review of the budget was completed. Resolution setting public hearing and motion establishing procedure for review of the budget needed)

ACTION: Res. 72-602 adopted (Elliott/Dunlap, unan.) setting hearing.
(Clerk to handle)
By motion (Smith/Davies, unan.) review of budget set for Tuesdays and Thursdays from 5:00 to 6:30 P.M. beginning May 23, 1972.
(Finance to handle)

CONSENT

24. Request to extend work of Jack Brotherton for consulting services at museum.
(Memo with agenda. Resolution approving amendment to agreement needed. Estimated cost \$420. Funds budgeted in Account 235-29-101, Services, Prof. & Other)

ACTION: Res. 72-603 adopted approving amendment to agreement. (Clerk to handle) (C/Mgr to handle)

REPORTS

CONSENT

25. Report by Government Services Committee.
(Copies of report being distributed with agenda. Motion accepting Committee's recommendations needed)

ACTION: By motion report and recommendations accepted. (Report on file with City Clerk) (C/Mgr to handle)

25A. Report by City Manager that money is available for FACE program.

ACTION: It was reported that City staff would attend a meeting in San Francisco on this matter on May 2 and would report to Council on May 8. (C/Mgr to handle)

25B. Quarterly report of Chamber of Commerce.
(Motion accepting needed)

ACTION: By motion (Smith/Dunlap, unan.) report accepted. (Clerk to handle)

25C. Report of Continental Insurance Co. stating that group insurance rates will be increased next year.
(Motion referring to staff needed)

ACTION: By motion (Smith/Dixon, unan.) report referred to staff.
(Personnel to handle)

REPORTS FROM THE PLANNING COMMISSION

CONSENT

26. Uninhabited annexation to the City of Modesto - Carver No. 2 Addition.
(The LAF Commission has authorized this annexation without notice or public hearing - March 17, 1972.
(Resolution approving annexation needed)

ACTION: Res. 72-604 adopted annexing Carver No. 2 Addition to City.
(Clerk to handle)

CONSENT

27. Uninhabited annexation to the City of Modesto - Dry Creek Park No. 1 Addition.
(The LAF Commission has authorized this annexation without notice or public hearing - April 21, 1972.
(Resolution approving annexation needed)

ACTION: Res. 72-605 adopted annexing Dry Creek Park No. 1 Addition to City. (Clerk to handle)

CONSENT

28. Uninhabited annexation to the City of Modesto - Prescott No. 4 Addition.
(The LAF Commission has authorized this annexation without notice or public hearing - March 17, 1972. Resolution approving annexation needed)

ACTION: Res. 72-606 adopted annexing Prescott No. 4 Addition to City.
(Clerk to handle)

CONSENT

29. Recommend amendment to Chapter 2 of Title X of the Modesto Municipal Code (zoning regulations - walls on side street property lines) (By Resolution 72-55 adopted April 18, 1972 the Planning Commission recommends an amendment to Chapter 2 of Title X of the Code pertaining to the requirement for 6-foot masonry walls along side street property lines of lots in subdivisions where the side street property lines abut major streets. Resolution setting May 22 at 7:40 P.M. for public hearing needed)

ACTION: Res. 72-607 adopted setting hearing. (Clerk to handle)

APPROPRIATION TRANSFERS

CONSENT

30. Appropriation transfer of \$12,000 from Reserve Appropriation of Service Division to Equipment Parts of Service Division. (This account provides equipment parts for all pool items. There has been a substantial increase in the cost of parts plus the longer landfill haul. See memo with agenda. Resolution approving appropriation transfer needed. Estimated cost \$12,000)

ACTION: Res. 72-608 adopted approving appropriation transfer of \$12,000 from Account 60-48-512 to Account 332-48-512. (Finance to handle)

CONSENT

31. Request to purchase items not budgeted. (Request for appropriation transfers to: reroof restroom buildings at West Side, John Muir and Kewin Parks; pave areas around maintenance buildings at both golf courses; purchase additional furniture for Girl Scout Clubhouse and Boy Scout Clubhouse; and replace overhead light fixtures at Maddux Youth Center. Memo with agenda. Five resolutions approving appropriation transfers needed. Estimated cost \$9,039. \$6,084 for first four items to be taken from savings. \$2,955 for 5th item to be transferred from General Reserve)

ACTION: Res. 72-609 adopted approving appropriation transfer of \$900 from Account 208-32-101 and \$284 from Account 120-32-101 to Account 5401-32-101 (\$541) and Account 5402-32-101 (\$643).

Res. 72-610 adopted approving appropriation transfer of \$1,500 from Account 6350-31-321 to Account 7903-31-321.

Res. 72-611 adopted approving appropriation transfer of \$2,500 from Account 6274-31-321 to Account 7904-31-321.

Res. 72-612 adopted approving appropriation transfer of \$2,955 from Account 60-101 to Account 224-33-101.

Res. 72-613 adopted approving appropriation transfer of \$900 from Account 120-35-101 to Account 224-35-101. (Finance to handle)

MISCELLANEOUS

32. Legislation.

CONSENT

- (a) Consider Planning Commission recommendation regarding Chapter 1446 (AB 1301 - 1971 legislation. (Letter from Planning Commission with agenda. Motion referring to staff for review needed)

ACTION: By motion recommendation re Chapter 1446 referred to staff. (C/Mgr to handle)

32. Legislation, continued

(b) Other legislation.

ACTION: It was announced that the Council would receive copies of AB 1850 for study and would be polled on May 5 as to their views.
(C/Mgr to handle)

33. Appointments.

ACTION: Res. 72-614 adopted (Simon/Smith, unan.) accepting resignation of Don L. Winsby as a member of the Human Rights Commission.
(Clerk to handle)

Res. 72-615 adopted (Simon/Smith, unan.) appointing James Forbes to replace Don Winsby as a member of the Human Rights Commission for a term ending May 1, 1975. (Clerk to handle)

34. Matters too late for the agenda.

ACTION: Councilman Simon requested that a discussion of the present system of Council Committees be placed on the agenda for May 8, 1972. (Clerk to handle)

Executive session to discuss labor negotiations.

ACTION: The Council adjourned to executive session at 6:10 P.M. and announced that it would not return to open meeting.

Adjournment at 6:10 P.M.

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

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, MAY 8, 1972 at 7:30 P.M.

Roll Call Present: Dixon, Dunlap, Elliott, Newton, Simon, Smith,
Mayor Davies
Absent: None
Councilmen Dixon and Newton arrived at 7:35 P.M.

Pledge of allegiance to the Flag

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2, 3, 4, 5, 6, 15, 16,
Smith/Elliott, unan. - Dixon and 17, 18, 21, 22, 23
Newton, absent

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

APPROVAL OF MINUTES

CONSENT

1. Minutes of May 1, 1972.
(Motion approving needed)

ACTION: By motion minutes approved.

CONSENT

2. Request of Modesto Affiliated Church Housing Corporation for abandonment of alley known as Church Way in Block 131.
(Resolution referring to Planning Commission needed)

ACTION: Res. 72-616 adopted referring request to Planning Commission for recommendation. (Planning to handle)

CONSENT

3. Resolution from City of Irwindale opposing any change concerning sales and use tax.
(Motion ordering filed needed)

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

CONSENT

4. Accept as complete the construction of traffic signals and street lights at Scenic and Bodem, and Tully and Granger - \$17,659.49.
(The work has been satisfactorily completed by Collins Electrical Co., Inc. The signals have been in operation since March 15, 1972; however, acceptance was delayed until contractor repaired a faulty vehicle detector. Resolution accepting construction as complete and authorizing City Clerk to file notice of completion needed. Funds budgeted in Accounts 6157-56-321, Construction of Traffic signals Tully-Granger and 6190-56-321, Scenic-Bodem)

ACTION: Res. 72-617 adopted accepting contract. (Clerk to handle)

CONSENT

5. Consider approval of plans, specifications and call for bids for the installation of water lines in Eastridge No. 1 and Riedel Estates No. 1 subdivision.
(Suggested bid opening May 23, 1972 at 10:10 A.M. Costs and revenues: Eastridge No. 1 - Const. cost, \$12,636.42; connection charges, \$5,750; net annual revenue, \$706. Riedel Estates No. 1: Const. Cost, \$12,107.52; connection charges, \$5,125; net annual revenue, \$656. Estimated cost \$24,743.94 (Materials, \$14,227.89; labor, \$10,516.05. Funds budgeted in Account 6804-50-101, Water Line Extensions and 5301-50-101, New Services)

ACTION: Res. 72-618 adopted approving plans and specifications and bid call. (Clerk to handle)

CONSENT

6. Consider approval of plans and specifications and call for bids for grading and compacting the I. L. S. site at the City-County Airport.
(Suggested bid opening date May 23, 1972 at 10:00 A.M. This work is necessary to allow the installation of the Instrument Landing System at the Airport. Resolution needed. Estimated cost \$10,000 (\$9,500 Const., \$500 Eng. & Insp.) Funds to be requested later, after bid opening, from Fund No. 60-321)

ACTION: Res. 72-619 adopted approving plans and specifications and bid call. (Clerk to handle)

7. Consider awards to low bidders for furnishing automotive equipment: Bill Hughes Dodge - Items 1 through 4, 8, 9, 11 and 12; Dow-Hammond - Items 5, 6, and 7; Griswold & Wight - Item 10. Memorandum and bid tabulation with agenda. Three resolutions needed. Estimated cost: from \$128,284 to \$131,854. Funds budgeted in various accounts, Service Division-Capital Outlay, some on pp 79 and 80.

ACTION: Res. 72-620 adopted (Smith/Dunlap, unan. - Newton, no) awarding contract for items 1, 2, 3, 4, 8, 9, 11 and 12 (items 1, 2 and 3 to include air conditioning) to Bill Hughes Dodge.

Res. 72-621 adopted (Smith/Dunlap, unan. - Newton, no) awarding contract for items 5, 6 and 7 to Dow Hammond.

Res. 72-622 adopted (Smith/Dunlap, unan. - Newton, no) awarding contract for item 10 to Griswold & Wight. (Finance to handle)

HEARINGS

8. Hearing on application for federal grant to purchase new bus. 7:35 P.M.

ACTION: By motion (Simon/Elliott, unan.) hearing continued to May 15, 1972 at 4:20 P.M. to enable staff to further investigate possibility of mini buses and to allow time to receive recommendation from Project Greater Modesto. (P & T to handle)

9. Hearing on appeal from denial by Board of Zoning Adjustment 7:40 P.M. of use of loud speaker system at California 5-minute car wash at McHenry-Mensingers.

ACTION: Res. 72-623 adopted (Smith/Elliott, unan.) denying appeal.

By motion (Smith/Dixon, unan.) Board of Zoning Adjustment requested to consider setting public hearing to consider possible changes in present Use Permit to eliminate use of loud speakers. (Planning to handle)

The City Manager was requested to have a deciblemeter check made for the Public Projects Committee's use. (C/Mgr to handle)

10. Hearings on requirement of sidewalks at the following locations: (72/16-18) 7:45 P.M.

- (a) Sidewalk on Coldwell Avenue at 545 North Olive Avenue, a portion of Block 467. (Catherine D. Hurd)
- (b) Sidewalk on Coldwell Ave. at 546 Myrtle Ave., a portion of Block 467. (John Henry Jennings)
- (c) Sidewalk at 815 Coldwell Ave., Lot 12 of Block 800 (Henry D. Garaventa)
- (d) Sidewalk at 1003 Coldwell Ave., a portion of Block 802 (Manoog A. Bedoian)
- (e) Sidewalk at 1015 Coldwell Ave., Lot 1 of Block 802. (Albert C. Emminger)
- (f) Sidewalk on W. Granger Ave. at 1601 Stetson Ave., Lot 12 of Block 6142. (John C. Cooper)
- (g) Sidewalk on W. Granger Ave. at 1600 Stetson Ave., Lot 13 of Block 6141. (James A. Martin)
- (h) Sidewalk on W. Granger Ave. at 1601 Albany Ave., a portion of Block 6141. (Fred B. Otis)
- (i) Sidewalk on W. Granger Ave. at 1600 Concord Ave., Lot 23 of Block 6139. (Eileen F. Davis)
(Drop from agenda. Doing own work)

DROPPED

- (j) Sidewalk on W. Granger Ave. at 1549 Bronson Ave., Lot 1 of Block 6122 (Raymond L. Bowen)
(Drop from agenda - doing own work)

DROPPED

- (k) Sidewalk on W. Granger Ave. at 1550 Ardmore Ave., Lot 20 of Block 6122. (Darrell Reid)
- (l) Sidewalk on W. Granger Ave. at 1537 Albany Ave., Lot 1 of Block 6118. (Michael Hassey)

10. Hearings on requirement of sidewalk requirements (cont'd) 7:45 P.M.

(m) Sidewalk on W. Granger Ave. at 1538 Stetson Ave.,
Lot 20 of Block 6118 (Mario Dali)

(n) Sidewalk on W. Granger Ave. at 1562 Tully Road, Lots 18,
19 and 20 of Block 6117 (Frank J. Francek)

ACTION: Res. 72-624 adopted (Elliott/Dunlap, unan.) ordering work
with exceptions as noted. (P/W to handle)

11. Hearing on assessment - Improvement District No. 17 8:00 P.M.

ACTION: Res. 1227-S.P. adopted (Elliott/Simon, unan.) confirming pro-
ceedings and assessment. (Clerk to handle)

12. Further consideration of East Orangeburg widening. 8:05 P.M.

ACTION: Res. 72-625 adopted (Dixon/Simon, unan.) establishing a 60-foot
right of way for East Orangeburg Ave. (C/Atty to handle)
Staff was requested to see if the Lakewood connection to Briggsmore
could be accelerated, and to report on the reasons for so many
multi-family dwellings proposed for this area. (Planning to handle)

13. Matters for the good of the community. 8:10 P.M.
(These may be presented by interested people in the audience)

NONE

OLD BUSINESS

14. Further consideration of Paradise Road improvements.
(Memo with agenda)

ACTION: By motion (Elliott/Smith, unan.) matter of Paradise Road widening
continued to permit further discussions with school district rep-
resentatives directed toward reaching an agreement on a plan for
the widening along the Modesto High School frontage, and staff
authorized to take any necessary action to qualify the Morris-
Virginia Project for TOPICS funds. (P/W and P & T to handle)

NEW BUSINESS

CONSENT

15. Consider request for sewer service to property outside the City at 629 Romeo Avenue.
(Property owners Jesus P. and Lupe V. Arroyo have signed an agreement to annex when requested to do so by the City. The property is not contiguous to the City but a sewer line exists to serve it. Resolution approving agreement needed)

ACTION: Res. 72-626 adopted approving agreement. (P/W to handle)

CONSENT

16. Right of way acquisition - Paradise Avenue - Zynda.
(Memo with agenda. Two resolutions approving right of way agreements, accepting grant deeds and authorizing City Manager to execute right of way agreements. Estimated cost \$15,735)

ACTION: Res. 72-627 adopted approving agreement and accepting grant deed (Parcel 342-1).

Res. 72-628 adopted approving agreement and accepting grant deed (Parcel 342-2). (Clerk to handle)

CONSENT

17. Requirement for construction of curbs and gutters and/or sidewalks at the locations listed below. (Project No. 72/22-24)
(Informal requests were sent to the property owners over 30 days ago. As the work has not been done, it is recommended that resolutions be adopted instructing the Superintendent of Streets to give notice. Resolution setting 7:50 P.M. May 22, 1972 for hearings needed)

(a) Sidewalk along Coffee Road at 911 Coffee Road, Lot 1 of Block 1048 (Robert S. George)

(b) Sidewalk along Coffee Road at 937 Coffee Road, a portion of Block 1048. (Vasco J. Lucchesi)

(c) Sidewalk at 1011 Coffee Road, a portion of Block 1068.
(K. G. Bakus)

(d) Sidewalk at 1103 Coffee Road, a portion of Block 1068.
(Presbytery of San Joaquin)

(e) Sidewalk at 1105 Coffee Road, a portion of Block 1068.
(Mamie Noto)

(f) Sidewalk along Kearney Ave. at 1437 Louise Ave., Lot 1 of Block 912. (George E. Phillips)

(g) Sidewalk along Kearney Ave. and Princeton Ave. at 1438 Princeton Ave., Lot 18 of Block 912. (Dorothy Libby)

(h) Sidewalk along Kearney Ave. and Princeton Ave. at 1437 Princeton Ave., Lot 1 of Block 913. (Charles B. Toledo)

(i) Sidewalk along Kearney Ave. at 1428 Del Vista Ave., Lot 8 of Block 917 (Kenneth Maddera)

(j) Sidewalk along Kearney Ave. at 1429 Del Vista Ave., Lot 9 of Block 918. (Iva Mae Gause)

(k) Sidewalk along Kearney Ave. at 1429 Del Monte Ave., Lot 9 of Block 933. (Jack M. Nisbett)

CONSENT

17. Requirement for construction of curbs and gutters (cont'd)
- (l) Sidewalk along Kearney Ave. and W. Roseburg Avenue at 1428 W. Roseburg Ave., Lot 8 of Block 933. (Leonard A. DeGrendele)
 - (m) Sidewalk along Kearney Ave. at 1417 Cherrywood Drive, Lot 6 of Block 6025 (Milan G. Koetting)
 - (n) Sidewalk along Kearney Ave. at 1220 Kearney Ave., Lot 5 of Block 6025. (Peter J. Vella)
 - (o) Sidewalk along Kearney Ave. at 1417 Maplewood Drive, Lot 7 of Block 6034 (Carl S. Boyett)
 - (p) Sidewalk along Kearney Ave. and W. Orangeburg at 1437 W. Orangeburg Ave., a portion of Block 6078 (Glenn E. Gulmon)
 - (q) Sidewalk at 1408 Kearney Ave., a portion of Block 6078. (Georgia E. Cox)
 - (r) Sidewalk along Kearney Ave. at 1437 Teresa St., Lot 2 of Block 6083 (Odell Scott)
 - (s) Sidewalk along Kearney Ave. at 1445 Pearl St., a portion of Block 6080 (E. J. Muscio)
 - (t) Sidewalk at 1439 Kearney Ave., a portion of Block 6080 (Teresa Wilen)
 - (u) Sidewalk along Kearney Ave. at 1500 Del Vista Ave., Lot 1 of Block 919 (Jovinita Meisenbach)
 - (v) Sidewalk at 625 and 701 Kearney Ave., a portion of Block 905. (Richard Lyng)

ACTION: Res. 72-629 adopted setting hearing. (P/W to handle)

CONSENT

18. Resolution approving final map of Greenfield Village No. 3 Subdivision of the City of Modesto and authorizing an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code.
(The subdivision agreement has been signed and all fees paid. Greenfield Village No. 3 Subdivision is located on the east side of Rose Ave. at Kruger Drive. It contains 12.312 acres. Resolution approving final map and authorizing execution of agreement needed)

ACTION: Res. 72-630 adopted approving final map. (Clerk to handle)

REPORTS

19. Report on FACE program.
(Memo with agenda)

ACTION: By motion (Simon/Smith, unan.) staff directed to prepare necessary documents in connection with application for \$352,000 Federal Grant for FACE Program for reduced area. (C/Mgr to handle)

20. Report concerning health insurance.
(An oral report will be made at the meeting)

ACTION: It was reported that the company furnishing the group health insurance had informed the City that in the event the City does not retain the same insurance carrier for the next fiscal year, the increased premiums would be effective April 1, 1972 but the higher rates would be effective July 1, 1972 in the event the same carrier is retained. The City Manager asked if the Council would be willing to assume the approximate \$9,800 cost for dependent coverage for this period in the event the carrier is able to charge for April, May and June. It was pointed out that at this time the staff did not think the insurance company could make the rate increase effective for the three months.

A motion (Smith/Dixon) that in the event it is determined that the increased rates are effective for April, May and June, the City would pay the additional cost for the employees' dependent coverage up to May 15, 1972, and notify the employees of the increase so they will have a choice as to whether or not to continue dependent coverage, failed as Dunlap, Elliott, Newton and Simon voted no.

By motion (Smith/Dixon, carried) staff directed to inform employees that there is a possible chance there will be a back billing to April 1 and that City will attempt to find out as quickly as possible what the situation is and at that time give employees the option of withdrawing from the plan or advising them they have the option to withdraw in any event on May 15 if they so desire.

REPORTS FROM THE PLANNING COMMISSION

CONSENT

21. Recommend amendment to Planned Development Zone, P-D(83).
(Modesto Affiliated Church Housing Corporation)
(By Res. No. 72-57 adopted May 2, 1972, the Planning Commission recommends an amendment to Planned Development Zone, P-D(83) to allow expansion of said Planned Development Zone to include property located on the north side of Downey Ave. west of Johnson St., as requested by Modesto Affiliated Church Housing Corp. Resolution setting May 22 at 7:45 P.M. for public hearing needed)

ACTION: Res. 72-631 adopted setting hearing. (Clerk to handle)

APPROPRIATION TRANSFERS

CONSENT

22. Appropriation transfer of \$1,397 from the General Reserve of the General Fund to the City Manager's budget for the purchase of a typewriter, calculator and dictating machine.
(Memo with agenda. Resolution needed. Estimated cost \$1,397)

ACTION: Res. 72-632 adopted approving appropriation transfer of \$1,397 from Account 60-101 to Accounts 5501(\$577), 5502 (\$300) and 5503 (\$520) of Department 8, Fund 101. (Finance to handle)

CONSENT

23. Appropriation transfer of \$1,500 for design costs for Prescott-Carpenter - 99 - S.P. Co. overpass.
(The State is designing the overpass and design costs have exceeded the estimate by \$1,500. In addition, \$6,500 should be added to the proposed 1972-73 C.I.P. in Account 6735-207. Resolution approving transfer and motion referring additional \$6,500 to proper budget session needed.)

ACTION: Res. 72-633 adopted approving appropriation transfer of \$1,500 from Account 60-207 to Account 6735-207. (Finance to handle)
By motion additional \$6,500 referred to proper budget session.
(Finance to handle)

MISCELLANEOUS

24. Legislation.

ACTION: By motion (Smith/Dunlap, majority) AB 1850 supported.
By motion (Smith/Davies, majority) AB 2142 and AB 2252 opposed.
Staff directed to obtain copies of AB 681 for Council.
(C/Mgr to handle)

25. Appointments.

ACTION: Res. 72-634 adopted (Dixon/Newton, unan.) appointing Sid Cordell, Kent Sacknitz, Frank Muench, John L. Rice, Merle E. Wolf and Inger Van Wagner as members of the Disadvantaged Subcommittee of Project Greater Modesto.

Res. 72-635 adopted (Dixon/Newton, unan.) appointing Don Prather as chairman of Youth Subcommittee of Project Greater Modesto.

Res. 72-636 adopted (Dixon/Newton, unan.) appointing George Doemel as member of Transportation Subcommittee of Project Greater Modesto.

Res. 72-637 adopted (Dixon/Newton, unan.) reappointing Frank Muratore and John E. Griffin as members of the Planning Commission for a term ending January 1, 1976.

Res. 72-638 adopted (Dixon/Newton, unan.) reappointing Robert Venn as member of Personnel Commission for a term ending January 1, 1976.

Res. 72-639 adopted (Dixon/Newton, unan.) reappointing Wesley Hall as a member of the Board of Zoning Adjustment for a term ending January 1, 1976.

Res. 72-640 adopted (Dixon/Newton, unan.) reappointing Louis F. Gianelli and Rex Higbee as members of the Board of Appeals, Dangerous Building Code and Housing Code for a term ending January 1, 1976.

Res. 72-641 adopted (Dixon/Newton, unan.) reappointing Paul D. LaVine and Bob Young as members of the Farm-City Advisory Committee for a term ending May 1, 1976. (Clerk to handle)

26. Matters too late for the agenda.

ACTION: Councilman Dixon reported that school traffic patrols were meeting at Downey High School on May 13 and that financial assistance for refreshments would be welcome. No action was taken.

Res. 72-642 adopted (Simon/Dixon, unan.) approving temporary loan to Head Rest in the amount of \$2,300. (Finance to handle)

Adjournment at 11:45 P.M.

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

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, MAY 15, 1972 AT 4:00 P.M.

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

Pledge of allegiance to the Flag.

Invocation: Reverend Don Weston, St. John's Chapel of the Valley

1. Observance of Peace Officers' Memorial Day.
(Reverend Don Weston and Mr. Don Stahl, Chief Deputy District Attorney of Stanislaus County and President of the Stanislaus County Peace Officers' Association will be present)

ACTION: Mayor Davies and Don Stahl made brief presentations.

Res. 72-643 adopted (Smith/Dixon, unan.) commending Modesto Police Department personnel for doing an outstanding job.
(Clerk to handle)

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 3, 4, 5, 6, 7, 8, 9,
Item 20 dropped from agenda. 10, 11, 12, 13, 14, ~~20~~, 21A,
Smith/Simon, unan. 22, 23, 25, 26, 27

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

APPROVAL OF MINUTES

CONSENT

2. Approval of minutes of May 8, 1972.
(Motion approving needed)

ACTION: By motion, minutes approved.

WRITTEN COMMUNICATIONS

CONSENT

3. Letter from Division of Highways regarding widening and installation of traffic signals on McHenry Avenue.
(Motion accepting report needed)

ACTION: By motion, report accepted.

CONSENT

BIDS

4. Consider approval of specifications and authorize call for bids to be opened May 31, 1972 at 2:10 P.M. for annual requirements for ready-mix concrete.
(Resolution approving needed. Estimated cost \$7,650. Funds budgeted in Account 321-51-101, Construction Materials)

ACTION: Res. 72-644 adopted approving specifications and bid call.
(Clerk to handle)

CONSENT

5. Consider approval of specifications and authorize call for bids to be opened May 31, 1972 at 2:30 P.M. for annual requirements of liquid chlorine.
(Product is used for treating sewage. Incorporated in our specification are the requirements of the cities of Turlock, and Oakdale, also. Resolution needed. Estimated cost \$97,300., Modesto portion. Funds budgeted in Account 312-53-101, Chemicals, Drugs & Lab Supplies)

ACTION: Res. 72-645 adopted approving specifications and bid call.
(Clerk to handle)

CONSENT

6. Consider approval of specifications and authorize call for bids to be opened May 31, 1972 at 2:20 P.M. for annual requirements of liquid anhydrous ammonia.
(To be used for treatment of industrial and residential sewage. Resolution needed. Estimated cost \$36,050. Funds budgeted in Account 312-53-101, Chemicals, Drugs and Lab Supplies)

ACTION: Res. 72-646 adopted approving specifications and bid call.
(Clerk to handle)

CONSENT

7. Consider approval of specifications and authorize call for bids to be opened May 31, 1972 at 2:40 P.M. for furnishing annual requirements of liquid and emulsified asphalts.
(Resolution needed. Estimated cost \$26,000. Funds budgeted in Account 321-51-101, Construction Material)

ACTION: Res. 72-647 adopted approving specifications and bid call.
(Clerk to handle)

CONSENT

8. Consider award of bid for installation of lights at Sherwood and Marshall Parks.
(Bids were opened on May 9, 1972. The low bid submitted by Ferrero Electric, Inc., which is 0.2% under the Engineer's Estimate, is considered acceptable. It is recommended by the Parks and Recreation and Public Works Departments that the bid be awarded to low bidder. Resolution awarding bid needed. Estimated cost, \$6,485. Funds budgeted in Account 6274-31-321, Marshall Park Development, and 6301-31-321, Sherwood Park Development, Stage 3)

ACTION: Res. 72-648 adopted awarding contract to Ferrero Electric, Inc.
(P & R to handle)

CONSENT

9. Consider award of bid for construction of play areas, internal walks and picnic units at Marshall and Sherwood Parks.
(Bids were opened May 9, 1972. The low bid submitted by A. C. Construction Company, which is 1.7% over the Engineer's Estimate, is considered acceptable. It is recommended by the Parks and Recreation and Public Works Departments that the bid be awarded to low bidder. Resolution awarding bid needed. Estimated cost \$50,862. Funds budgeted in Account 6274-31-321, Marshall Park Development and 6301-31-321, Sherwood Park Development, Stage 3)

ACTION: Res. 72-649 adopted awarding contract to A. C. Construction Co. (P & R to handle)

CONSENT

10. Consider award to low bidder, Pervo Paint Co., Los Angeles, to furnish annual requirements of traffic line paint. (Cost per gallon - white, \$2.27; yellow, \$2.55 per gallon; red, \$3.76. Memorandum and bid tabulation with agenda. Resolution needed. Estimated cost \$15,314. Funds budgeted in Account 321-56-101, Construction materials, p. 69 current budget; p. 121, preliminary budget)

ACTION: Res. 72-650 adopted awarding contract to Pervo Paint Co. (Finance to handle)

CONSENT

11. Consider acceptance of Albert Biehl's contract for construction of Downey Park - planting and irrigation. (Original contract \$49,386. All work on this project has been completed to the satisfaction of the Parks and the Public Works Departments. It would be in order to accept the work as complete. Resolution accepting work needed. Final cost \$48,371. Funds budgeted in Account 6290-31-321, Downey Park Stages 1, 2, 3, & 4)

ACTION: Res. 72-651 adopted accepting contract. (Clerk to handle)

CONSENT

12. Consider acceptance of S. M. McGaw's contract for construction of subtrunk sewer in Tully Road between Montclair & Clevenger. (Original contract \$44,000. All work in conjunction with this project has been completed to the satisfaction of the Public Works Department. It would be in order to accept the work as complete and file the notice of completion. Resolution accepting work needed. Final cost \$44,216. Funds budgeted in Account 6561-212, Subtruck-Perimeter Sewers)

ACTION: Res. 72-652 adopted accepting contract. (Clerk to handle)

CONSENT

13. Consider purchase of four garden refuse trucks. (Memo with agenda. Two resolutions needed (1) Waiving formal bid requirement and authorizing staff to negotiate for the purchase of the four truck cabs and chassis, and (2) resolution authorizing chassis modification and body construction. (Five votes required) Estimated cost \$35,600. Funds to be requested later from Fund No. 60-48-512, Reserve Appropriation)

ACTION: Res. 72-653 adopted waiving formal bid procedure and authorizing negotiations.
Res. 72-654 adopted authorizing chassis modification and body construction. (P/W to handle)

CONSENT

14. Consider approval of specifications and authorize call for bids to be opened May 31, 1972 at 2:00 P.M. for furnishing annual requirements of rock, sand and gravel. (Resolution approving needed. Estimated cost \$22,690. Funds budgeted in Account 438-512, Service Div/Rev. Fund. Not shown in budget - ultimately used in 321-51-101 and other accounts)

ACTION: Res. 72-655 adopted approving specifications and bid call. (Finance to handle)

HEARINGS

15. Hearing, proposed amendment to Section 15-3-9 of zoning map to rezone from R-1 to R-2 and R-3, property located on the west side of Old Oakdale Road north of Briggsmore. (Brannan) 4:05 P.M.

ACTION: Ord. No. 1193-C.S. introduced (Simon/Elliott, unan.) amending Section 15-3-9 of zoning map. (Clerk to handle)

16. Hearing, proposed amendment to Section 20-3-9 of zoning map to rezone from R-2 to P-0, property on the south side of West Granger between McHenry and Florida. (Wetmore) 4:10 P.M.

ACTION: Ord. No. 1194-C.S. introduced (Simon/Dunlap, unan.) amending Section 20-3-9 of zoning map. (Clerk to handle)

17. Hearing on requirement of curb, gutter and/or sidewalk at the following locations: (Project No. 72/18-21) 4:15 P.M.

(a) Curb and gutter along Bodem Street at 128 Bodem Street, Lot 6 of Block 596. (Manuel S. Cardoza, Jr.)

(b) Sidewalk along Tully Road at 820 Tully Road, Lot 20 of Block 809. (Frances R. and Gertrude L. Kissinger)

(c) Sidewalk along Tully Road and Princeton Avenue at 824-26 Tully Road, Lot 1 of Block 809. (Dodds B. Bunch)

(d) Sidewalk at 902 Tully Road, a portion of Block 810. (Earl M. Allen)

(e) Sidewalk along Tully Road at 1238 Fordham Avenue, a portion of Block 810. (James A. Davidson)

(f) Sidewalk at 1430 Tully Road, a portion of Block 6074. (Walter H. Sanford)

(g) Sidewalk at 1604 Tully Road, Lot 14 of Block 6142. (Alma E. Woodman)

(h) Sidewalk at 1608 Tully Road, Lot 15 of Block 6142. (Alma E. Woodman)

(i) Sidewalk at 1612 Tully Road, Lot 16 of Block 6142. (Mario Cannizzaro)

(j) Sidewalk at 1624 Tully Road, Lot 19 of Block 6142. (Yee C. Mui and Kam Chee Lew)

(k) Sidewalk at 1628 Tully Road, Lot 20 of Block 6142. (Harold L. Neyman)

(l) Sidewalk at 1700 Tully Road, Lot 21 of Block 6142. (Frank J. Burton)

(m) Sidewalk at 1710 Tully Road, Lot 22 of Block 6142. (Bonno V. Kroeze)

17. Hearing on requirement of curb, gutter and/or sidewalk, continued

4:15 P.M.

(n) Sidewalk along Tully Road at 1716 Tully Road, a portion of Block 6142. (Henry V. Meedom)

(o) Sidewalk along Tully Road at 1719 Tully Road, a portion of Block 6118-A. (Joe Nunes, Jr.)

(p) Sidewalk at 1725-27 Tully Road, a portion of Block 6118-A. (Ralph J. Simas)

(q) Sidewalk at 1713-17 Tully Road, a portion of Block 6118-A. (Willie M. Bachmann)
(Drop from agenda - doing own work)

DROPPED

(r) Sidewalk along Tully Road at 1709 Tully Road, a portion of Block 6118-A. (Owen F. Flory)

(s) Sidewalk along Tully Road at 1635 Tully Road, a portion of Block 6116. (W. Lawrence Meek)

(t) Sidewalk at 1631 Tully Road, a portion of Block 6116. (W. Lawrence Meek)

(u) Sidewalk at 1625-27 Tully Road, a portion of Block 6116. (Kenneth C. Geist)

(v) Sidewalk at 1611-13 Tully Road, a portion of Block 6116. (Chateau Convalescent Hospital, Inc.)
(Drop from agenda - sidewalk already in)

DROPPED

(w) Sidewalk along Tully Road at 1326 Del Rey Avenue, Lot 1 of Block 6027. (Danny R. Harris)

(x) Sidewalk along Tully Road at 1317 Greenwood Drive, Lot 12 of Block 6027. (Louis H. Sturdivan)

ACTION: Res. 72-656 adopted (Newton/Dixon, unan.) ordering work done for above-listed improvements. (P/W to handle)

18. Continued hearing on application for federal grant to purchase new bus.

4:20 P.M.

ACTION: By motion (Newton/Dixon, unan.) staff directed to proceed with the acquisition of a 31-33 passenger bus. (P & T to handle)
By motion (Dixon/Dunlap, unan.) Transportation Subcommittee commended for inovative thinking and urged to use staff for further study and report to Council.

19. Matters for the good of the community.

4:25 P.M.

ACTION: Rodney Brush, a representative of Vietnam Veterans Against War, requested that a resolution be adopted condemning United States actions in Vietnam and demanding immediate withdrawal of troops from Southeast Asia. No action was taken by the Council.

Willis Kleinenbroich, operator of Modesto Motor Bus Co., requested that a study be made concerning a mass transportation system in the area using new gas tax funds that will be available July 1. He was informed that SAAG was making a study of this at the present time.

ORDINANCES

~~CONSENT~~

20. Ordinance amending Section 2-1.14 of Chapter 1 of Title II of the Modesto Municipal Code relating to council procedure.
(Memo with agenda. Introduction of ordinance needed)

DROPPED FROM AGENDA

OLD BUSINESS

21. Discussion concerning present Council committee system.

ACTION: A motion (Dunlap/Smith) to continue present system, including times and places of meetings, failed as Dixon, Elliott, Newton and Simon voted no.

By motion (Simon/Dixon, majority - Dunlap, Smith and Davies, no) present system continued with meetings to be open to the public; times, places and dates of meetings to be given in advance and times and places of meetings to be as convenient as possible for the public. (C/Mgr to handle)

CONSENT

- 21A. Approval of Change Order No. 1 for construction of subtrunk sewer on McHenry between Woodrow and Warren at cost of \$7,150.
(Funds are available. Motion approving change order needed)

ACTION: By motion, change order providing for boring under McHenry Avenue and for eleven service tees and risers approved.
(P/W to handle)

NEW BUSINESS

CONSENT

22. Consider acceptance of land easement granted to the City at no cost by Beard Land Improvement Co. for access to and egress from the runway alignment indicator light system (RAIL/S) and middle marker site at City-County Airport.
(In December 1970 Beard Land Improvement Co. granted to the City at no cost an air avigation easement off the end of Runway 28R in conjunction with the clear zone requirement of the proposed ILS installation. They have now granted the required land easement.
Resolution accepting land easement with appreciation needed)

ACTION: Res. 72-657 adopted accepting land easement with appreciation from Beard Land Improvement Co. (Clerk to handle)

CONSENT

23. Park site acquisition - Goldsworthy Park - Dee and Beryl Caster.
(Memo with agenda. Two resolutions accepting grant deeds and authorizing City Manager to execute both purchase agreements. Estimated cost \$13,166. Funds budgeted in Account 325-6279, Goldsworthy Land Acquisition)

ACTION: Res. 72-658 adopted approving agreement with and accepting grant deed from Dee L. Caster, et ux.

Res. 72-659 adopted approving agreement with and accepting grant deed from Estate of Beryl Caster. (Clerk to handle)

24. Resolution authorizing the filing of an application with the Department of Housing and Urban Development for a Code Enforcement grant under Section 117 of the Housing Act of 1949, as amended.
(Memo with agenda. Resolution authorizing filing of application needed)

ACTION: Res. 72-660 adopted (Elliott/Newton, unan.) authorizing filing of application. (C/Mgr to handle)

REPORTS

CONSENT

25. Presentation of Financial Statement for April 1972.
(Copies of report with agenda. Motion accepting report needed)

ACTION: By motion, report accepted.

CONSENT

26. Report on Health Insurance.
(Memo with agenda. Motion accepting report needed)

ACTION: By motion, report accepted.

APPROPRIATION TRANSFERS

CONSENT

27. Consider appropriation transfer for the purchase of a pipe pusher and puller attachment.
(Memo with agenda. Money to be taken from savings within the Water Department)

NO ACTION NEEDED.

MISCELLANEOUS

28. Legislation.
(a) Letter from Governor Ronald Reagan regarding Proposition No. 2 on June primary ballot relating to authorization to issue and sell bonds for schools.

ACTION: Res. 72-661 adopted (Dixon/Newton, unan.) supporting Proposition No. 2.

By motion (Dixon/Smith, unan.) AB 1844 opposed.
(C/Mgr to handle)

29. Appointments.

ACTION: Res. 72-662 adopted (Dixon/Simon, unan.) appointing Michael Berryhill as a member of the Farm-City Advisory Committee for a term ending May 1, 1975.

Res. 72-663 adopted (Dixon/Simon, unan.) appointing Gordon Dewers as a member of the Ecology Subcommittee of Project Greater Modesto.

Res. 72-664 adopted (Dixon/Simon/ unan.) appointing Robert A. Jacobsen and Ralph E. Morgan as members of Transportation Subcommittee of Project Greater Modesto. (Clerk to handle)

30. Matters too late for the agenda.

ACTION: Staff was directed to look into the matter of trail bikes being ridden on public and private property in or near the City and report to Council. (P & R to handle)

31. Executive session to consider employees' requests for salary and fringe benefits.

Adjournment at 6:15 P.M. to executive session with the announcement that the Council would not return to open meeting.

ATTEST:

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

SPECIAL MEETING

May 18, 1972 at 4:00 P.M.

The Council of the City of Modesto met in Special Meeting with the following members present:

PRESENT: Dixon, Dunlap, Elliott, Simon, Mayor Davies
ABSENT: Newton, Smith

Following roll call, the Council adjourned to executive session to discuss appointments. It was announced that the Council would not return to open meeting.

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

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, MAY 22, 1972 AT 7:30 P.M.

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

Absent: None

Councilman Simon arrived at 7:45 P.M.

Pledge of allegiance to the Flag

Invocation: Father Cornelius DeGroot, St. Joseph's Catholic Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2, 3, 5, 7, 8, 9, 10,
Elliott/Newton, unan. - Simon, absent 11, 12, 13, 14, 15, 16, 17, 18,
25A, 26, 27, 28, 29, 30, 31, 33,
34, 35, 36

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

APPROVAL OF MINUTES

CONSENT

1. Minutes of May 15, 1972.
(Motion approving needed)

ACTION: By motion, minutes approved.

WRITTEN COMMUNICATIONS

CONSENT

2. Request of law offices of Rushing, Clark & Haight, representing Modesto Board of Realtors, for copies of all proposed legislation as well as notices of any policy hearings (including committees) on matters involving real property.
(Motion referring to City Clerk needed)

ACTION: By motion, request referred to City Clerk to handle)

CONSENT

3. Letter from Continental Casualty Co. stating that "payment of the 51% increase as of July 1 is acceptable to us to permit your Committee to thoroughly investigate other markets." (Note: This concerns the group health insurance coverage.)
(Resolution approving extension of new rates needed)

ACTION: Res. 72-665 adopted approving extension of new rates for a maximum period of 90 days from July 1, 1972. (Personnel to handle)

4. Letter from State Division of Highways recommending temporary signal systems on McHenry at Woodrow-Robin Hood and Sylvan-Standiford, and requesting concurrence by City Council.

ACTION: By motion (Newton/Smith, unan.) request of State Division of Highways for concurrence with recommendation granted.
(Clerk to handle)

CONSENT

5. Letter from James Franzen, Chairman of Stanislaus County Board of Supervisors, recommending that County provide computer services to City of Modesto.
(Motion referring to Public Projects Committee needed)

ACTION: By motion, letter referred to Public Projects Committee.
(C/Mgr to handle)

6. Request of Transportation Subcommittee of Project Greater Modesto for funds to conduct a survey of commercial air transportation to and from Modesto.

HELD UNTIL NEXT COUNCIL MEETING

BIDS

CONSENT

7. Consider acceptance of Matteson Construction's contract for construction of improvements at city service yard expansion.
(Original contract \$13,976.60. All work on this project has been completed to the satisfaction of the Public Works Department. It would be in order to accept the work as complete and authorize filing of notice of completion. Resolution accept work as complete needed. Final cost \$14,176.81. Funds budgeted in Account 6517-41-321, Service Yard Expansion and 5304-51-101, Misc. Storm Drain)

ACTION: Res. 72-666 adopted accepting contract. (Clerk to handle)

CONSENT

8. Consider acceptance of Wolverine Building Service's contract for construction of Marshall Park Wading Pool.
(Original contract \$18,300. All work in conjunction with this contract has been completed to the satisfaction of the Parks and Recreation Department and the Public Works Department. It would be in order to accept the work as complete and to file notice of completion. Resolution accepting work as complete needed. Final cost \$18,815. Funds budgeted in Account 6274-31-321, Marshall Park-Stage 2)

ACTION: Res. 72-667 adopted accepting contract. (Clerk to handle)

CONSENT

9. Consider acceptance of George Reed's contract for asphalt concrete resurfacing, various city streets, Spring 1972.
(Original contract, \$6,277.50. All work on this project has been completed to the satisfaction of the Public Works Department. It would be in order to accept the work as complete and authorize filing of notice of completion. Resolution accepting work as complete needed. Final cost \$6,020.43. Funds budgeted in Account 6660-207, Misc. Resur. Various Sts. and 6657-41-321, Overlays)

ACTION: Res. 72-668 adopted accepting contract. (Clerk to handle)

CONSENT

10. Consider acceptance of Olsen Bros.' contract for construction of Municipal Golf Course Clubhouse.
(Original contract, \$49,247. All work on this project has been completed to the satisfaction of the Parks & Recreation Department and the Public Works Department. It would be in order to accept the work as complete and file the notice of completion. Resolution accepting work as complete needed. Final cost \$49,247. Funds budgeted in Account 6402-31-321, Muni Golf - New Building)

ACTION: Res. 72-669 adopted accepting contract. (Clerk to handle)

CONSENT

11. Accept construction of improvements in Improvement District No. 19, and authorize City Clerk to file notice of completion.
(All work has been completed to the satisfaction of the Public Works Department and it is now in order to accept the work as complete. Resolution accepting work as complete needed. Actual cost \$68,802.50, construction. Funds budgeted in Account - Payment by I.D., Improvement District #19)

ACTION: Res. 1228-S.P. adopted accepting improvements. (Clerk to handle)

CONSENT

12. Consider approval of plans and specifications and call for bids for revision of street light circuits from Station No. 4 and from Station No. 3.
(Suggested bid opening date: June 6, 1972 at 2:00 P.M. This revision is necessary to bring these circuits up to our current standards and was approved in the Capital Improvement Program. Resolution needed. Estimated cost: Unit 1, \$20,097. (\$18,270 Const., \$1,827 Eng.); Unit 2 \$23,985.50 (\$21,805 Const., \$2,180.50 Eng.) Funds budgeted in Accounts 6635-41-321, St. Light Structure, Stn 4 and 6634-41-321, St. Light Structure, Stn 3)

ACTION: Res. 72-670 adopted approving plans and specifications and bid call. (Clerk to handle)

CONSENT

13. Consider award of bid for installation of water lines in Coffee Plaza No. 6 and North Hampton Park No. 1.
(Bids were opened May 16, 1972. The low bid submitted by Valley Construction which is 44% under the Engineer's Estimate, is considered acceptable. It is recommended that the contract be awarded to low bidder. Resolution needed. Estimated cost \$9,928.50 (\$7,426.50 Ext. \$2,502.00 Serv.) Funds budgeted in Account 6804-50-101, Water Line Extensions and 5301-50-101, New Services)

ACTION: Res. 72-671 adopted awarding contract to Valley Construction Co. (P/W to handle)

CONSENT

14. Accept paint-^{ing} of museum building at 14th & I Streets by Houston Painting Inc.
(Original contract \$9,400. All work has been completed to the satisfaction of the Parks & Recreation and Public Works Departments. It would be in order to accept the work as complete and authorize filing of notice of completion. Resolution needed. Final cost \$9,400. Funds budgeted in Account 6546-31-321, Cap. Repair to McHenry Library-Museum)

ACTION: Res. 72-672 adopted accepting contract. (Clerk to handle)

CONSENT

15. J. M. Pike Park.
(Approve plans, specifications and call for bids for installation of play area at J. M. Pike Park. Bid opening June 16, 1972 at 10:00 A.M. Resolution approving needed. Estimated cost \$4,900 (contract \$4,700; Engr. & Insp. \$200.) Funds budgeted in Account 6383-31-321, Pike-Play Apparatus)

ACTION: Res. 72-673 adopted approving plans and specifications and bid call. (Clerk to handle)

CONSENT

16. Consider award to low bidder, Wood Systems, Inc. of Stockton to furnish 10 new dictating and 4 transcribing units for police and one transcriber and stand for Personnel.
(Memo with agenda. Resolution needed. Estimated cost \$5,638. Funds budgeted in Accounts 5502-22-101 and 5501-17-101, Capital Outlay. Accelerated purchase - not shown in budget book)

ACTION: Res. 72-674 adopted awarding contract to Wood Systems, Inc. (Finance to handle)

CONSENT

17. Consider accepting low bid of H. V. Carter Co., Inc., Oakland, to furnish one new tractor and five gang mowing unit.
(Memo with agenda. Resolution accepting needed. Estimated cost \$7,849. Funds budgeted in Account 5432-48-512, Service Division Capital Outlay. Approved for accelerated purchase - not shown in budget book)

ACTION: Res. 72-675 adopted awarding contract to H. V. Carter Co., Inc. (Finance to handle)

CONSENT

18. Consideration of negotiated offers to furnish four truck cabs and chassis, to modify four chassis and fabricate four garden refuse bodies.

(Memo with agenda. Three resolutions needed: (1) Dow-Hammond Co., four truck chassis, \$19,320. (2) Heil Western - four modifications and bodies, \$16,477. (3) Appropriation transfer of \$36,000 from Reserve appropriation. Estimated cost \$36,000)

ACTION: Res. 72-676 adopted awarding contract for 4 truck cab and chassis to Dow-Hammond Co.

Res. 72-677 adopted awarding contract for modifications to trucks for four special dump bodies to Heil Western.

Res. 72-678 adopted approving appropriation transfer of \$36,000 from Account 60-48-512 to Account 5403-48-512. (Finance to handle)

HEARINGS.

19. Hearing, annexation of Lincoln No. 1 Addition to Sewer District. 7:35 P.M.

ACTION: Res. 72-679 adopted (Dunlap/Elliott, unan. - Simon, absent) annexing Lincoln No. 1 Addition to Modesto Municipal Sewer District No. 1. (Clerk to handle)

20. Hearing on encroachment permit for George S. Gray, 3000 Deanna Way, to allow a brick wall on city property. 7:35 P.M.

ACTION: By motion (Dixon/Smith, majority - Simon, no) request for permit denied.

21. Hearing on amendment to Chapter 2 of Title X of the Modesto Municipal Code relating to zoning regulations - walls on side street property lines. 7:40 P.M.

ACTION: By motion (Elliott/Dunlap, unan.) Ord. No. 1195-C.S. introduced. (Clerk to handle)

22. Hearing on amendment to P-D(83).
(Modesto Affiliated Church Housing Corporation)

7:45 P.M.

ACTION: By motion (Elliott/Dunlap, unan.) hearing continued to June 5, 1972 at 4:10 P.M. at request of applicant. (Clerk to handle)

23. Hearings on requirement for sidewalks at the following locations:
(Project No. 72/22-24).

7:50 P.M.

(a) Sidewalk along Coffee Road at 911 Coffee Road, Lot 1 of Block 1048. (Robert S. George)

(b) Sidewalk along Coffee Road at 937 Coffee Road, a portion of Block 1048. (Vasco J. Lucchesi)

(c) Sidewalk at 1011 Coffee Road, a portion of Block 1068. (K. G. Bakus)
(Drop from agenda - doing own work)

DROPPED

(d) Sidewalk at 1103 Coffee Road, a portion of Block 1068. (Presbytery of San Joaquin)

(e) Sidewalk at 1105 Coffee Road, a portion of Block 1068. (Mamie Noto)

(f) Sidewalk along Kearney Avenue at 1437 Louise Ave., Lot 1 of Block 912. (George E. Phillips)

(g) Sidewalk along Kearney Avenue and Princeton Ave. at 1438 Princeton Avenue, Lot 18 of Block 912. (Dorothy Libby)

(h) Sidewalk along Kearney Avenue and Princeton Avenue at 1437 Princeton Avenue, Lot 1 of Block 913. (Charles B. Toledo)

(i) Sidewalk along Kearney Avenue at 1428 Del Vista Ave., Lot 8 of Block 917. (Kenneth Maddera)

(j) Sidewalk along Kearney Avenue at 1429 Del Vista Ave., Lot 9 of Block 918. (Iva Mae Gause)

(k) Sidewalk along Kearney Avenue at 1429 Del Monte Ave., Lot 9 of Block 933. (Jack M. Nisbett)

(l) Sidewalk along Kearney Avenue and W. Roseburg Ave., at 1428 W. Roseburg Avenue, Lot 8 of Block 933. (Leonard A. DeGrendele)
(Drop from agenda - doing own work)

DROPPED

(m) Sidewalk along Kearney Avenue at 1417 Cherry wood Drive, Lot 6 of Block 6025. (Milan G. Koetting)

(n) Sidewalk along Kearney Avenue at 1220 Kearney Ave., Lot 5 of Block 6025. (Peter J. Vella)

(o) Sidewalk along Kearney Avenue at 1417 Maplewood Drive, Lot 7 of Block 6024. (Carl S. Boyett)

23. Hearing on requirement of sidewalks, continued.

7:50 P.M.

(p) Sidewalk along Kearney Avenue and W. Orangeburg at 1437 W. Orangeburg Avenue, a portion of Block 6078. (Glen E. Gulmon)

(q) Sidewalk at 1408 Kearney Avenue, a portion of Block 6078. (Georgia E. Cox)

(r) Sidewalk along Kearney Avenue at 1437 Teresa Street, Lot 2 of Block 6083. (Odell Scott)

(s) Sidewalk along Kearney Avenue at 1445 Pearl Street, a portion of Block 6080. (E. J. Muscio)

(t) Sidewalk at 1439 Kearney Avenue, a portion of Block 6080. (Teresa Wilen)

(u) Sidewalk along Kearney Avenue at 1500 Del Vista Ave., Lot 1 of Block 919. (Jovinita Meisenbach)

(v) Sidewalk at 625 and 701 Kearney Avenue, a portion of Block 905. (Richard Lyng)

ACTION: Res. 72-680 adopted (Smith/Dixon, unan.) ordering work with exceptions as noted above. (P/W to handle)

The Police were directed to check into parking on sidewalks on Kearney Avenue. (Police to handle)

24. Hearing on Preliminary Budget.

8:00 P.M.

ACTION: No one from the audience requested to be heard and the hearing was closed.

25. Matters for the good of the community.

8:05 P.M.

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

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

Roger Bearrup, 517 El Vista, requested that he be notified when the proposed El Vista widening project would be considered as part of the Capital Improvement Program. He was assured that he would receive notification.

ORDINANCES

CONSENT

25A. Final adoption of the following ordinances:
(Motion adopting needed)

- (a) Ord. No. 1193-C.S. (Amendment to Sec. 15-3-9 - Brannan)
- (b) Ord. No. 1194-C.S. (Amendment to Sec. 20-3-9 - Wetmore)

ACTION: By motion, Ord. Nos. 1193-C.S. and 1194-C.S. adopted. (Clerk to handle)

NEW BUSINESS

CONSENT

26. Consider request for water service to property located outside the City on the northeast corner of Crowslanding and Whitmore. (Property owner: Vera H. Janopaul. The property is not contiguous to the City and a main must be extended about 126 feet to serve the property. Construction cost \$1,008. Main connection charge, \$1,300; annual service charge, \$120. Resolution approving agreement needed. Funds budgeted in Account 6804-50-101, Watermain Extensions)

ACTION: Res. 72-681 adopted approving agreement with Vera H. Janopaul. (P/W to handle)

CONSENT

27. Land acquisition - Goldsowrthy Park - Weeks Real Estate, et al. (Memo with agenda. Resolution accepting grant deed, approving agreement needed. Estimated cost \$396. Funds budgeted in Account 325-6279, Goldsworthy Land Acquisition)

ACTION: Res. 72-682 adopted accepting grant deed from Weeks Real Estate, et al. (Clerk to handle)

CONSENT

28. Consider authorizing purchasing officer to join with Stanislaus County Purchasing Agent in a consolidated call for bids for furnishing annual requirements of gasoline for period commencing July 1, 1972. (The total requirements for all participating agencies in this tenth joint venture is expected to exceed 1,500,000 gallons, Modesto portion about 330,000. Resolution needed. Estimated cost \$62,750. Funds budgeted in Account 330-48-512 and other accounts, Gas, oil, and lubricants, Service Division, p. 159 prel. budget)

ACTION: Res. 72-683 adopted authorizing consolidated bid call for gasoline. (Finance to handle)

CONSENT

29. Requirement for construction of curbs and gutters and/or sidewalks at the locations listed below. (72/25-28) (Informal requests were sent to the property owners over thirty days ago. As the work has not been done, it is recommended that a resolution be adopted instructing the Superintendent of Streets to give notices. Resolution setting 4:05 P.M. June 5, 1972 for hearings needed)

- (a) Sidewalk along Roseburg Ave. at 1201 Del Rey Ave., Lot 15 of Block 6026 (Dan Balestrini)
- (b) Sidewalk along Roseburg Ave. at 1329 Roseburg Ave., Lot 8 of Block 6016 (Maria Tumbarello)
- (c) Sidewalk along Roseburg Ave. at 1133 Roseburg Ave., a portion of Block 6012. (Robert Lyon)
- (d) Sidewalk at 1117 Roseburg Ave., a portion of Block 6012. (John A. Penkivich)
- (e) Sidewalk along Roseburg Ave. at 1031 Roseburg Ave., a portion of Block 6011 (Asenath Seals)

29. Sidewalk requirement, continued)

(f) Sidewalk along Roseburg Ave. at 1021 Roseburg Ave., Lot 11 of Block 6010. (Harry W. Hall)

(g) Sidewalk along Roseburg Ave. at 1009 Roseburg Ave., a portion of Block 6010. (Zoe Mae Palmer)

(h) Sidewalk along Roseburg Ave. at 1133 Mills Ave., Lot 10 of Block 833 (Kenneth L. Parker)

(i) Sidewalk along Roseburg Ave. at 1130 Wellesley Ave., Lot 1 of Block 833 (William G. McManus)

(j) Sidewalk along Roseburg Ave. at 1130 Amherst Ave., a portion of Block 830 (Philip B. Berry)

(k) Sidewalk at 1312 Roseburg Ave., Lot 4 of Block 935 (William E. Burch)

(l) Sidewalk at 1316 Roseburg Ave., Lot 5 of Block 935. (Cleo H. Smith)

(m) Sidewalk at 1320 Roseburg Ave., Lot 6 of Block 935. (Sharon L. Garrett)

(n) Sidewalk at 1324 Roseburg Ave., Lot 7 of Block 935 (Gary L. Stroud)

(o) Sidewalk along Roseburg Ave. at 1328 Roseburg Ave., Lot 8 of Block 935 (Vernice C. Clinton)

(p) Sidewalk along Roseburg Ave. at 1400 Roseburg Ave., Lot 1 of Block 933 (Robert B. Harrod)

(q) Sidewalk at 1412 Roseburg Ave., Lot 4 of Block 933 (Dolores I Kirkpatrick)

(r) Sidewalk at 1420 Roseburg Ave., Lot 6 of Block 933 (Violet Armatori)

(s) Sidewalk at 1516 Roseburg Ave., Lot 5 of Block 931 (Grace E. Johnson)

(t) Sidewalk along Roseburg Ave. at 1536 Roseburg Ave., Lot 10 of Block 931 (Charles E. Harnden)

ACTION: Res. 72-684 adopted setting hearings. (P/W to handle)

CONSENT

30. Consider authorization of public auction to be conducted Saturday, June 10, 1972 to sell certain surplus property of the City and unclaimed and confiscated personal property held by the Police Department longer than six months as required by Section 2-7.06 of the City code. Lists of material to be sold are on file with the City Clerk. (Resolution needed. Estimated cost \$125.00 (auctioneer fees). Funds budgeted in Account 235-15-101, Services, Professional and Other)

ACTION: Res. 72-685 adopted authorizing public auction. (Finance to handle)

CONSENT

31. Tuolumne River Regional Park Budget for 1972-73 fiscal year. (Memo with agenda. Motion approving budget needed. Estimated cost \$30,155 (Modesto's share)

ACTION: By motion, budget approved together with Modesto's share in the amount of \$30,155. (Clerk to handle)

32. Consider request from Head Rest, Inc., to use former Lincoln School site, and for a waiver of fee for use of Del Webb Field.
(a. The staff recommends that the request of Head Rest to use Lincoln School site for an auction-booth carnival be granted and that the staff be directed to prepare an agreement covering their responsibilities. b. Regarding the request to use Del Webb Field, a memo from the Parks & Recreation Director is being distributed with the agenda. a. Motion authorizing staff to prepare agreement needed. b. Motion directing staff needed)

ACTION: By motion (Elliott/Simon, unan.) use of Lincoln School site approved and staff directed to prepare necessary documents.

By motion (Elliott/Simon, unan.) staff directed to work out details for use of Del Webb Field. (P & R to handle)

REPORTS

CONSENT

33. Report of refunds from State Compensation Insurance Fund. (The City has just received a check for \$8,696.37 from the State Compensation Insurance Fund clearing up 1968 claims, giving the City a dividend of 56.5% for that year. The City also received a check for \$8,386.09 which is an 8.1% refund for the policy year 1970. Motion accepting report needed)

ACTION: By motion, report accepted.

APPROPRIATION TRANSFERS

CONSENT

34. Consider approval of appropriation transfer in amount of \$2,373, from Airport Fund General Reserve to various capital accounts. (Certain capital items proposed in the 1972-73 budget for completion of the Airport Maintenance Building were deleted from the budget request and proposed for purchase this fiscal year. The appropriation transfer is necessary to provide funds for their purchase. Memo with agenda. Resolution approving appropriation transfer needed)

ACTION: Res. 72-686 adopted approving appropriation transfer of \$2,373 from Account 60-46-230 to Accounts 5402 (\$850); 5305 (\$523) and 5306 (\$1,000) of Department 46, Fund 230. (Finance to handle)

CONSENT

35. Request for appropriation transfer of \$2,000.
(The damage repair account is an allowance to cover repair of damaged vehicles primarily used for police cars. A review of this account indicates that current funds are insufficient for the remainder of the fiscal year. Request for transfer from General Reserve to Account 334-48-512, Damage Repairs. Resolution authorizing transfer needed)

ACTION: Res. 72-687 adopted approving appropriation transfer of \$2,000 from Account 60-48-512 to Account 334-48-512. (Finance to handle)

CONSENT

36. 9-Hole Golf Course appropriation transfer.
(This transfer will provide the necessary funds to install a new sewer line from the clubhouse building and to install a sewer line and fill the septic tank from the maintenance building. Resolution approving appropriation transfer needed. Estimated cost \$1,220)

ACTION: Res. 72-688 adopted approving appropriation transfer of \$1,220 from Account 6327-31-321 to Account 7905-31-321. (Finance to handle)

MISCELLANEOUS

37. Legislation.
(a) Request of Californians against the Pollution Initiative for resolution opposing Proposition 9 on June 6 ballot.

ACTION: Res. 72-689 adopted (Dixon/Dunlap, majority - Smith, no) declaring opposition to Proposition 9. (Clerk to handle)

(b) Other legislative matters.

NONE

38. Appointments.

ACTION: Res. 72-690 adopted (Smith/Elliott, unan.) appointing Dr. Walker Halliday as Chairman of D.I.D. Advisory Board.

Res. 72-691 adopted (Smith/Elliott, unan.) appointing James P. Feeney as a member of the Transportation Subcommittee of Project Greater Modesto.

Res. 72-692 adopted (Smith/Elliott, unan.) reappointing William C. Ulm as a member of the Farm-City Advisory Committee.

Res. 72-693 adopted (Smith/Elliott, unan.) appointing Ray Whitgrove as temporary Chairman of Project Greater Modesto to replace Curtis Church. (Clerk to handle)

39. Matters too late for the agenda.

ACTION: Information on garbage collection was presented to the Council. It was decided to hold an adjourned meeting on May 30 to consider the introduction of an ordinance concerning garbage collection.

The Council retired to executive session at 8:50 P.M. to consider salary negotiations and announced that it would not return to open meeting.

Adjournment at 8:50 P.M. to 4:45 P.M. on May 30 with the announced intention of adjourning that meeting to 12:00 o'clock noon on June 1, 1972.

ATTEST:

W. T. Chynoweth

W. T. CHYNOWETH, City Clerk

Page 11

5/22/72

Modesto City Council
May 23, 1972

The Council of the City of Modesto met in special session this date at 5:00 P.M., in the Council Chambers, City Hall, 801 Eleventh Street, Modesto, California, as provided by Sec. 2-1.02 of the Modesto Municipal Code to consider the preliminary budget for fiscal year 1972-73.

Present: Councilmen: Dixon, Dunlap, Elliott, Newton, Simon,
Vice Mayor Smith
Absent: Councilmen: Mayor Davies

Vice Mayor G. Dale Smith presided.

By motion (Dunlap/Dixon, unan.) the City Attorney was excused from attending the budget sessions with the understanding that he would be available if questions came up.

By motion (Dixon/Newton, unan.) the following procedures were established:

All regular budget items will be considered first.
All supplemental requests will then be considered.
The Capital Improvement Program will then be considered.
At the end of each budget session all matters considered that day will be given tentative approval by one motion, second and vote.

The following budgets were considered:

CITY COUNCIL - 7 (P. 27)

(Councilman Elliott raised the question of whether or not salary figures included overhead and fringe benefits. It was pointed out that vacations and sick leave were included but items such as insurance were not. It was agreed that a report on this matter will be made at the next budget session and that this would be improved in the future.)

CITY MANAGER - 8 (P.29)

TYPING POOL AND RECORDS - 9 (P. 31)

CITY ATTORNEY - 13 (P. 33)

CITY CLERK & AUDITOR - 14 (P. 35)

(Account 420 was increased from \$1,250 to \$5,000 as three months experience has indicated that this amount will be needed for the next year.)

FINANCE - 15 (P. 37)

(The Finance Director explained that the large increase in Account 216 was due to proposed computer rental. Account 401 was increased from \$125 to \$140.)

PERSONNEL - 17 (P. 39)

PLANNING - 18 (P. 43)

CITY HALL - 19 (P. 45)

PUBLIC WORKS - ENGINEERING & ADMINISTRATION - 41 (P. 93)

PUBLIC WORKS - BUILDING INSPECTION - 42 (P. 97)

PUBLIC WORKS - ELECTRICAL - 43 (P. 99)

(Account 110 decreased to \$83,797 and Account 120 established in the amount of \$9,758. Account 235 increased to \$135.)

Preliminary Budget Minutes, (continued)

PUBLIC WORKS - WATER - 50 (P. 103)
(Account 430 increased to \$6,946)

PUBLIC WORKS - STREETS 51 (P. 107)
(Councilman Simon suggested that when funds are budgeted for improvements and it appears that a small amount of City-owned property will remain after the improvements are completed, that money be included to provide for some sort of beautification of the remaining piece of land. It was agreed that staff would identify parcels of this type and make recommendations to the Council on how to proceed.)

PUBLIC WORKS - SEWERS - 52 (P. 111)

PUBLIC WORKS - WATER QUALITY CONTROL - 53 (P. 115)
(Account 430 reduced to \$7,000)

PUBLIC WORKS - GARDEN REFUSE - 54 (P. 117)
(It was announced that the Geer Road Sanitary Landfill will be open on Sundays during the summer on a trial basis.)

PUBLIC WORKS - AIRPORT - 46 (P. 151)

PUBLIC WORKS - SERVICE DIVISION - 48 (P. 159)
(The Director of Public Works informed the Council that vehicle mileage is monitored on a monthly basis.)

PARKS & RECREATION - McHENRY MUSEUM OF ART AND HISTORY - 29 (P. 59)

PARKS & RECREATION - KING-KENNEDY MEMORIAL CENTER - 30 (P. 61)

PARKS & RECREATION - ADMINISTRATION - 31 (P. 63)

PARKS & RECREATION - RECREATION - 32 (P. 67)

PARKS & RECREATION - MADDUX YOUTH CENTER - 33 (P. 69)

PARKS & RECREATION - COMMUNITY SERVICE CENTER - 34 (P. 71)

PARKS & RECREATION - PARKS - 35 (P. 75)
(Councilman Dunlap suggested that a young man be hired to monitor the ball parks so they would look neater. The staff stated that a readjustment of schedules of maintenance men was expected to result in the ball parks having a better appearance.)

PARKS & RECREATION - STREET TREES - 36 (P. 79)
(Councilman Dixon expressed appreciation for the beautiful appearance of Modesto due to its many trees, but suggested that thought should be given to having flowers in the parks. It was also suggested that the Modesto Garden Club might be interested in sponsoring some type of floral display in one or more parks. Account 235 was increased to \$1,395 due to the increased costs of physical examinations.)

PARKS & RECREATION - 9-HOLE GOLF COURSE - 37 (P. 83)

PARKS & RECREATION - DRYDEN PARK MUNICIPAL GOLF COURSE - 38 (P. 87)

PARKS & RECREATION - SENIOR CITIZENS CENTER - 39 (P. 89)

By motion (Dixon/Elliott, unan.) the above budgets with the changes as noted were given tentative approval.

The meeting adjourned at 6:35 P.M. to 5:00 P.M. on May 30, 1972.

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

May 30, 1972

ADJOURNED REGULAR MEETING

The Council of the City of Modesto convened at 4:45 P.M. in an adjourned regular meeting.

Present: Dunlap, Elliott, Simon, Smith, Mayor Davies

Absent: Dixon, Newton

By motion (Elliott/Dunlap, unan. - Dixon and Newton, absent) Ord. No. 1196-C.S. introduced. (Garbage Disposal) (Clerk to handle)

It was reported that due to a change in policy by the State Board of Equalization, the \$5,000 presently in Account 420-14-101 of the Preliminary Budget could be reduced to \$2,000. By motion (Elliott/Dunlap, unan.) the reduction was given tentative approval.

The Council then considered the following items in the Preliminary Budget with the understanding that tentative approval would be given during the budget session scheduled for 5:00 P.M.:

DISASTER & CIVIL DEFENSE - 26 (P. 57)

PARKING & TRAFFIC - 56 (P. 121)

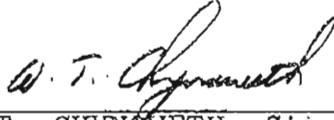
OFFICE SERVICES - 58 (P. 123)

PARKING & TRAFFIC - 57 (P. 135)

(Account 120 increased to \$17,617 and Account 411 increased to \$1,103)

The meeting was adjourned at 5:00 P.M. to 12:00 o'clock noon on June 1, 1972 in the Work Reference Room, 3rd Floor, City Hall, for the purpose of hearing a presentation by Doyle Dodd, Executive Director of Stanislaus Area Association of Governments on the Environmental Resources Management Element of Stanislaus County and the cities thereof.

ATTEST:



W. T. CHYNOWETH, City Clerk

Modesto City Council
May 30, 1972

The Council of the City of Modesto met in adjourned special session this date at 5:00 P.M. to consider further the preliminary budget for fiscal year 1972-73.

Present: Dunlap, Elliott, Newton, Simon, Smith, Mayor Davies
Councilman Newton arrived at 5:25 P.M.
Absent: Dixon

The following budgets were considered:

MUSIC & PROMOTION - 61 (P. 125)
{Account 446 increased to \$2,500 (supplemental request)
{Account 445 increased to \$2,150 (supplemental request)
{Account 443 increased to \$4,000 (supplemental request)

FIRE - 21 (P. 49)
(Account 235 increased to \$6,776)

POLICE - 22 (P. 55)
(Account 235 increased to \$2,310)

* DOWNTOWN IMPROVEMENT DISTRICT - FUND 218 (P. 137)

Councilman Newton arrived at 5:25 P.M.

HEAD REST - 222 (Pages 147, 148 and 149)
(It was explained that the budget year for this program ends September 30, 1972. The Finance Department was asked to explain why the totals do not balance. It was explained that apparently some items had been changed and that a report would be made to Council on this)

TUOLUMNE RIVER REGIONAL PARK - 323 (P. 153)
(It was explained that this budget had been approved by the Council earlier due to a June 1, 1972 deadline.)

NEIGHBORHOOD YOUTH ADVISORY FUND - 221 (Pages 143, 144 and 145)

PUBLIC EMPLOYMENT PROGRAM FUND - 220 (Pages 139, 140 and 141)
(Account 235 increased to \$660)

INSURANCE & RETIREMENT - 64 (P. 127)

MISCELLANEOUS UNCLASSIFIED - 65 (P. 129)

BOND REDEMPTION AND INTEREST REQUIREMENTS (P. 155)

The following supplemental requests were then considered:

PARKS & RECREATION - MCHENRY MUSEUM OF ART AND HISTORY - 29 (P. 58)

PARKS & RECREATION - KING-KENNEDY MEMORIAL CENTER - 30 (P. 60)

PARKS & RECREATION - ADMINISTRATION - 31 (P. 62)

PARKS & RECREATION - RECREATION - 32 (Page 65)

*Account 422 increased to \$845
-Capital Outlay reduced to \$20,000

Councilman Simon reported that he had been informed of a recent barbecue at King-Kennedy Memorial Center where it had been necessary to have the food prepared in various homes in the area due to a lack of facilities at the Center. It was pointed out that temporary facilities are available but that in this case the staff had not been informed of the barbecue. It was also pointed out that the cost of permanent facilities for functions of this type could not be justified due to the fact that there are so few of them.

PARKS & RECREATION - COMMUNITY SERVICE CENTER - 34 (P. 70)

PARKS & RECREATION - PARKS - 35 (P. 72 and 73)

PARKS & RECREATION - STREET TREES - 36 (P. 76 and 77)

PARKS & RECREATION - 9-HOLE MUNICIPAL GOLF COURSE - 37 (P. 81)

PARKS & RECREATION - DRYDEN PARK MUNICIPAL GOLF COURSE - 38 (P. 85)
(Staff was requested to inform the Council as to when the contract with Andy Silva, golf pro, terminates.)

FIRE - 21 (P. 47)

PARKING & TRAFFIC - 56 (P. 119)

OFFICE SERVICES - 58 (P. 122)

PARKING & TRAFFIC - 57 (P. 133)

POLICE - 22 (P. 52 and 53)

The Director of Finance presented the Council with a summary of salary fringe benefits.

The meeting was adjourned at 6:30 P.M. to 5:00 P.M. on June 1, 1972.

ATTEST:


W. T. CHYNOWETH, City Clerk

Modesto City Council
June 1, 1972

ADJOURNED REGULAR MEETING

The Council of the City of Modesto convened at 12:00 o'clock noon in an adjourned regular meeting.

PRESENT: Dunlap, Elliott, Newton, Smith, Mayor Davies

ABSENT: Dixon, Simon

Doyle Dodd, Executive Director of the Stanislaus Area Association of Governments, and Robert Saxon, Stanislaus County Planning Department staff member, discussed the preliminary draft of the Environmental Resource Management Element of the General Plans of Stanislaus County and all cities within Stanislaus County. Copies of the preliminary draft were furnished Council and staff.

It was pointed out that the Council will be requested to determine which of the concepts in the preliminary draft are acceptable and which are not. It was agreed that the element dealing with parks and recreation was of first importance with the balance to be considered in the near future.

Informal agreement was given to a procedure whereby staff would make an analysis of this matter for the Council and the Planning Commission would be requested to study it and make a recommendation. The suggestion was made that this might be discussed at a joint City Council-Planning Commission meeting.

The meeting adjourned at 1:15 P.M.

ATTEST:



W. T. CHYNOWETH, City Clerk

Modesto City Council
June 1, 1972

The Council of the City of Modesto met in adjourned special session this date at 5:00 P.M. to consider further the preliminary budget for fiscal year 1972-73.

Present: Dixon, Dunlap, Elliott, Simon, Smith, Mayor Davies

Absent: Newton

The following supplemental requests were considered:

PUBLIC WORKS - CITY HALL - 19 (P. 44)

PUBLIC WORKS - ENGINEERING & ADMINISTRATION - 41 (P. 91)

PUBLIC WORKS - BUILDING INSPECTION - 42 (P. 95)

PUBLIC WORKS - ELECTRICAL - 43 (P. 98)

PUBLIC WORKS - WATER - 50 (P. 101)

PUBLIC WORKS - STREETS - 51 (P. 105)

(The suggestion was made that funding for construction materials be in the regular budget rather than treated as a supplemental request. The Council was informed that this was a regular item but due to an accelerated program for the coming year supplemental funds are required.

The City Clerk was requested to check into the possibility of some sort of program to assist individuals who install their own sidewalks and/or curbs and gutters in obtaining the insurance coverage required by the City.)

PUBLIC WORKS - SEWERS - 52 (P. 109)

PUBLIC WORKS - WATER QUALITY CONTROL - 53 (P. 113)

PUBLIC WORKS - GARDEN REFUSE - 54 (P. 116)

PUBLIC WORKS - AIRPORT - 46 (P. 150)

PUBLIC WORKS - SERVICE DIVISION - 48 (P. 157)

(In response to a question from Council, staff reported that a police patrol car has a life expectancy of 18 months and will have approximately 60,000 miles. It was reported staff was exploring the merits of various types of tires.)

PLANNING - 18 (P. 41)

PERSONNEL-17 P. 38)

DISASTER & CIVIL EXPENSE - 26 (P. 57)

INSURANCE & RETIREMENT - 64 (P. 126)

MISCELLANEOUS & UNCLASSIFIED - 65 (P. 128)

The City Manager distributed copies of a request from the Modesto Human Rights Commission for \$800 to be included in the budget to allow for attendance of Commissioners at conferences and for postage, etc.

It was agreed that this request should be referred to staff for review and the City Manager should inform the commission of this action and also to tell them that in the event they wish to attend a particular conference, the request should be made to the Council. It was pointed out that funds for attendance at conferences was budgeted in Account 207-65-101.

DOWNTOWN IMPROVEMENT DISTRICT - FUND 218 (P. 136)

PUBLIC EMPLOYMENT PROGRAM FUND - 220 (P. 138)

CODE ENFORCEMENT (FACE)

(It was pointed out that this budget is based on a Federal Grant Application and that the total budget was \$396,302. By motion (Elliott/Dixon, unan.) authority was given to transfer the City's share in the amount of \$99,281 from the General Reserve)

The Council was informed that the County Budget for the operation of the Geer Road Sanitary Landfill would be furnished the Council when received from the County.

The Council then considered the following items in the Capital Improvement Program:

PARKING & TRAFFIC (P. 17)

(Project 160, Fund 321, was advanced by motion (Dixon/Smith, unan.) from 76-77 to 72-73.)

Project 066, Fund 321, was changed to \$8,000.

Project 155, Fund 321, was changed from 72-73 to 73-74.)

FIRE (P. 1)

PARKS & RECREATION (P. 2)

(Project 307 on Page 2 changed from Fund 325 to Fund 321)

Staff was requested to furnish Council with a report on the economic impact due to the Modesto Reds! (P & R to handle)

Adjourned at 6:35 P.M. to 5:00 P.M. on June 6, 1972.

ATTEST:

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

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, JUNE 5, 1972 AT 4:00 P.M.

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

Absent: None

Councilman Newton arrived at 4:05 P.M.

Councilman Dixon arrived at 4:15 P.M.

Pledge of allegiance to the Flag

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 3, 4, 4a, 5, 6, 7, 8,
Item 21 removed from consent. 9, 10, 11, 12, 13, 14, 18, 20, 21, 22, 23,
24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 35,
Smith/Elliott, unan. - 36, 37, 38, 39, 40, 42, 43, 44, 45, 46, 47,
Dixon & Newton, absent 48, 49, 50

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

APPROVAL OF MINUTES

CONSENT

1. Minutes of May 18, 1972 (special); May 22, 1972 (regular);
May 23, 1972 (special budget); May 30 (adjourned regular) and May 30
(adjourned special-budget) 1972. (Motion approving needed)

ACTION: By motion, minutes approved.

WRITTEN COMMUNICATIONS

2. Request of Fourth of July Committee for names of members of Council who plan to ride in parade.
(Council will be polled at meeting)

ACTION: Mayor Davies, Councilman Elliott and Councilman Dunlap (perhaps) indicated they would ride in the parade. (Clerk to handle)

BIDS

CONSENT

3. Consider award of bid for installation of water lines in Eastridge No. 1 and Riedel Estates No. 1 subdivisions.
(Bids were opened May 23, 1972. The low bid submitted by Valley Construction, which is 42% under the Engineer's Estimate is considered acceptable. It is recommended that contract be awarded to low bidder. Resolution needed. Estimated cost \$8,626.70 (\$7,060.70, Ext. \$1,566.00). Funds budgeted in Account 6804-50-101, Water Line Extension, and 5301-50-101, New Services)

ACTION: Res. 72-694 adopted awarding contract to Valley Construction Co. (P/W to handle)

CONSENT

4. Consider award of contract for grading and compacting the ILS site at Modesto City-County Airport.
(Bids were opened on May 23, 1972. The low bid submitted by Larry W. Aksland, which is 12.6% under the Engineer's Estimate, is considered acceptable. It is therefore recommended that the contract be awarded to low bidder. Resolution awarding bid needed. Estimated cost \$8,800.00 (\$8,300 const., \$500 Engr. & Inspection). See item appropriating county funds for expenditure and transferring city matching funds into Airport Fund)

ACTION: Res. 72-695 adopted awarding contract to Larry W. Aksland.
(P/W to handle)

CONSENT

- 4A. Consider estimating revenue from Stanislaus County and transferring a matching amount from the Special Fund for Capital Outlays Fund No. 321, and appropriating the total amount in the Airport Fund (Fund No. 230) for the ILS site acquisition and preparation.
(The City of Modesto and Stanislaus County are to share costs of the ILS glide slope site grading and the outer marker site land acquisition. The total project is presently estimated to cost \$10,500. Resolution estimating revenue of \$5,250 from Stanislaus County and transferring a matching amount from the Special Fund for Capital Outlays (Fund No. 321) and appropriating the total amount of \$10,500 in the Airport Fund (Fund No. 230), ILS Site Account No. 6489)

ACTION: Res. 72-696 adopted estimating revenue to be received from Stanislaus County and transferring an additional amount from Fund 321 and appropriating the total amount in Account No. 6489 in Fund 230. (Finance to handle)

CONSENT

5. Consider acceptance of Valley Construction's contract for installation of water lines in Newcastle Estates No. 1 and Applegate No. 2 subdivisions.
(Original contract \$13,265. All work on this project has been completed to the satisfaction of the Public Works Department. It would be in order to accept the work as complete and file notice of completion. Resolution accepting work needed. Final cost \$12,764.70 (Ext. \$10,384.70; services, \$2,380.00) Funds budgeted in Accounts 6804-50-101, Water Line Extensions and 5301-50-101, New Services.

ACTION: Res. 72-697 adopted accepting contract. (Clerk to handle)

CONSENT

6. Consider acceptance of W. M. Lyles contract for installation of water lines in Morton Blvd.
(Original contract \$16,595.25. All work on this project has been completed to the satisfaction of the Public Works Department. It is therefore in order to accept the work as complete and authorizing recordation of notice of completion. Resolution accepting work needed. Final cost \$18,909.25. Funds budgeted in Account 6804-50-101, Strengthen Water System)

ACTION: Res. 72-698 adopted accepting contract. (Clerk to handle)

CONSENT

7. Accept as complete Osterberg & Stewart's contract for the drilling testing and development of Well No. 39.
(Original cost \$6,990. All work on this project has been completed to the satisfaction of the Public Works Department. It would be in order to accept the work as complete and authorize the City Clerk to file notice of completion. Resolution needed. Actual cost \$7298.00)

ACTION: Res. 72-699 adopted accepting contract. (Clerk to handle)

CONSENT

8. Consider approval of specification and authorize call for bids to be opened June 20, 1972 at 2:00 P.M. for annual requirements of lamps for municipal lighting.
(Included in our request for bids are the needs of Stanislaus County, Modesto City Schools, and Yosemite Junior College District. Resolution approving needed. Estimated cost \$10,200. Funds budgeted in Account 438-512, Revolving Fund, not shown in budget)

ACTION: Res. 72-700 adopted approving specifications and bid call.
(Clerk to handle)

CONSENT

9. Consider approval of specifications and authorize call for bids for annual requirements of liquid ammonium phosphate for sewage treatment purposes, to be opened June 20, 1972 at 2:15 P.M.
(Resolution needed. Estimated cost \$12,000. Funds budgeted in Account 312-53-101, Chemicals, drugs and lab supplies, p. 115, preliminary budget)

ACTION: Res. 72-701 adopted approving specifications and bid call.
(Clerk to handle)

CONSENT

10. Consider approval of plans and specifications and call for bids for repair and reconstruction of curbs, gutters, and driveways and sidewalks at various locations.
(Bid opening June 20, 1972 at 10:00 A.M. Resolution approving needed. Estimated cost \$15,442.75 (contract \$14,742.75; engr. \$700.00. Funds budgeted in Account 321-51, Construction Material, and 5301-51, Construction material, curbs and gutters)

ACTION: Res. 72-702 adopted approving plans and specifications and bid call. (Clerk to handle)

CONSENT

11. Consider acceptance of Ferrero Electric's contract for installation of lights at Mancini Park.
(Original contract \$5,330.00. All work on this project has been completed to the satisfaction of the Parks and Recreation Department and the Public Works Department. Therefore, it would be in order to accept the work as complete and file the notice of completion. Resolution accepting work needed. Final cost \$5,330.00. Funds budgeted in Account 6331-324, Mancini Park State 2)

ACTION: Res. 72-703 adopted accepting contract. (Clerk to handle)

CONSENT

12. Consider acceptance of Jonnie E. Galloway's contract for construction of automatic sprinklers at J. M. Pike, Roosevelt, and T. Be Scott Parks.
(Original contract \$43,345. All work in conjunction with this project has been completed to the satisfaction of the Public Works Department and Recreation Department. Therefore it would be in order to accept the work as complete and file the notice of completion. Resolution accepting work needed. Final cost \$43,179.63. Funds budgeted in Account 6340-31-321, Pike Park Sprinklers; 6370-31-321, Scott Park Sprinklers and 6367-324, Roosevelt Park Sprinklers)

ACTION: Res. 72-704 adopted accepting contract. (Clerk to handle)

CONSENT

13. Davis and Downey Parks.
(Approve plans and specifications and call for bids for installation of perimeter sidewalks. Bid opening June 20, 1972 at 10:10 A.M. Resolution approving plans, specifications and call for bids needed. Estimated cost: Davis, \$10,500 (Contract \$10,000; Insp. and Engr. \$500); Downey, \$3,900 (Contract \$3,700; Insp. & Engr. \$200); Funds budgeted in Account 6315-31-321, Davis Park Development State 3; 6290-31-324, Downey Park Development Stg. 1 & 2)

ACTION: Res. 72-705 adopted approving plans and specifications and bid call. (Clerk to handle)

CONSENT

14. Sale of city property at Kearney and Coldwell Avenues.
(Memo with agenda. Resolution authorizing sale and approving specifications and notice to bidders. Bid opening June 19, 1972 at 2:00 P.M.)

ACTION: Res. 72-706 adopted authorizing sale and approving specifications and bid call. (Clerk to handle)

HEARINGS

15. Hearing on requirement of curb, gutter and/or sidewalk at the following locations: (Project No. 72/25/28

4:05 P.M.

- (a) Sidewalk along Roseburg Ave. at 1201 Del Rey Ave., Lot 15 of Block 6026. (Dan Balestrini)
- (b) Sidewalk along Roseburg Ave. at 1329 Roseburg Ave., Lot 8 of Block 6016. (Maria Tumbarello)
- (c) Sidewalk along Roseburg Ave. at 1133 Roseburg Ave., a portion of Block 6012 (Robert Lyon)
- (d) Sidewalk at 1117 Roseburg Ave., a portion of Block 6012 (John A. Penkivich)

ACTION: Mr. Penkivich was requested to ask staff for information on sidewalk location around a City tree. (P/W to handle)

- (e) Sidewalk along Roseburg Ave. at 1031 Roseburg Ave., a portion of Block 6011. (Asenath Seals)
- (f) Sidewalk along Roseburg Ave. at 1021 Roseburg Ave., Lot 11 of Block 6010 (Harry W. Hall)
- (g) Sidewalk along Roseburg Ave. at 1009 Roseburg Ave., a portion of Block 6010. (Zoe Mae Palmer)
- (h) Sidewalk along Roseburg Ave. at 1133 Mills Ave., Lot 10 of Block 833. (Kenneth L. Parker)

ACTION: In the event the sidewalks adjoining Mr. Parker's property are 4 feet, he is to be allowed a 4 foot sidewalk also. (P/W to handle)

- (i) Sidewalk along Roseburg Ave. at 1130 Wellesley Ave., Lot 1 of Block 833. (William G. McManus)
- (j) Sidewalk along Roseburg Ave. at 1130 Amherst Ave., a portion of Block 830. (Philip B. Berry)
- (k) Sidewalk at 1312 Roseburg Ave., Lot 4 of Block 935. (William E. Burch)
- (l) Sidewalk at 1316 Roseburg Ave., Lot 5 of Block 935. (Cleo H. Smith)
- (m) Sidewalk at 1320 Roseburg Ave., Lot 6 of Block 935. (Sharon L. Garrett)
- (n) Sidewalk at 1324 Roseburg Ave., Lot 7 of Block 935. (Gary L. Stroud)
- (o) Sidewalk along Roseburg Ave. at 1328 Roseburg Ave., Lot 8 of Block 935. (Vernice C. Clinton)
- (p) Sidewalk along Roseburg Ave. at 1400 Roseburg Ave., Lot 1 of Block 933 (Robert B. Harrod)
- (q) Sidewalk at 1412 Roseburg Ave., Lot 4 of Block 933. (Dolores I. Kirkpatrick)
- (r) Sidewalk at 1420 Roseburg Ave., Lot 6 of Block 933. (Violet Armatore)
- (s) Sidewalk at 1516 Roseburg Ave., Lot 5 of Block 931. (Grace E. Johnson)

15. (t) Sidewalk along Roseburg Ave. at 1536 Roseburg Ave.,
Lot 10 of Block 931. (Charles E. Harnden)

ACTION: Res. 72-707 adopted (Smith/Dunlap, unan. - Dixon, absent)
ordering work done. (P/W to handle)

16. Continued hearing on amendment to P-D (83) (Modesto
Affiliated Church Housing)

4:10 P.M.

ACTION: By motion (Dunlap/Elliott, unan.) hearing continued to June 26,
1972 at 7:50 P.M. at request of applicant. (Clerk to handle)

17. Matters for the good of the community.

4:15 P.M.

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

ACTION: Girl Scouts from Troop 554 requested that the City consider
establishing an ice rink in Modesto. It was agreed that this
should be studied. (P & R to handle)

ORDINANCES

CONSENT

18. Final adoption of the following ordinances:

(a) Ordinance No. 1195-C.S. - walls on side property lines.
(Motion adopting needed)

ACTION: By motion, Ord. No. 1195-C.S. adopted. (Clerk to handle)

(b) Ordinance No. 1196-C.S. - garbage disposal.
(Motion adopting needed)

ACTION: By motion, Ord. No. 1196-C.S. adopted. (Clerk to handle)

UNFINISHED BUSINESS

19. Request of Transportation Subcommittee of Project Greater Modesto
for funds to conduct a survey re use of commercial air transport-
ation to and from Modesto.

(Held over from May 22. Appropriation transfer of \$555 from
General Reserve is needed. Resolution required)

ACTION: Res. 72-708 adopted (Dixon/Elliott, unan.) approving appropriation
transfer of \$555 from Account 60-101 for this purpose. (Finance
to handle)

UNFINISHED BUSINESS

CONSENT

20. Further consideration of purchase of Purple Turnip property on east side of 10th Street between I and J Streets.
(The property is for sale, but no price stated. The owners wish the City to make an offer. Memo from Parking and Traffic and letter from D.I.D. with agenda. Motion authorizing 90-day delay as requested by D.I.D. needed)

ACTION: By motion, 90-day delay in any action authorized. (P & T to handle)

NEW BUSINESS

~~CONSENT~~

21. Resolution commending Francis R. Ruggieri for services as Chairman of D.I.D.
(Adoption of resolution needed)

ACTION: Res. 72-709 adopted (Newton/Smith, unan.) commending Francis R. Ruggieri. (Clerk to handle)

CONSENT

22. Resolution of intention to call special election for annexation of Sunrise-Granger Addition to City of Modesto.
(Petition containing 74 valid signatures and requesting that the Sunrise-Granger Addition be annexed to the City of Modesto has been filed with the City Clerk. This represents 53.2% of the registered voters. Resolution setting June 26, 1972 at 7:35 P.M. for hearing protests to annexation needed)

ACTION: Res. 72-710 adopted setting hearing. (Clerk to handle)

CONSENT

23. Swimming pool agreement - Fred C. Beyer High School.
(Memo with agenda. Resolution accepting agreement with Modesto High School District and authorizing City Manager to execute it; resolution approving appropriation transfer of \$2,212 needed)

ACTION: Res. 72-711 adopted approving agreement. (Clerk to handle)

Res. 72-712 adopted approving appropriation transfer of \$2,212 from Account 60-321 to Account 6316-31-321, 4th High School Pool.

CONSENT

24. Resolutions determining that the public interest and convenience required that the following additions be annexed to the Modesto Municipal Sewer District No. 1 and naming time and place for hearing.
(It is now necessary to commence proceedings to annex the following additions to the Modesto Municipal Sewer District No. 1. Suggested hearing dates are listed below:

(a) Prescott No. 4 Addition • July 24, 1972 at 7:35 P.M.

ACTION: Res. 72-713 adopted setting hearing. (Clerk to handle)

(b) Carver No. 2 Addition - July 24, 1972 at 7:40 P.M.

ACTION: Res. 72-714 adopted setting hearing. (Clerk to handle)

CONSENT

24. (continued)

(c) Carpenter No. 2 Addition - July 24, 1972 at 7:45 P.M.

ACTION: Res. 72-715 adopted setting hearing. (Clerk to handle)

(d) Dry Creek No. 1 Addition - July 24, 1972 at 7:50 P.M.

ACTION: Res. 72-716 adopted setting hearing. (Clerk to handle)

(e) Glendale-Miller Addition - July 24, 1972 at 7:55 P.M.

ACTION: Res. 72-717 adopted setting hearing. (Clerk to handle)

(f) Maze-Emerald Addition - July 24, 1972 at 8:00 P.M.

ACTION: Res. 72-718 adopted setting hearing. (Clerk to handle)

(Six resolutions setting hearings needed. (2/3 affirmative votes required))

CONSENT

25. The annual recreation agreement between County of Stanislaus and City of Modesto.

(This agreement is similar to agreements entered into between the County and the City in previous years. The agreement provides that the County will allocate and transfer to the City \$15,948.04 for expenditures by the City on community recreation for the fiscal year 1971-72. This is an increase of \$43.24 from last year's allocation. Resolution authorizing agreement needed)

ACTION: Res. 72-719 adopted approving agreement. (P & R to handle)

CONSENT

26. Consider amendment to agreement with Raymond Abst and Associates to provide for extension of time for completion of plans and specifications for expansion of Fire Station No. 5.

(Memo with agenda. Resolution approving amendment to agreement needed)

ACTION: Res. 72-720 adopted approving amendment to agreement.

CONSENT

27. A resolution approving final map of Poppypatch No. 1 Subdivision of the City of Modesto and authorizing an agreement with subdividers as required by Section 4-4.604 of the Modesto Municipal Code.

(The subdivision agreement has been signed and all fees paid. Poppypatch No. 1 Subdivision is located on the west side of Lincoln Avenue north of Yosemite Blvd. It contains 13.88 acres. Resolution approving final map and authorizing execution of agreement by City needed)

ACTION: Res. 72-721 adopted approving final map of Poppypatch No. 1 Subdivision. (Clerk to handle)

CONSENT

28. Accept improvements in Tradewinds No. 4 Subdivision and authorize City Clerk to file notice of completion and release bonds upon expiration of statutory periods.
(Tradewinds No. 4 Subdivision is located south of Celeste and west of Oakdale Road. All improvements have been completed to the satisfaction of the Public Works Department and all fees have been paid. Resolution needed)

ACTION: Res. 72-722 adopted accepting improvements in Tradewinds No. 4 Subdivision. (Clerk to handle)

CONSENT

29. Accept improvements in Carver Manor No. 2 Subdivision and authorize City Clerk to file notice of completion and release bonds upon expiration of statutory periods.
(Carver Manor No. 2 Subdivision is located west of Carver and north of Rumble Road. All improvements by the subdivider have been completed to the satisfaction of the Public Works Department and all fees have been paid. Pacific Telephone Company has some utility poles in the paved right of way which they will remove as soon as possible. Resolution needed)

ACTION: Res. 72-723 adopted accepting improvements in Carver Manor No. 2 Subdivision. (Clerk to handle)

CONSENT

30. Accept improvements in Elmwood Estates No. 3 Subdivision and authorize the City Clerk to file notice of completion and release bonds upon expiration of the statutory periods.
(Elmwood Estates No. 3 Subdivision is located west of Emerald Avenue between Elm Avenue and Kansas Ave. All improvements have been completed to the satisfaction of the Public Works Department and all fees have been paid. Resolution needed)

ACTION: Res. 72-724 adopted accepting improvements in Elmwood Estates No. 3 Subdivision. (Clerk to handle)

CONSENT

31. Requirement for construction of curbs and gutters and/or sidewalk at the locations listed below. (72/29/32)
(Informal requests were sent to the property owners over thirty days ago. As the work has not been done it is recommended that a resolution be adopted instructing the Superintendent of Streets to give notices. Resolution setting June 26, 1972 at 7:45 P.M. for hearing needed)

- (a) Sidewalk on Glenwood Drive at 1433 Glenwood Drive, Lot 5 of Block 6115 (Walter Baddell)
- (b) Sidewalk at 1429 Glenwood Drive, Lot 16 of Block 6115 (Florie Palleschi)
- (c) Sidewalk at 1425 Glenwood Drive, Lot 17 of Block 6115 (Robert E. Rock)
- (d) Sidewalk at 1421 Glenwood Drive, Lot 18 of Block 6115 (Sally S. Gray)
- (e) Sidewalk at 1417 Glenwood Drive, Lot 19 of Block 6115 (R. Govin)
- (f) Sidewalk at 1413 Glenwood Drive, Lot 20 of Block 6115 (Richard P. Bell)
- (g) Sidewalk at 1409 Glenwood Drive, Lot 21 of Block 6115 (James J. Gass)
- (h) Sidewalk at 1504 Glenwood Drive, Lot 16 of Block 6112 (Joseph R. Randy)
- (i) Sidewalk at 1508 Glenwood Drive, Lot 17 of Block 6112 (Harvey W. Wright)
- (j) Sidewalk at 1512 Glenwood Drive, Lot 18 of Block 6112 (Harvey W. Wright)
- (k) Sidewalk at 1516 Glenwood Drive, Lot 19 of Block 6112 (James F. Snook)
- (l) Sidewalk at 1520 Glenwood Drive, Lot 20 of Block 6112 (Billy Willis)
- (m) Sidewalk at 1528 Glenwood Drive, Lot 21 of Block 6112 (James R. Cooper)
- (n) Sidewalk at 1530 Glenwood Drive, Lot 22 of Block 6112 (Muriel M. Farris)
- (o) Sidewalk at 1532 Glenwood Drive, Lot 23 of Block 6112 (Goldie B. Fischer)
- (p) Sidewalk at 1536 Glenwood Drive, Lot 24 of Block 6112 (Leo F. Nowak)
- (q) Sidewalk at 1540 Glenwood Drive, Lot 25 of Block 6112 (John F. Webber)
- (r) Sidewalk at 1542 Glenwood Drive, Lot 26 of Block 6112 (Avril C. Chandler)
- (s) Sidewalk along Glenwood Drive at 1516 Del Vale Ave., Lot 28 of Block 6112 (Donald A. Wells)

CONSENT

31. Sidewalk requirement, set hearings (continued)

- (t) Sidewalk at 1636 Glenwood Drive, Lot 26 of Block 6109 (Manuel D. Macedo)
- (u) Sidewalk at 1640 Glenwood Drive, Lot 27 of Block 6109 (Lonnie L. Inglet)
- (v) Sidewalk along Carver Road at 1644 Glenwood Drive, Lots 1 and 2 of Block 6109 (Brethren Home Missions Council)
- (w) Sidewalk along Carver Road at 1533 Carver Road, Lot 1 of Block 6108 (L. R. Van Horn Jr.)
- (x) Sidewalk at 1525 Carver Road, Lot 3 of Block 6108 (Edwin G. Hartley)
- (y) Sidewalk at 1521 Carver Road, Lot 4 of Block 6108 (Reginald Hartley)
- (z) Sidewalk at 1509 Carver Road, Lot 7 of Block 6108 (Robert L. Hubbard)
- (aa) Sidewalk at 1341 Carver Road, Lot 11 and North 25 feet of Lot 12 of Block 6252 (Ellis T. Branch)
- (bb) Sidewalk at 1335 Carver Road, Lot 13 and South 25 feet of Lot 12 of Block 6252 (Warren H. Rash)
- (cc) Sidewalk at 1329 Carver Road, Lot 14 and North 25 feet of Lot 15 of Block 6252 (Kun C. Kong)
- (dd) Sidewalk at 1323 Carver Road, the South 25 feet of Lot 15 and North 39.44 feet of Lot 16 of Block 6252 (Warren H. Rash)
- (ee) Sidewalk at 1319 Carver Road, Lot 17 and 18 and south 10.56 feet of Lot 16 of Block 6251 (Wallace E. Blomdahl)
- (ff) Sidewalk along Carver Road at 1301 Carver Road, the East 72 feet of Lot 3 of Block 6252 (Sue Williams)

ACTION: Res. 72-725 adopted setting hearings. (P/W to handle)

CONSENT

32. Proposed agreement with Modesto City Schools.

(Proposed agreement between the City of Modesto and Modesto City Schools as required by Housing and Urban Development for Legacy of Parks funds. Memo and proposed agreement with agenda. Resolution approving agreement needed)

ACTION: Res. 72-726 adopted approving agreement. (Clerk to handle)

CONSENT

33. Resolution approving final map of Applegate No. 3 Subdivision of the City of Modesto and authorizing an agreement with the subdividers as required by Section 4-4.604 (c) of the Modesto Municipal Code.

(The subdivision agreement has been signed and all fees paid. Applegate No. 3 Subdivision is located on the south side of Rumble at Carver Road. It contains 4.93 acres. Resolution approving final map and authorizing execution of agreement by City needed)

ACTION: Res. 72-727 adopted approving final map of Applegate No. 3 Subdivision. (Clerk to handle)

34. Consider plan for elimination of burn barrels.
(Memo with agenda. Motion directing staff needed)

ACTION: By motion (Dixon/Elliott, unan.) plan presented by Director of Public Works, a copy of which is on file with the City Clerk, approved. (P/W to handle)

MORE NEW BUSINESS

CONSENT

35. Consider lease agreement with Dorothy E. Christine for duplex unit at 322 Paradise Avenue.

(The City recently acquired this property for the Paradise Ave. widening project which is scheduled for April 1973. A month-to-month lease agreement has been prepared with the present tenant, Dorothy E. Christine. The rental is \$65 a month, with the tenant to pay the possessory interest taxes. Resolution approving lease agreement needed)

ACTION: Res. 72-728 adopted approving lease agreement. (Finance to handle)

CONSENT

36. Agreement between City of Modesto and Head Rest, Inc., to lease former Lincoln School site for an auction-booth carnival on June 24, 1972.

(At the May 22 Council meeting the Council directed the staff to prepare this agreement. Copies of the agreement with be distributed with agenda. Resolution approving agreement needed)

ACTION: Res. 72-729 adopted approving agreement. (Clerk to handle)

CONSENT

37. Request by City Attorney for vacation July 5, 6, and 7, 1972.
(Motion granting request needed)

ACTION: By motion, request granted.

CONSENT

38. Agreement for settlement of condemnation action - Michael D. and Rose E. Ursini (Needham Avenue)
(Memo with agenda. Resolution approving agreement authorizing acceptance of deed and dismissal of condemnation action needed)

ACTION: Res. 72-730 adopted approving agreement authorizing acceptance of deed and dismissal of condemnation action. (C/Atty to handle)

REPORTS

CONSENT

39. Report on funding of Briggsmore Ave. Project, Prescott to McHenry.
(Memo with agenda. Motion accepting report needed)

ACTION: By motion, report accepted. (P/W to handle)

CONSENT

40. Presentation of financial statement for May 1972.
(Copies of report will be presented at meeting. Motion accepting report needed)

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

41. Report on Rumble Road Crossing of TWSRR.
(Memo with agenda. Motion accepting report needed)

ACTION: By motion (Dunlap/Simon, unan.) action held over for at least two weeks to permit further study by staff. (P/W to handle)

REPORTS FROM THE PLANNING COMMISSION

CONSENT

42. Recommend amendment to Chapter 1 of Title VII of the Modesto Municipal Code (Public Works Regulations) and to Chapter 2 of Title X of the municipal code (zoning regulations) pertaining to parking, driveway and landscaping requirements for residential uses.
(Planning Commission Res. No. 72-65 adopted May 16, 1972 recommends amendments to the municipal code (Public Works regulations and zoning regulations pertaining to parking, driveway and landscaping requirements for residential uses. Resolution setting June 26, 1972 at 7:40 P.M. for hearing needed)

ACTION: Res. 72-731 adopted setting hearing. (Clerk to handle)

CONSENT

43. Uninhabited annexation to the City of Modesto - Lakewood No. 1 Addition.
(The LAF Commission has authorized this annexation without notice or public hearing - April 21, 1972. Resolution annexing area needed)

ACTION: Res. 72-732 adopted annexing Lakewood No.1 Addition to City.
(Clerk to handle)

CONSENT

44. Annexation to the City of uninhabited territory - Conant No. 1 Addition.
(Approved by LAFC on May 26, 1972. Resolution setting July 24, 1972 for public hearing needed)

ACTION: Res. 72-733 adopted setting hearing. (Clerk to handle)

APPROPRIATION TRANSFERS

CONSENT

45. Appropriation transfer of \$200 for additional annexation fees needed for balance of fiscal year.
(Additional funds are needed for annexations which may be filed during the balance of this fiscal year. These fees are required by legislation which became effective March 15, 1972. Resolution approving appropriation transfer of \$200 from Account 60-101 to Account 420-14-101 needed)

ACTION: Res. 72-734 adopted approving appropriation transfer of \$200 from Account 60-101 to Account 420-14-101. (Finance to handle)

CONSENT

46. Consider raising water gate valve stands by contract and appropriating \$17,000 from General Reserve, General Fund, to cover the cost.
(Memo with agenda. (1) Resolution approving appropriation transfer of \$17,000 needed. (2) Motion directing staff to prepare plans and specs for raising 355 main-line water gate valve stands. (3) Motion asking Planning Commission to consider amending subdivision standards to require subdivider to raise water gate valve stands to the grade at the time streets in subdivisions are paved)

ACTION: Res. 72-735 adopted approving appropriation transfer of \$17,000 from Account 60-101 to Account 5409-50-101. (Finance to handle)
By motion, staff directed to prepare plans & specs. (P/W to handle)
By motion, Planning Commission requested to consider amending subdivision standards. (Planning to handle)

CONSENT

47. Request for appropriation transfer of \$8,000.00.
(This account provides equipment parts for all pool items. The additional funds are needed primarily because of the increase in the cost of parts, the longer haul to the landfill and increased usage of police cars. Resolution authorizing transfer needed)

ACTION: Res. 72-736 adopted approving appropriation transfer of \$8,000 from Account 60-48-512 to Account 332-48-512. (Finance to handle)

CONSENT

48. Request for appropriation transfer of \$12,000.
(This account provides gas, oil and lubricants for all pool items. The additional funds are needed because of the longer haul to the landfill and increased usage of police cars. Resolution authorizing transfer needed)

ACTION: Res. 72-737 adopted approving appropriation transfer of \$12,000 from Account 60-48-512 to Account 330-48-512. (Finance to handle)

CONSENT

49. Request for appropriation transfer - \$2,000.
(This account provides for the maintenance and repair of street lights and traffic signals. Required routine and damage repairs have necessitated a greater expenditure than originally anticipated. Request for transfer from General Reserve to Account 320-43-101, Street Lights & Signals. Resolution approving transfer needed)

ACTION: Res. 72-738 adopted approving appropriation transfer of \$2,000 from Account 60-101 to Account 320-43-101. (Finance to handle)

CONSENT

50. Consider dumping of spetic tank waste at the treatment plant.
(Memo with agenda. Resolution approving appropriation transfer of \$2,000 and a resolution establishing a fee schedule needed)

ACTION: Res. 72-739 adopted approving appropriation transfer of \$2,000 from Account 60-101 to Account 5306-53-101. (Finance to handle)

Res. 72-740 adopted establishing fee schedule of \$5.00 (up to 1,000 gal. truck), \$7.50 (1,001 to 1,500 gal. truck) and \$10.00 (1,501 to 2,000 gal. truck) for dumping. (P/W to handle)

MISCELLANEOUS

51. Legislation.

ACTION: By motion (Dixon/Dunlap, unan.) SB 1118 supported.

By motion (Smith/Dunlap, unan.) portion of HR 14847 which pertains to fees that are in effect at airports opposed. (C/Mgr to handle)

52. Appointments.

ACTION: Res. 72-741 adopted (Dixon/Elliott, unan.) Merle Wolf appointed as Chairman of Disadvantaged Subcommittee of Project Greater Modesto to replace Tom Devine. (Clerk to handle)

53. Matters too late for the agenda.

NONE

Adjournment at 5:00 P.M. to go into executive session to consider employees' requests for salary and fringe benefits with the announcement that the Council would not return to open meeting.

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

Modesto City Council
June 6, 1972

The Council of the City of Modesto met in adjourned special session this date at 5:00 P.M. to consider further the preliminary budget for fiscal year 1972-73.

Present: Dixon, Dunlap, Elliott, Smith, Mayor Davies

Absent: Newton, Simon

The Council considered the following items in the Capital Improvement Program:

PARKS & RECREATION (Pages 3, 4 and 5)

(The Council was informed that the report on Del Webb Field was not quite complete but would be given to Council shortly. The condition of the playing surface of the tennis courts at Roosevelt Park was discussed and the Council was informed that new methods of tennis court construction were being investigated.)

A question was raised about acquisition of lands for the future development of Dry Creek Park. The staff assured the Council that proposed developments in the area would be known to the City when subdivision maps are prepared. The Council agreed that persons owning property which is included in the plans for parks should be notified of the City's intent.

In response to Council questions, staff reported that the proposed development in Thousand Oaks Park consisted of an irrigation system.

Staff informed the Council that Mancini Park was included in the Tuolumne River Regional Park and future development was included in the Regional Park plans. It was reported that vandalism at Mancini Park was about average. The City Manager was requested to check as to whether or not Mancini Park was causing any particular problems for the police.

PUBLIC WORKS - ENGINEERING

PUBLIC WORKS - ELECTRICAL

PUBLIC WORKS - AIRPORT

Project 488 was increased to \$215,000 (Fund 321 - \$26,000 and Fund 230 - \$189,000).

PUBLIC WORKS - SERVICE

A question was raised as to the safety factor involved in using a pit located in the block building which is being refurbished for use in vehicle repairing. It was agreed to look into this.

PUBLIC WORKS - WATER

\$13,000 was added to Project 808 for 1973-74.

PUBLIC WORKS - STREETS

\$7,000 was added to Project 735 for 1972-73.

\$117,000 was added to Project 695 for 1972-73.

\$55,000 was deleted from Project 657 for 1973-74.

Project 704 was reduced to \$215,000 for 1973-74.

Project 715 was increased to \$490,000 for 1973-74.

Project 710 was increased to \$98,000 and moved from 1973-74 to 1974-75.

Project 695 was reduced to \$100,000 for 1975-76.

Staff was questioned as to methods used in deciding which streets are to be improved. Specific reference was made to Morris Avenue. It was stated that a State report to SAAG rated Morris as one of the most hazardous streets in the area. The staff was directed to check into this and also to report on plans for widening Morris.

The Council asked why the Burney-Howard project was not planned for sooner than 1977-78. It was reported that staff was not sure of the best method of solving the traffic problems in this area at this time.

PUBLIC WORKS- STORM DRAINAGE

PUBLIC WORKS - SEWERS AND SEWAGE DISPOSAL

PUBLIC WORKS - SANITARY LANDFILL

PUBLIC WORKS - STREET LIGHTING

The problem of street trees reducing the effectiveness of street lights was discussed. Lower standards (poles), thinning of trees and better placement of the standards were suggested along with less powerful but lower light standards as a supplement to the present lights. It was pointed out that having lights at two heights would have a different result depending upon whether or not the trees were bare or in full leaf. The Council was assured that the Public Works Department would check into any lighting problems that were reported.

The following project was added to Public Works:

4th Floor - City Hall - \$420,000 - 1978-79

*

The Council was informed that, if possible, the final budget would be ready for the June 19, 1972 meeting.

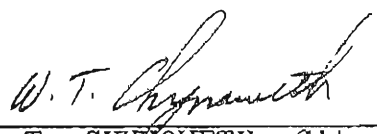
The Director of Finance reported that the supplemental request of Public Works-Engineering & Administration-P. 91 for M & R, Equipment Other would be reduced from \$694 to \$298. He also reported that equipment rental rates for police patrol cars would be increased \$2,184 in the supplemental request and \$14,064 in the regular budget. The PERS items is to be reduced but exact figures are not available at this time.

In response to a question raised at the May 30 meeting concerning Head Rest, it was explained that some positions had not been filled at all times and that the budget figures were correct.

By motion (Dixon/Elliott, unan.) the Geer Road Sanitary Landfill Budget as presented by Stanislaus County was approved.

The meeting was adjourned at 6:00 P.M.

ATTEST:


W. T. CHYNOWETH, City Clerk

* In response to questioning, the City Manager reported that the \$300,000 set aside last year for an auditorium was in a special fund for this purpose. He also reported that a recommendation would be made to Council on the amount to be set aside this year when the final budget figures are available, but it did not appear as though there would be \$300,000 unless the tax rate was raised considerably.

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, JUNE 12, 1972 AT 7:30 P.M.

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

Absent: None

Councilman Newton arrived at 7:35 P.M.

Councilman Simon arrived at 7:45 P.M.

Pledge of allegiance to the Flag

Invocation: Reverend Alexander Alamsha, Chaplain, Scenic General
Hospital

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2, 3, 6, 7, 9, 11, 12,
Item 2 removed from consent 13, 15, 16, 20, 21, 22, 23, 24, 25
Dunlap/Smith, unan. - Newton and Simon, 26, 27
absent

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

APPROVAL OF MINUTES

CONSENT

1. Minutes of June (adjourned regular); June 1 (adjourned special); June 5 (regular) and June 6 (adjourned special).
(Motion approving needed)

ACTION: By motion, minutes approved.

WRITTEN COMMUNICATIONS

~~CONSENT~~

2. Request of Trail Bike Association for permission to present plan for a cycle park at the Carpenter Road area.
(Motion referring to Tuolumne River Regional Park Committee needed)

ACTION: By motion (Smith/Dunlap, unan.) request referred to Tuolumne River Regional Park Committee for careful consideration.
(P & R to handle)

CONSENT

3. Request of Save Mart of Modesto for the right to purchase city-owned property on Briggsmore Avenue east of Prescott Road.
(Motion referring to Planning Commission needed)

ACTION: By motion, request referred to Planning Commission. (Planning to handle)

4. Request of Board of Directors of the West Side Awareness Drug House for financial support.

ACTION: Action withheld for one week due to the absence of the Chairman of the Board of Directors.

5. Request of Library and Culture Commission for authorization to expend no more than \$75 for construction and decoration of McHenry Museum float for 4th of July parade.

ACTION: Councilman Dunlap was excused from consideration of this item.

By motion (Elliott/Simon, unan.) request granted with funds to be taken from Account 442-61. (P & R to handle)

BIDS

CONSENT

6. Consider award of bid for revision of street light circuits from Station No. 4 and Station No. 3.
(Bids were opened on June 6, 1972. The low bid submitted by Ferrero Electric Inc., which is 12.5% below the Engineer's Estimate, is considered acceptable. It is recommended by the Public Works Department that the bid be awarded to low bidder. Estimated cost: Unit 1 - \$17,711 (\$15,884 Constr.; \$1,827, Engr.). Unit 2 - \$21,783 (\$19,603; Constr. - \$2,180 Engr.). Funds budgeted in Account No. 6635-41-321, St. Light Structure Stn. 4; 6634-41-121, St. Light Structure Stn. 3)

ACTION: Res. 72-742 adopted awarding contract to Ferrero Electric, Inc. (P/W to handle)

CONSENT

7. Consider acceptance of John Birges' contract for construction of irrigation system - 9 hole muni golf course.
(Original contract \$90,000. All work in conjunction with this project has been completed to the satisfaction of the Public Works Department and the Parks Department. It would be in order to accept the work as complete and file notice of completion. Resolution accepting work needed. Final cost \$90,397.94; funds budgeted in Account 6255-31-321, Muni Golf 3 & 3)

ACTION: Res. 72-743 adopted accepting contract. (Clerk to handle)

8. Matters for the good of the community. 7:35 P.M.
(These may be presented by interested people in the audience)

NONE

ORDINANCES

CONSENT

9. Further consideration of proposed ordinance amending Section 2-1.14 of Chapter 1 of Title II of the Modesto Municipal Code relating to council procedure.
(This ordinance was on the Council's agenda for its meeting of May 15, 1972 at which time it was removed from the agenda. Additional information was transmitted to the Council dated May 30, 1972. Introduction of ordinance needed)

ACTION: By motion, Ord. No. 1197-C.S. introduced. (Clerk to handle)

UNFINISHED BUSINESS

10. Further consideration of deferred compensation plan for city employees.
(A report by the Director of Parking and Traffic has been sent with agenda. It is recommended that the Council, by motion, indicate its approval in principle only of the plan and the agreements incidental thereto. Motion approving plan and agreements in principle needed)

ACTION: By motion (Simon/Newton, unan.) plan approved and agreed to in principle. (P & T to handle)

NEW BUSINESS

CONSENT

11. Authorize staff to contact local C.P.A. firms to determine which ones might be interested in doing the City's audit.
(The last contract was for three years, and it is recommended that negotiations be conducted on that basis for the new contract. The present contract terminates June 30, 1972. Motion authorizing staff to proceed needed)

ACTION: By motion, staff authorized to proceed as outlined. (C/Mgr to handle)

CONSENT

12. Consider request for sewer service to property outside the City at 708 Lombardo Avenue.
(Property owners, Juan and Petra Marcial Rosales. The property owners have signed an agreement to annex to City when requested to do so. The property is not contiguous to the city limits but a sewer line exists to serve it. Resolution approving agreement needed)

ACTION: Res. 72-744 adopted approving agreement. (P/W to handle)

CONSENT

13. Consider month-to-month lease agreement with Mr. and Mrs. Albert H. Barnes for the duplex unit at 320 Paradise Avenue.
(The City recently acquired the duplex at 320-322 Paradise Avenue for the Paradise Avenue widening project which is scheduled for April 1973. A month-to-month lease agreement has been prepared with Mr. and Mrs. Albert H. Barnes for the unit at 320 Paradise. The rental is \$80.00 per month. The tenant is to pay the possessory interest tax. Other provisions of agreement include: a \$25.00 cleaning deposit requirement and the tenant is required to cut the grass for both units of the duplex)

ACTION: Res. 72-745 adopted approving lease agreement. (Finance to handle)

14. Breach of lease terms - Modesto Flying Service.
(Memo with agenda. Resolution canceling lease agreement needed)

DROPPED FROM AGENDA

CONSENT

15. Letter from Olsen Brothers.
(Letter from Olsen Brothers requesting use of ten (10) parking spaces at Dryden Municipal Golf Course parking lot for storage use while expanding the S.O.S. Club, use to start June 13, 1972. Staff recommends approval subject to an agreement relieving city of responsibility. (Resolution authorizing agreement needed)

ACTION: Res. 72-746 adopted approving agreement. (P & R to handle)

REPORTS

CONSENT

16. Report on Group Medical Insurance for city employees.
(Memo with agenda. Motion approving needed)

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

17. Report on Airport Advisory Committee.
(Memo with agenda. Motion accepting report and directing staff needed)

ACTION: By motion (Smith/Dunlap, maj. - Dixon, no) report accepted, and staff directed to begin implementation with understanding that this will be returned to Council for final approval.
(C/Mgr to handle)

18. Report on final master plans - Rose Avenue, Mark Twain and Sutter Parks.
Oral reports on each plan to be made at meeting. Motion approving final master plans needed)

ACTION: By motion (Dunlap/Elliott, unan.) plans approved and staff requested to give serious thought to including lighting in early stage of development. (P & R to handle)

19. Report on Modesto Senior Citizens, Inc. request regarding Modesto Community Service Center.
(Memo with agenda. Motion indicating Council's wishes needed)

ACTION: By motion (Simon/Smith, unan.) report and recommendations of staff accepted. (P & R to handle)

REPORTS FROM THE PLANNING COMMISSION

CONSENT

20. Uninhabited annexation to the City of Modesto - Dry Creek Park No. 2 Addition.
(The IAF Commission has authorized this annexation without notice or public hearing - May 26, 1972. Resolution approving annexation needed)

ACTION: Res. 72-747 adopted annexing Dry Creek Park No. 2 to City of Modesto. (Clerk to handle)

CONSENT

21. East Coolidge Addition (uninhabited annexation)
(Annexation has been requested by residents of the unincorporated area located between Coffee Road and Rose Avenue, south of Briggsmore Avenue. The area is approximately 65 acres in size. Memo and map with agenda. Resolution referring to Planning Commission needed)

ACTION: Res. 72-748 adopted referring to Planning Commission.
(Planning to handle)

CONSENT

22. Recommend amendment to Chapter 2 of Title X of the Modesto Municipal Code (zoning regulations) regarding shopping center identification signs.
(By Resolution No. 72-77 adopted June 6, 1972 the Planning Commission recommends an amendment to Chapter 2 of Title X of the Modesto Municipal Code, pertaining to shopping center identification signs. Resolution setting July 3, 1972 at 4:05 P.M. for public hearing needed)

ACTION: Res. 72-749 adopted setting hearing. (Clerk to handle)

APPROPRIATION TRANSFERS

CONSENT

23. Approval of appropriation transfer to provide funds for tree planting in downtown area.
(Memo with agenda. Resolution approving appropriation transfer of \$500 needed)

ACTION: Res. 72-750 adopted approving appropriation transfer of \$250 from Account 61-218 and \$250 from Account 62-218 to Account 5399-218. (Finance to handle)

CONSENT

24. Request for appropriation transfer - \$11,000.
(This account provides for water pumping station power bills. The budgeted amount was based upon the prior years experience. The dry year necessitated more usage of the pumping stations, resulting in larger power bills. We request for transfer from the General Reserve to Account 210-50-101, Utilities, the amount of \$11,000. Resolution authorizing transfer needed)

ACTION: Res. 72-751 adopted approving appropriation transfer of \$11,000 from Account 60-101 to Account 210-50-101. (Finance to handle)

CONSENT

25. Request for appropriation transfer of \$7,000.
(This account provides for street light power bills. The budgeted amount was based upon the prior years experience. The amount of development exceeded that originally anticipated, resulting in larger power bills. We request for transfer from the General Reserve to Account 210-43-101, Utilities. Resolution authorizing transfer needed)

ACTION: Res. 72-752 adopted approving appropriation transfer of \$7,000 from Account 60-101 to Account 21--43-101. (Finance to handle)

CONSENT

26. Appropriation transfer of \$900.00.
(During the past few months as we have been clearing up a backlog of capital projects, it has been necessary to work the part-time Senior Engineering Aide overtime, and the transfer is necessary to pay her salary. Resolution approving appropriation transfer of \$900 from General Reserve needed)

ACTION: Res. 72-753 adopted approving appropriation transfer of \$900 from Account 60-101 to Account 130-31-101. (Finance to handle)

CONSENT

27. Request for appropriation transfer for paving at the 9-hole Municipal Golf Course and the Dryden Park Municipal Golf Course.
(Memo with agenda. Two resolutions approving appropriation transfers from Marshall Park Development needed)

ACTION: Res. 72-754 adopted approving appropriation transfer of \$1,430 from Account 6274-31-321 to Account 7903-31-301.

Res. 72-755 adopted approving appropriation transfer of \$435 from Account 6274-31-321 to Account 7904-31-301.
(Finance to handle)

MISCELLANEOUS

28. Legislation.

ACTION: By motion (Simon/Dunlap, unan.) AB 2370 supported.
By motion (Simon/Dunlap, unan.) SB 874 opposed.
By motion (Newton/Elliott, unan.) AB 681 opposed.
(C/Mgr to handle)

28. Legislation (continued)

ACTION: AB 515 (Phone no. 911 for emergencies) was discussed but no action taken.

It was pointed out that there were several bills by Senator Dills which should be studied but that staff did not have complete information at this time. (C/Mgr to handle)

29. Appointments.

ACTION: Res. 72-756 adopted (Dixon/Newton, unan.) appointing Peter R. Dutton as a member of the Personnel Commission for a term ending January 1, 1976 to replace Frank Russo. (Clerk to handle)

The Clerk was directed to have a plaque prepared for Mr. Russo.

30. Matters too late for the agenda.

ACTION: Res. 72-757 adopted (Elliott/Dunlap, unan.) approving addendum to specifications for sale of Kearney/Coldwell property. (Finance to handle)

Larry Carter, member of the Farm-City Advisory Committee was introduced.

The Council was invited to attend the next meeting of the Project Greater Modesto Art & Culture subcommittee to be held on June 14 at 7:30 P.M. in the City Hall multi-purpose room.

Staff was asked to keep a close eye on a proposal to ship San Francisco sewage to this area.

Adjournment at 9:15 P.M. to discuss employees' requests for salary and fringe benefits. It was announced that the Council would not return to open meeting.

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

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, JUNE 19, 1972 AT 4:00 P.M.

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

Absent: None

Pledge of allegiance to the Flag

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 3, 5, 6, X, 8, 9, 10,
Item 7 removed from consent and Item 11, 12, 12A, 18, 20, 21, 22, 23,
37 dropped from agenda 24, 25, 26, 27, 30, 32, 34, 36, X,
Newton/Simon, unan. 38

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

1. SUGGESTION AWARD: \$50 to Frank Georges (Public Works Dept.) for suggestion to apply chlorine to sludge thickener influent to sewage treatment system. It has resulted in odor control and protection of electrical equipment.
(Mayor to present awards. Funds budgeted in Account 236-17-101, Suggestion System)

ACTION: Mayor Davies presented the award to Mr. Georges.

APPROVAL OF MINUTES

CONSENT

2. Minutes of June 12, 1972.
(Motion approving needed)

ACTION: By motion, minutes approved.

WRITTEN COMMUNICATIONS

CONSENT

3. Request of The Flintkote Company for permission to use two city-owned vacant lots (Hackberry & Needham and Sycamore & Needham) for parking and crew assembly areas during Needham Avenue project.
(Motion referring to staff for recommendation needed)

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

4. Request of John Birges for discussion of progress payment in connection with his contract for installation of sprinkler system at Municipal 9-hole Golf Course.

ACTION: It was agreed that staff should make a further study of this, including the policy of other cities on retained percentages, and report to Council. (C/Mgr to handle)

CONSENT

5. Request of Mr. and Mrs. Elmer Foletta for encroachment permit for construction of a brick fence across front of property at 814 Sycamore.
(Resolution setting June 26, 1972 at 7:55 P.M. for informal hearing needed)

ACTION: Res. 72-758 adopted setting hearing. (Clerk to handle)

CONSENT

6. Request of Salvation Army for permission to conduct Sunday evening services in Westside Park from July 2 through August 27, 1972. (Motion granting request needed)

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

~~CONSENT~~

7. Request of Stanislaus Zoological Society for permission to participate in development of a zoo in Dry Creek Park. (Motion granting request needed)

ACTION: By motion (Smith/Dunlap, unan.) request granted with understanding that there is no financial commitment on the part of the City at this time. (P & R to handle)

BIDS

CONSENT

8. Call for bids for the construction of traffic signals and street lights at El Vista and Encina. (Scheduled completion date is December 1, 1972. Plans for these signals are available at the Parking and Traffic Department and will be at the lectern table in the City Council room. Resolution calling for bids on July 18, 1972 at 2:00 P.M. needed. Estimated cost \$13,000. Funds budgeted in Account 6160-56-321, Traffic signals and street lights - El Vista - Encina, 1972-73 budget)

ACTION: Res. 72-759 adopted approving plans and specifications and bid call. (Clerk to handle)

CONSENT

9. Consider acceptance of Matteson Construction Company's contract for construction of Davis Park backstop and fencing. (Original contract \$26,150. All work on this project has been completed to the satisfaction of the Parks and Recreation Department and the Public Works Department. It would be in order to accept the work as complete and file the notice of completion. Resolution accepting work needed. Final cost \$26,150. Funds budgeted in Account 6315-31-321, Davis Park Stages 3 and 4)

ACTION: Res. 72-760 adopted accepting contract. (Clerk to handle)

CONSENT

10. Consider approval of plans, specifications and call for bids for installation of waterlines in Poppypatch No. 1, Applegate No. 3 and Greenfield No. 3 subdivisions, and McHenry Avenue at Leveland. (Suggested bid opening July 11, 1972 at 10:00 A.M. Costs and Revenues, Poppypatch No. 1: Const. cost \$23,978.79; Conn. charges, \$8,125; Net Ann. Rev., \$1,140. Applegate No. 3: Const. cost, \$4,928.54; Conn charges \$2,875; Net Ann Rev. \$368. Greenfield No. 3: Const. cost, \$11,074.87; Conn charges, \$7,125; Net Ann Rev, \$912. McHenry Ave. at Leveland: Const Cost \$6,191.86. Resolution needed)

ACTION: Res. 72-761 adopted approving plans and specifications and bid call. (Clerk to handle)

CONSENT

11. Consider approval of plans and specifications and call for bids for construction of a footbridge between Moose Park and Kewin Park. (Suggested bid opening date July 11, 1972 at 10:10 A.M. This bridge is required to connect the adjacent parks and allow efficient use of both facilities. Resolution needed. Estimated cost \$24,000 (\$21,000 Const, \$3,000 Eng & Insp.) Funds budgeted in Account 321-6321-31, Moose Park Stage 2, 3, 4.)

ACTION: Res. 72-762 adopted approving plans and specifications and bid call. (Clerk to handle)

CONSENT

12. Consider rejecting all bids for improvements at Pike Park. (Memo with agenda. Resolution rejecting all bids received)

ACTION: Res. 72-763 adopted rejecting all bids. (P & R to handle)

CONSENT

- 12A. Request to install new water supply in Legion Park. (Memo with agenda. Motion granting request needed. Est. cost \$3,175)

ACTION: ~~B~~ motion, request granted. (P & R and P/W to handle)

HEARINGS

13. Annexation of Modesto State Hospital Addition to Sewer District No. 1. 4:05 P.M.

ACTION: Res. 72-764 adopted (Elliott/Dunlap, unan.) annexing Modesto State Hospital Addition to Modesto Municipal Sewer District No. 1. (Clerk to handle)

14. Annexation of Sonoma No. 3 Addition to Sewer District No. 1. 4:10 P.M.

ACTION: Res. 72-765 adopted (Dunlap/Smith, unan.) annexing Sonoma No. 3 Addition to Modesto Municipal Sewer District No. 1. (Clerk to handle)

15. Annexation of McHenry-Rumble Addition to Sewer District No. 1. 4:15 P.M.

ACTION: Res. 72-766 adopted (Smith/Simon, unan.) annexing McHenry-Rumble Addition to Modesto Municipal Sewer District No. 1. (Clerk to handle)

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

ACTION: Thomas Devine, Director of Community Action Commission, asked why the owners of the Strand Theatre were given a one year extension of time to repair the theatre.

R. Heaston, of Elmhurst Street, stated that existing street crossings of the Tidewater Southern Railroad tracks should have safety devices installed before a crossing is installed at Rumble Road.

17. Oral bids - sale of city property at Kearney & Coldwell. 5:00 P.M.

ACTION: No oral bids received.

Res. 72-767 adopted (Dixon/Elliott, unan.) accepting bid of V. E. Barton in the amount of \$22,000. (Finance to handle)

ORDINANCES

CONSENT

18. Final adoption of Ord. No. 1197-C.S. - council procedure.
(Motion adopting needed)

ACTION: By motion, Ord. No. 1197-C.S. adopted. (Clerk to handle)

UNFINISHED BUSINESS

19. Request of Board of Directors of West Side Awareness House for financial support.

(Carried over from June 12th meeting)

ACTION: By motion (Smith/Newton, unan. recommendation that Westside Awareness House merge with Head Rest approved and staff directed to call a meeting of interested parties to start the implementation of the recommendation and to report to the Council as to the results of the meeting. (C/Mgr to handle) The four franchised garbage collection companies then offered financial help for the time being so that the Westside Awareness House can continue to operate.

NEW BUSINESS

CONSENT

20. Approval of agreement with Yosemite Junior College District for the sale of bicycle licenses.
(Memo with agenda. Resolution authorizing the City Manager to execute agreement needed)

ACTION: Res. 72-768 adopted approving agreement. (Clerk to handle)

CONSENT

21. Letter from the Christian Reformed Church Mission Fest Committee (Ronald Assink, 409 South Acacia, Ripon, California, 95366, 599-3527) requesting the use of Graceada Park and Mancini Bowl. (The Christian Reformed Church Mission Fest Committee is requesting permission to hold a "Mission Fest" meeting in Graceada Park and Mancini Bowl, Tuesday, July 4, 1972 from 10:00 A.M. to noon. Council approved similar request last year. Staff recommends approval subject to all rules and regulations. Letter with agenda. Motion granting request needed)

ACTION: By motion, request granted subject to rules and regulations recommended by Parks & Recreation Department. (P & R to handle)

CONSENT

22. Renewal of contract for examination services with State Personnel Board-Cooperative Personnel Services.
(Renew the city contract for examination services for period July 1, 1972 through June 30, 1975. Resolution authorizing City Manager to execute renewal of contract needed. Funds budgeted in Account 235-17-101, Services, Prof. & Other)

ACTION: Res. 72-769 adopted approving renewal of contract. (Personnel to handle)

CONSENT

23. Consider approval of agreement to provide sewer to property at the southeast corner of East Briggsmore Ave. and Oakdale Road, outside the City
(Developers: The Rector, Wardens and Vestrymen of St. Paul's Parish in Modesto, California, a corporation. The developers of the property located at the southeast corner of East Briggsmore Avenue and Oakdale Road, outside the City, have signed the agreement for sewer service which basically requires the prepayment of fees and that the development be to city standards, and that deed restrictions be recorded which require annexation to City when so requested. Resolution approving agreement needed)

ACTION: Res. 72-770 adopted approving agreement. (P/W to handle)

CONSENT

24. Consider request for sewer service to property outside the City at 822 Ericksen Ave.
(Property owner, Polly M. Esparza, has signed an agreement to annex when requested to do so by City. The property is not contiguous to the City but a sewer line exists to serve it. Resolution approving agreement needed)

ACTION: Res. 72-771 adopted approving agreement. (P/W to handle)

CONSENT

25. Accept improvements in Modesto Verde Subdivision and authorize City Clerk to file notice of completion and release bonds upon expiration of statutory periods.
(Modesto Verde is located north of Rumble Road and west of Prescott Road. All improvements have been completed to the satisfaction of the Public Works Department and all fees have been paid. Resolution accepting improvements and authorizing City Clerk to file notice of completion needed)

ACTION: Res. 72-772 adopted accepting improvements. (Clerk to handle)

CONSENT

26. Approve final map of Daisy Park No. 1 Subdivision and authorize an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code.
(Daisy Park No. 1 Subdivision is located at the northwest corner of Maze Blvd. and Emerald Ave. It contains 5.62 acres. Resolution approving final map and agreement needed)

ACTION: Res. 72-773 adopted approving final map. (Clerk to handle)

CONSENT

27. Request of Head Rest for approval to file a grant application with the California Council on Criminal Justice for second year funding.
(Memo and copy of application distributed with agenda. Resolution approving filing of application needed)

ACTION: Res. 72-774 adopted approving filing of grant application.
(C/Mgr to handle)

28. Approval for Police Lieutenants assigned as Division Commanders be provided extra compensation beginning June 27, 1972.
(Memo with agenda. Resolution authorizing City Manager to approve the special assignments. Estimated cost \$23.00 (1971-72). Funds budgeted in Account 110-22-101, Salaries and Wages, regular)

ACTION: By motion (Dixon/Elliott, unan.) City Manager authorized to approve special assignments. (Police to handle)

CONSENT

30. Consider approving agreement for traffic signals on McHenry at Woodrow and Sylvan.
(Memo with agenda. City's share of this State-County-City project is estimated at \$8,331.43. Council has previously indicated it favors this project. Resolution approving agreement and motion directing staff to modify tentative budget accordingly needed)

ACTION: Res. 72-775 adopted approving agreement. (Clerk to handle)

By motion, staff directed to modify CIP to reflect \$9,000 for this project instead of \$8,000. (Finance to handle)
Councilman Simon was excused at 5:45 P.M.

REPORTS

31. Stanislaus County Community Shelter Planning Report and Community Emergency Plan.
(The Deputy City Manager will make an oral report)

ACTION: By motion (Dixon/Elliott, unan.) action tabled until Report and Plan can be studied by Council.

CONSENT

32. Report on railroad crossing accidents.
(Memo of Director of Parking and Traffic with agenda telling of these accidents since January 1, 1968. Motion accepting report needed)

ACTION: By motion, report accepted.

Report on Rumble Road crossing of Tidewater Southern
Railroad.

ACTION: By motion (Elliott/Smith, unan.) staff directed to review this matter, including costs of this and other crossings, and to attempt to negotiate with other agencies on the costs. (P/W to handle)

CONSENT

34. Report on curb, gutter and sidewalk program.
(Previously approved program is nearing completion and approval of work in new areas is requested. Motion accepting report needed)

ACTION: By motion, report accepted.

35. Report of Public Projects Committee re garbage collection.

(As Councilman Simon had to leave the meeting, this item was considered out of the normal order so all Councilmen could be present)

ACTION: By motion (Dunlap/Elliott, unan.) report accepted with the following timetable: applications received no later than noon on June 22; on June 26, Council to set hearings on applications for July 11 at 4:00 P.M. at a regular adjourned meeting. (Clerk to handle)

REPORTS FROM THE PLANNING COMMISSION

CONSENT

36. Vacation and abandonment of the 20-foot public alley known as "Church Way" in Block 131 between Downey Ave. and I St., north of 17th St.
(By Resolution No. 72-78 adopted June 6, 1972 the Modesto Planning Commission recommended to the Council the vacation and abandonment of the 20-foot public alley known as "Church Way" in Block 131 between Downey Avenue and I Street, north of 17th St. Resolution of Intention to vacation and abandon, and setting July 10, 1972 at 7:35 P.M. for public hearing needed)

ACTION: Res. of Int. No. 336 (1229-S.P.) adopted setting hearing.
(Clerk to handle)

APPROPRIATION TRANSFERS

~~CONSENT~~

37. Consider purchase of decibel (noise) meter.
(Memo with agenda. Motion authorizing purchase of the meter and a resolution approving transfer of \$390 from Account 110-41-101)

DROPPED FROM AGENDA

CONSENT

38. Appropriation transfer for purchase of cash register.
(This transfer will provide for the emergency purchase of a cash register for the 9-hole golf course. Memo with agenda. Resolution approving appropriation transfer needed. Estimated cost \$1,500. Funds requested as follows: \$1,000 from 120-35-101 and \$500 from 210-29-101, to Account 5501-37-101)

ACTION: Res. 72-776 adopted approving appropriation transfer of \$1,000 from Account 120-35-101 and \$500 from Account 210-29-101 to Account 5501-37-101. (Finance to handle)

38A. Request for approval of modification of brake system on aerial truck No. 1.
(Motion granting request needed. Memo with agenda)

ACTION: By motion (Dunlap/Smith, unan.) request granted. (Fire to handle)

MISCELLANEOUS

39. Legislation.

NONE

40. Appointments.

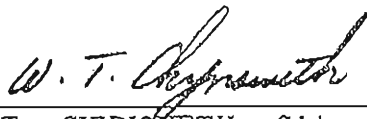
NONE

41. Matters too late for the agenda.

ACTION: Councilman Dixon commented that the report on vandalism at Mancini Park was a good report, but he wanted further information on any other problems the police had had there.
(Police to handle)

Adjournment at 6:05 P.M. to executive session to discuss employees' request for salary and fringe benefits with the announcement that they would not return to open meeting.

ATTEST:


W. T. CHYNOWETH, City Clerk

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, JUNE 26, 1972 at 7:30 P.M.

Roll Call Present: Dixon, Elliott, Newton, Simon, Smith, Mayor Davies
Absent: Dunlap
Councilman Simon arrived at 7:40 P.M.

Pledge of allegiance to the Flag

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2, 3, 4, 5, 6, 7, 8, 9,
Items 13 and 23 removed from consent 10, 11, 12, ~~23~~, 14, 15, 16, 23,
Smith/Newton, unan. - Dunlap and 24, 25, 26, 28, 29, 30, 31, 32,
Simon, absent 33, 35, 36, 37, 38, 39, 40, 44,
47, 48, 49, 50, 51, 52, 53, 54, 55

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

APPROVAL OF MINUTES

CONSENT

1. Minutes of June 19, 1972.

ACTION: By motion, minutes approved.

WRITTEN COMMUNICATIONS

CONSENT

2. Request of Stanislaus County Fourth of July Committee for the following:

1. Barricade I Street between 11th and 13th Streets from 9:00 A.M. to the finish of the parade, about 1:00 P.M.
2. Use of the City's reviewing stand with canvas top, to be placed on I Street close to the cannon in the Courthouse Park by city personnel.
3. Use of a public address system (to be furnished by committee) at the reviewing stand.
4. Use of the city ball park the evening of July 4th for entertainment and fireworks.
5. The parade route to be the same as last year - north on 10th from F Street, east on K to 11th, south on 11th to I, east on I to 13th north on 13th to J, west on J to 12th, north on 12th to L and disband. (Resolution granting request needed)

ACTION: Res. 72-776-A adopted granting request. (P/W (1), P & R (2 & 4), P & T (5), Fire (4) and Police (5) to handle)

CONSENT

3. Request of Stanislaus River Flood Control Association for resolution urging that there be no delay in completion of New Melones Dam.
(Resolution needed)

ACTION: Res. 72-776-B adopted urging no delay in completion of Dam.
(Clerk to handle)

CONSENT

4. Request of Central California Art League, Inc. for use of Graceada Park on August 6, 1972 for fourth annual "Art in the Park."
(Motion granting request needed)

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

BIDS

CONSENT

5. Consider acceptance of Valley Construction's contract for installation of waterlines in Dragoo Park No. 1, Wyldewood No. 2 and Coleman Acres No. 2.
(Original contract \$8,411. All work on this project has been completed to the satisfaction of the Public Works Department. Therefore it would be in order to accept the work as complete and record the notice of completion. Resolution accepting work as complete needed. Final cost \$7,578.70 (services \$2,415; line extension \$5,163.70). Funds budgeted in Account 6804-50-101, Waterline Extensions; 5301-50-101, New Services)

ACTION: Res. 72-777 adopted accepting contract. (Clerk to handle)

CONSENT

6. Consider award of bid for construction of curbs, gutters, driveways and sidewalks at various locations.
(The bids were opened June 20, 1972 and the low bid of Lee A. Cain which is 30% under the engineer's estimate is considered acceptable. It is recommended that the bid be awarded to low bidder. Resolution awarding bid needed. Estimated cost \$10,980 (contract \$10,280; Engr. \$700). Funds budgeted in Account 321-51, Construction Material and 5301-51, Curbs and Gutters)

ACTION: Res. 72-778 adopted awarding contract to Lee A. Cain. (P/W to handle)

CONSENT

7. Consider approval of plans, specifications and call for bids for the 1972-73 street overlays, Unit No. 1 Select Streets, Unit No. 2 Residential Streets.
(Bid opening July 11, 1972 at 10:15 A.M. This is our yearly program for street overlays, both select streets and residential streets. Memo with agenda. Resolution approving needed)

ACTION: Res. 72-779 adopted approving plans and specifications and bid call. (Clerk to handle)

CONSENT

8. Consider award to low bidder Jones Chemical Inc. to furnish our annual requirements of liquid chlorine ending June 30, 1972.
(Memo with agenda. Resolution approving needed. Estimated cost \$100,615; funds budgeted in Account 312-53-101, Chemicals, Drugs & Lab Supplies, 1972-73 budget, p. 115)

ACTION: Res. 72-780 adopted awarding contract to Jones Chemical, Inc. (Finance to handle)

CONSENT

9. Consider awards to low bidders to furnish rock, sand and gravel for one year ending June 30, 1973.
(Memo listing low bidders and bid tabulation with agenda. Five resolutions needed. Estimated cost \$23,200. Funds budgeted in Account 438-512, Service Division Revolving Fund. Not shown in budget. Ultimately used in 321-51-101 and other accounts)

ACTION: Res. 72-781 adopted awarding contract for white plaster sand to American Transit Mix Co.

Res. 72-782 adopted awarding contract for concrete mix aggregate and crushed rock screenings to M. J. Ruddy & Son.

Res. 72-783 adopted awarding contract for concrete fine aggregate and aggregate base material to Chas. D. Warner & Sons.

Res. 72-784 adopted awarding contract for fill sand to The Flintkote Co.

Res. 72-785 adopted awarding contract for drain rock to Putnam Sand and Gravel Co. (Finance to handle)

CONSENT

10. Consider award to low bidder Melville E. Willson Co. to furnish our annual requirements of liquid ammonium phosphate ending June 30, 1973.
(Memo with agenda. Resolution needed. Estimated cost \$8,962.00. Funds budgeted in Account 312-53-101, Chemicals, Drugs and Lab Supplies, p. 115, 1972-73 preliminary budget)

ACTION: Res. 72-786 adopted awarding contract to Melville E. Willson Co. (Finance to handle)

CONSENT

11. Consider award to low bidder Melville E. Willson Co. to furnish our annual requirements of liquid anhydrous ammonia ending June 30, 1973. Memo with agenda. Resolution needed. Estimated cost \$36,230.00. Funds budgeted in Account 312-53-101, Chemical, Drugs and Lab Supplies, p. 115 1972-73 preliminary budget)

ACTION: Res. 72-787 adopted awarding contract to Melville E. Willson Co. (Finance to handle)

CONSENT

12. Consider award to low bidder George Reed Inc. to furnish our annual requirements of liquid and emulsified asphalt ending June 30, 1973. (Memo with agenda. Resolution needed. Estimated cost \$20,250.00. Funds budgeted in Account 321-51-101, p. 107 of 1972-73 preliminary budget, Construction Materials)

ACTION: Res. 72-788 adopted awarding contract to George Reed, Inc. (Finance to handle)

~~CONSENT~~

13. Consider purchase of radio equipment from Motorola Communications and Electronics, Inc.
(Memo with agenda. Resolution waiving formal bid procedure; resolution accepting negotiated offer from Motorola C & E and authorize purchase. Estimated cost \$12,398.00. Funds budgeted in Accounts 5412, 5417, 5418 and 5419-22-101, Capital Outlay, not shown in budget book)

ACTION: A Mr. Seibert complained that the cost is too great for the equipment to be purchased. The Police Chief and Purchasing Officer were directed to meet with Mr. Seibert outside the Council to discuss this matter. Later Mr. Seibert requested to be heard again and withdrew his complaint, but urged that other suppliers be contacted in the future. By motion (Dixon/Elliott, unan. Dunlap, absent) the Council then agreed to consider this matter.

Res. 72-789 adopted (Dixon/Elliott, unan. - Dunlap, absent) waiving formal bid procedure.

Res. 72-790 adopted (Dixon/Elliott, unan. - Dunlap, absent) accepting negotiated offer from Motorola C & E. (Finance to handle)

CONSENT

14. Consider award to lowest bidder Klemm Trucking Co. to furnish our annual requirements of ready-mixed concrete ending June 30, 1973.
(Memo with agenda. Resolution needed. Estimated cost \$7,700.00. Funds budgeted in Account 321-51-101, Construction Materials and other accounts)

ACTION: Res. 72-791 adopted awarding contract to Klemm Trucking Co. (Finance to handle)

CONSENT

15. Consider award to low bidder, Consolidated Electrical Distributors, to furnish our annual requirements for lamps until June 30, 1973.
(Memo with agenda. Resolution needed. Estimated cost \$5,000.00. Funds budgeted in Account 438-512, Revolving Fund. Not shown in budget book)

ACTION: Res. 72-792 adopted awarding contract to Consolidated Electrical Distributors. (Finance to handle)

CONSENT

16. Consider award of bid for perimeter sidewalks at Davis and Downey Parks.
(Bids were opened June 20, 1972. The low bid submitted by Klemm Trucking Company, which is 11% under the Engineer's Estimate, is considered acceptable. It is recommended by the Parks and Recreation Department and Public Works Department that bid be awarded low bidder) Resolution needed. Estimated cost Davis \$7568 (Contract \$7,068; Eng. & Insp. \$500); Downey \$5,310 (Contract \$5,110, Eng. & Insp. \$200). Funds budgeted in Account 6315-31-321, Davis Park Development, Stage 3; 6290-31-324, Downey Park Development, Stage 1 & 2.)

ACTION: Res. 72-793 adopted awarding contract to Klemm Trucking Co. (P/W to handle)

Councilman Simon arrived at 7:40 P.M.

HEARINGS

17. Protest hearing - Sunrise-Granger Addition to City. 7:35 P.M.

ACTION: By motion (Dixon/Newton, unan. - Dunlap, absent) hearing continued to July 10, 1972 at 7:40 P.M. (Clerk to handle)

18. Hearing on amendment to Chapter 1 of Title VII and Chapter 2 of Title X of Municipal Code pertaining to parking, driveway and landscaping requirements for residential uses. 7:40 P.M.

ACTION: By motion (Smith/Elliott, unan. - Dunlap, absent) Ord. No. 1198-C.S. introduced. (Clerk to handle)

19. Hearings on requirement for sidewalks at the following locations: (Project No. 72/29-32) 7:45 P.M.

(a) Sidewalk on Glenwood Drive at 1433 Glenwood Drive, Lot 5 of Block 6115. (Walter Baddell)

(b) Sidewalk at 1429 Glenwood Drive, Lot 16 of Block 6115. (Florie Palleschi)

(c) Sidewalk at 1425 Glenwood Drive, Lot 17 of Block 6115. (Robert E. Rock)
DROPPED FROM AGENDA

(d) Sidewalk at 1421 Glenwood Drive, Lot 18 of Block 6115. (Sally S. Gray)
DROPPED FROM AGENDA

(e) Sidewalk at 1417 Glenwood Drive, Lot 19 of Block 6115. (R. Govin)
DROPPED FROM AGENDA

(f) Sidewalk at 1413 Glenwood Drive, Lot 20 of Block 6115. (Richard P. Bell)
DROPPED FROM AGENDA

(g) Sidewalk at 1409 Glenwood Drive, Lot 21 of Block 6115. (James J. Gass)

(h) Sidewalk at 1504 Glenwood Drive, Lot 16 of Block 6112. (Joseph R. Randy)

(i) Sidewalk at 1508 Glenwood Drive, Lot 17 of Block 6112. (Harvey W. Wright)

(j) Sidewalk at 1512 Glenwood Drive, Lot 18 of Block 6112. (Harvey W. Wright)

(k) Sidewalk at 1516 Glenwood Drive, Lot 19 of Block 6112. (James F. Snook)

(l) Sidewalk at 1520 Glenwood Drive, Lot 20 of Block 6112. (Billy Willis)

(m) Sidewalk at 1528 Glenwood Drive, Lot 21 of Block 6112. (James R. Cooper)

(n) Sidewalk at 1530 Glenwood Drive, Lot 22 of Block 6112. (Muriel M. Farris)

19. Hearings on sidewalk requirement, (continued)

7:45 P.M.

(o) Sidewalk at 1532 Glenwood Drive, Lot 23 of Block 6112. (Goldie B. Fischer)
(Drop from agenda - doing own work)

DROPPED FROM AGENDA

(p) Sidewalk at 1536 Glenwood Drive, Lot 24 of Block 6112. (Leo F. Nowak)

(q) Sidewalk at 1540 Glenwood Drive, Lot 25 of Block 6112. (John F. Webber)
(Drop from agenda - doing own work)

DROPPED FROM AGENDA

(r) Sidewalk at 1542 Glenwood Drive, Lot 26 of Block 6112. (Avril C. Chandler)

(s) Sidewalk along Glenwood Drive at 1516 Del Vale Avenue, Lot 28 of Block 6112. (Donald A. Wells)

(t) Sidewalk at 1636 Glenwood Drive, Lot 26 of Block 6109. (Manuel D. Macedo)

(u) Sidewalk at 1640 Glenwood Drive, Lot 27 of Block 6109. (Lonnie L. Inglet)

(v) Sidewalk along Carver Road at 1644 Glenwood Drive, Lots 1 and 2 of Block 6109. (Brethren Home Missions Council)

(w) Sidewalk along Carver Road at 1533 Carver Road, Lot 1 of Block 6108. (L. R. Van Horn, Jr.)

(x) Sidewalk at 1525 Carver Road, Lot 3 of Block 6108. (Edwin G. Hartley)

(y) Sidewalk at 1521 Carver Road, Lot 4 of Block 6108. (Reginald Hartley)

(z) Sidewalk at 1509 Carver Road, Lot 7 of Block 6108. (Robert L. Hubbard)
(Drop from agenda - doing own work)

DROPPED FROM AGENDA

(aa) Sidewalk at 1341 Carver Road, Lot 11 and North 25 feet of Lot 12 of Block 6252. (Ellis T. Branch)
(Drop from agenda - doing own work)

DROPPED FROM AGENDA

(bb) Sidewalk at 1335 Carver Road, Lot 13 and South 25 feet of Lot 12 of Block 6252. (Warren H. Rash)

(cc) Sidewalk at 1329 Carver Road, Lot 14 and North 25 feet of Lot 15 of Block 6252. (Kun C. Kong)
(Drop from agenda - doing own work)

DROPPED FROM AGENDA

(dd) Sidewalk at 1323 Carver Road, the South 25 feet of Lot 15 and North 39.44 feet of Lot 16 of Block 6252. (Warren H. Rash)

19. Hearings on sidewalk requirement, (continued)

7:45 P.M.

(ee) Sidewalk at 1319 Carver Road, Lot 17 and 18 and South 10.56 feet of Lot 16 of Block 6251. (Charles S. Solomon, formerly owned by Wallace E. Blomdall)

(ff) Sidewalk along Carver Road at 1301 Carver Road, the East 72 feet of Lot 3 of Block 6252. (Sue Williams)

ACTION: Res. 72-794 adopted (Dixon/Newton, unan. - Dunlap, absent) ordering work done with exceptions noted above. (P/W to handle)

20. Continued hearing on amendment to P-D(83)
(Modesto Affiliated Church Housing Corp.)
(Continuance will be requested at meeting)

7:50 P.M.

ACTION: At the request of applicant, by motion (Elliott/Newton, unan. - Dunlap, absent) hearing continued to July 24, 1972 at 8:30 P.M. (Clerk to handle)

21. Informal hearing on request for encroachment permit for brick fence in front of 814 Sycamore Ave.

7:55 P.M.

ACTION: Res. 72-795 adopted (Simon/Elliott, unan. - Dunlap, absent) request denied. (Clerk to handle)

22. Matters for the good of the community.

8:00 P.M.

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

ACTION: Joe Hart, chairman of the Farm-City Advisory Committee, was introduced.

ORDINANCES

CONSENT

23. Consider adoption of budget for 1972-73 fiscal year and adoption of six-year capital improvement program.
(A report has been prepared which shows the adjustments to the preliminary budget which have been reviewed and recommended by the City Council and includes the first year of the six-year capital improvement program. Ordinance adopting 1972-73 budget including the first year capital improvement program needed)

ACTION: By motion (Simon/Elliott, unan. - Dunlap, absent) Ord. No. 1199-C.S. introduced and adopted. (Clerk to handle)

It was agreed that Mark Twain Park development would be moved up to 1976-77 in the CIP. (Finance and P & R to handle)

CONSENT

24. Authorize speed limits on East Orangeburg, Emerald and 7th.
(Speed limits per memo with agenda need authorization. Ordinance amending Section 32.1401 of Code needed. Estimated cost \$120 for signing. Funds budgeted in Account 5301-56-101, Traffic Signs)

ACTION: By motion, Ord. No. 1200-C.S. introduced. (Clerk to handle)

UNFINISHED BUSINESS

CONSENT

25. Stanislaus County Community Shelter Planning Report and Community Emergency Plan.
(Copies sent to Council. Motion approving report and plan needed)

ACTION: By motion, Shelter Planning Report and Community Emergency Plan approved. (C/Mgr to handle)

CONSENT

26. Fix time for public hearings to consider applications for licenses for collection of garbage.
(Resolution setting July 11, 1972 at 4:00 P.M. (adjourned regular council meeting) to consider applications for garbage licenses needed)

ACTION: Res. 72-795A adopted setting hearing (Modesto Garbage Co., Inc. dba Modesto Disposal Service)

Res. 72-796 adopted setting hearing (Airport Garbage Service)

Res. 72-797 adopted setting hearing (Sanders Brothers, Inc.)

Res. 72-798 adopted setting hearing (Orange Line Sanitation Co.)

Res. 72-799 adopted setting hearing (Rudy Bonzi Enterprises)
(Clerk to handle)

27. Approval of deferred compensation plan for city employees.
(The resolution and five agreements establishing the plan, approved in principle by the City Council on June 12, 1972 are now ready for final approval. A transfer (advance) of \$100 may be needed if anyone signs up for the Bank of America Plan. So far, none have signed up for that plan. Resolution establishing the plan and five resolutions approving the five agreements needed. If the Bank of America plan is dropped, only three resolutions needed)

ACTION: Res. 72-800 adopted (Smith/Simon, unan. - Dunlap, absent) establishing plan and agreements with City employees.
Res. 72=801 adopted (Smith/Simon, unan. - Dunlap, absent) approving signature card with State Savings & Loan Ass'n.
(P & T to handle)

NEW BUSINESS

CONSENT

28. A resolution determining that the public interest and convenience require that Lakewood No. 1 Addition be annexed to the Modesto Municipal Sewer District No. 1.
(It is now necessary to commence proceedings to annex the Lakewood No. 1 Addition to the Sewer District. Suggested hearing date August 14, 1972 at 7:35 P.M. (2/3 affirmative vote required)
Resolution setting hearing needed)

ACTION: Res. 72-802 adopted setting hearing. (Clerk to handle)

CONSENT

29. Resolution providing for notice of filing of assessment - Improvement District No. 19. (Tokay-Codding Storm Drainage District)
(Resolution needed)

ACTION: Res. 1230-S.P. adopted providing for notice of filing of assessment. (Clerk to handle)

CONSENT

30. Consider approval of the agreement with United States Geological Service to continue ground water study for the 1972-73 fiscal year. (Memo with agenda. Resolution approving agreement needed)

ACTION: Res. 72-803 adopted approving agreement. (Clerk to handle)

CONSENT

31. Revision of job specifications for one classification in city service (Property Agent). (Memo of explanation and revised job specification attached. Resolution approving needed)

ACTION: Res. 72-804 adopted approving revised job specifications. (Personnel to handle)

CONSENT

32. Authorizing temporary positions in the unclassified service of the City of Modesto to be filled by persons employed under the provisions of the Emergency Employment Act of 1971. (Memo with agenda. This resolution is necessary as three additional slots have been added. Participants will be considered as temporary unclassified employees. Resolution amending City Council Resolution 71-895 and rescinding Resolution 72-51 needed)

ACTION: Res. 72-805 adopted amending Res. 71-895 and rescinding Res. 72-51 to provide for additional temporary unclassified employees. (Personnel to handle)

CONSENT

33. Consider requests for sewer service to property outside the City at 617 Anthony Avenue. (Property owners Jesus P. and Lupe V. Arroyo have signed an agreement to annex when requested to do so by the City. The property is not contiguous to the City but a sewer line exists to serve it. Resolution approving agreement needed)

ACTION: Res. 72-806 adopted approving agreement. (P/W to handle)

34. Report on umbrella liability insurance policy. (Memo with agenda. Motion approving report needed)

ACTION: By motion (Newton/Elliott, unan.) held for one week. (Clerk to handle)

CONSENT

35. Lakewood Avenue connection to Briggsmore Avenue and the zoning pattern for the Scenic Drive-Sonoma-Lakewood Avenue area. (Memo from Director of Planning with agenda. Motion accepting report for filing needed)

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

CONSENT

36. Consider retaining Ribera and Sue to develop a design and preliminary specifications for downtown sidewalks.
(Letter from Downtown Improvement District Chairman with agenda. Motion authorizing preparation of agreement with Ribera and Sue needed)

ACTION: By motion, staff authorized to prepare agreement. (P & R to handle)

CONSENT

37. Assignment of lease agreement.
(The City has a lease agreement which expires on September 22, 1974, with Deet Eichel, Inc. for the property located at the old corporation yard on 8th Street. Mr. Eichel is selling his business to Mr. Charles Hillery and by the attached letter has requested that his lease be assigned to the new owner of the Volkswagen business. Staff recommends that the assignment be approved subject to Mr. Deet Eichel being responsible for the lease agreement in the event that Mr. Hillery should default. Resolution authorizing City Manager to consent to assignment of lease needed)

ACTION: Res. 72-807 adopted authorizing City Manager to consent to assignment of lease. (Finance to handle)

CONSENT

38. Modesto Junior College Work-Study Program.
(To permit City of Modesto to use students from M.J.C. under the federally funded Work-Study Program. Resolution approving agreement needed)

ACTION: Res. 72-808 adopted approving agreement. (Personnel to handle)

REPORTS

CONSENT

39. Report on possible effects of paying parking attendants \$1.65 per hour.
(Memo by Director of Parking and Traffic with agenda. It is suggested that the matter be referred to the D.I.D. and D.M.A. for comments. Motion accepting report and referring to D.I.D. and D.M.A. needed. No cost at this time)

ACTION: By motion, report accepted and referred to D.I.D. and D.M.A. (P & T to handle)

CONSENT

40. Report on proposed airport security plan.
(Report and memo with agenda. Motion ordering filed needed)

ACTION: By motion, report ordered filed.

42. Report on salary and benefit meet and confer meetings.
(Report and memo of understanding with agenda.)

ACTION: Res. 72-809 adopted (Elliott/Dixon, unan. - Dunlap, absent) approving Memo of Understanding with Modesto City Employees Association.

Res. 72-810 adopted (Elliott/Dixon, unan. - Dunlap, absent) approving Memo of Understanding with Modesto Police Association.

Motion adopted (Elliott/Dixon, maj. - Simon, no - Dunlap, absent) granting Modesto City Fire Fighters Association a 7% wage increase and all fringe benefits granted to other employees.
(Personnel to handle)

43. Report regarding request of John Birges - contract for irrigation system at 9-hole Muni Golf Course.
(Memo with agenda. Motion denying request or resolution granting request needed)

ACTION: Res. 72-812 adopted (Smith/Simon, unan. - Dunlap, absent) authorizing release of \$5,177.02 of funds retained. (Clerk to handle)

REPORTS FROM THE PLANNING COMMISSION

CONSENT

44. Required City Council findings in regard to previously approved tentative and final subdivision maps.
(An amendment to the State Subdivision Map Act, effective March 4, 1972 provides that the City Council must find that proposed subdivisions are consistent with applicable general or specific plans of the City. See memo with agenda. Resolution finding that the subdivisions approved by the Planning Commission and City Council since March 4, 1972 are consistent with the General Plan needed)

ACTION: Res. 72-813 adopted making finding that all subdivisions approved by Planning Commission and Council since March 4, 1972 are consistent with the General Plan. (Planning to handle)

45. Tentative Subdivision Map of Sunset Country Estates.
(By Resolution No. 72-75 adopted June 6, 1972 the Planning Commission approved this tentative subdivision map located south of Veneman Ave. (formerly Standiford Ave.) east of Dale Road. Action by the Council on two matters is required:

(a) Making a finding that the tentative subdivision map is not inconsistent with the General Plan (see memo with agenda).

(b) Objection by subdivider to Condition No. 3 of the Planning Commission Resolution 72-75 which requires a 6' high solid decorative masonry wall to be constructed along the rear lines of the lots adjacent to MID Lat. #7 (letter from subdivider with agenda) Resolution approving tentative subdivision map of Sunset Country Estates and finding that said subdivision is not inconsistent with the General Plan and applicable specific plans, needed)

ACTION: Res. 72-814 adopted (Dixon/Smith, unan. - Dunlap, absent) finding that tentative map is not inconsistent with General Plan and overruling objection to requirement for masonry wall.
(Clerk to handle)

46. Recommend adoption of Planning staff report entitled, "Modesto Planning Staff Critique and Recommendation, SAAG's ERME - Summary of Goals, Objectives, and Programs - 5-26-72" as the City's recommendation to SAAG regarding their Environmental Resources Management Element (ERME)
(Pursuant to Council request for Planning Commission review and recommendations regarding ERME, this matter was considered by the Commission at its regular meeting of June 20, 1972 at which time it adopted Res. 72-91, transmitting to the Council, Commission recommendations regarding SAAG's Summary of Goals, Objectives, and Programs as continued in Phase I, Environmental Resources Management Element. Resolution setting forth City's recommendations to SAAG needed)

ACTION: By motion (Dixon/Newton, unan. - Dunlap, absent) action held for two weeks to permit further study. (Clerk to handle)

Staff was requested to study possible effects of ERME on taxes.
(Finance to handle)

CONSENT

47. Recommend disposition of city-owned property.
(At its meeting of June 20, 1972 by Resolution No. 72-82 the Planning Commission recommends disposition of a surplus city-owned parcel of land located on the north side of Briggsmore Avenue, east of Prescott Road. Motion approving disposition of property and authorizing staff to negotiate a sale needed)

ACTION: By motion, disposition of property approved and staff authorized to negotiate for sale. (Finance to handle)

CONSENT

48. Recommend amendment to Section 32-3-9 of the zoning map
(O. B. Phillips, Jr. P-d (100)
(By Resolution No. 72-87 adopted June 20, 1972 the Planning Commission recommends an amendment to Section 32-3-9 of the zoning map as requested by O. B. Phillips, Jr. to rezone from Multiple-family Residential Zone, R-3 to Planned Development Zone, P-D for a 61-unit 2-story motel with a free-standing pole sign, property located between Calaveras Ave. and U. S. 99 Freeway, north of Tuolumne Blvd. Resolution setting July 17, 1972 at 4:15 P.M. as date for public hearing needed)

ACTION: Res. 72-815 adopted setting hearing. (Clerk to handle)

CONSENT

49. Recommend amendment to Section 28-3-9 of the zoning map (Tri-County Leasing, P-D (101) - 14th St.)
(By Resolution No. 72-88 adopted June 20, 1972 the Planning Commission recommends an amendment to Section 28-3-9 of the zoning map as requested by Tri-County Leasing, to rezone from Neighborhood Commercial Zone, C-1, to Planned Development Zone, P-D for a 20-unit, 2-story apartment complex, property located on the southwest side of 14th Street between E and F Sts. Resolution setting July 17, 1972 at 4:05 P.M. as time for hearing needed)

ACTION: Res. 72-816 adopted setting hearing. (Clerk to handle)

CONSENT

50. Recommend amendment to Section 24-3-9 of the zoning map (J. S. and Dorothy Bearden)
(By Resolution No. 72-86 adopted June 20, 1972 the Planning Commission recommends an amendment to Section 24-3-9 of the zoning map as requested by J. C. and Dorothy Bearden, to rezone from One-family residential zone, R-1, to Planned Development Zone, P-D, to allow construction of a neighborhood shopping center, property located at the southeast corner of Briggsmore Ave. and Lakewood Ave. extended. Resolution setting July 24, 1972 at 8:10 P.M. as time for hearing needed)

ACTION: Res. 72-817 adopted setting hearing. (Clerk to handle)

CONSENT

51. Recommend to Council the adoption of specific plan lines for sections of Crows Landing Road located in the City.
(On June 20, 1972 at its regular meeting, the Planning Commission adopted Resolution No. 72-90 recommending to the City Council the adoption of specific plan lines for those sections of Crows Landing Road located within the Modesto city limits.
(Resolution setting July 17, 1972 at 4:10 P.M. for public hearing needed)

ACTION: Res. 72-818 adopted setting hearing. (Clerk to handle)

CONSENT

52. Recommend amendment to Section 21-3-9 of the zoning map (Western Title - E. Orangeburg Ave.)
(By Resolution No. 72-84 adopted June 20, 1972 the Planning Commission recommends an amendment to Section 21-3-9 of the zoning map as requested by Western Title Guaranty Co., Stanislaus Division, to rezone from One-family residential zone, R-1, to Two-family residential zone, R-2, property located on the north side of E. Orangeburg Ave. between Sunrise and Brannon Avenues. Resolution setting July 24, 1972 at 8:15 P.M. for public hearing needed)

ACTION: Res. 72-819 adopted setting hearing. (Clerk to handle)

CONSENT

53. Recommend amendment to Section 17-3-9 of the zoning map (Mervyn's)
(By Resolution No. 72-89 adopted June 20, 1972 the Planning Commission recommends an amendment to Section 17-3-9 of the zoning map as requested by Mervyn's, Inc. to rezone from One-family Residential Zone, R-1, to Highway Frontage Zone, H-1, a 20-foot wide strip of property west of McHenry Ave. between Rumble Road and Leveland Lane. Resolution setting July 24 at 8:20 P.M. for public hearing needed)

ACTION: Res. 72-820 adopted setting hearing. (Clerk to handle)

APPROPRIATION TRANSFERS

CONSENT

54. Consider hoist repairs at city service yard.
(Memo with agenda. Resolution approving appropriation transfer of \$2,300 from Reserve appropriation needed)

ACTION: Res. 72-821 adopted approving appropriation transfer of \$2,300 from Account 60-48-512 to Account 233-48-512.
(Finance to handle)

CONSENT

55. Request for appropriation transfer of \$25,000.
(A review of water main and service requirements for the remainder of the fiscal year indicates that current funds are insufficient. Request for transfer from General Reserve to Account 5301-50, New Services, \$15,000 and to Account No. 6804-50 Water Line Extensions \$10,000. Resolution authorizing transfer needed)

ACTION: Res. 72-822 adopted approving appropriation transfer of \$25,000 from Account 60-101 to Account 5301-50-101 (\$15,000) and Account 6804-50-101 (\$10,000) (Finance to handle)

MISCELLANEOUS

56. Legislation.

NONE

57. Appointments.

NONE

58. Matters too late for the agenda.

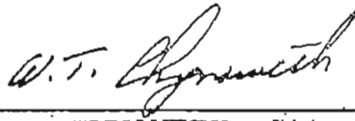
NONE

Executive session to consider Department Head and Council Appointee salaries.

ACTION: The Council retired to Executive Session at 9:10 P.M. and returned to open meeting at 10:35 P.M.

Adjournment at 10:40 P.M. to 11:00 A.M. on June 27, 1972 for the purpose of holding an Executive Session to further consider Department Head and Council Appointee salaries and to return to open meeting to take formal action on salaries and fringe benefits.

ATTEST:


W. T. CHYNOWETH, City Clerk

Modesto City Council
June 27, 1972

The Council of the City of Modesto met pursuant to adjournment.
The meeting was opened at 11:10 A.M.

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

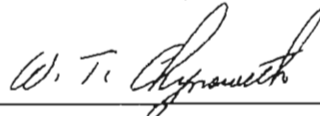
The Council retired to executive session to consider salaries and fringe benefits for Department Heads and Council Appointees and returned to open meeting at 12:18 P.M.

By motion (Smith/Dixon, unan.) the Police Chief and the Fire Chief were granted 7% salary increases and the other Department Heads and the Council Appointees were granted 6% salary increases with all Department Heads and Council Appointees to receive the same fringe benefits granted the other employees.

Res. 72-823 adopted (Elliott/Dixon, unan. - Dunlap, absent) establishing salary schedules and fixing compensation for positions in the City service. (Finance to handle)

The meeting adjourned at 12:20 P.M.

ATTEST:



W. T. CHYNOWETH, City Clerk

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, JULY 3, 1972 AT 4:00 P.M.

Roll Call Present: Dixon, Dunlap, Elliott, Newton, Simon, Mayor Davies
Absent: Smith
Councilman Dixon arrived at 4:15 P.M.

Pledge of allegiance to the Flag

Invocation: Reverend Ward Miller, Greenwood Grace Brethren Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 3, 4, 5, 6, 9, 11, 12,
Simon/Elliott, unan. - Dixon and 13, 15, 16, 17, 18, 19, 24, 26,
Smith, absent 27

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

PRESENTATION OF AWARD

1. The Distinguished Service Award will be presented to Frank J. Russo for his services as a member of the Personnel Commission from 1962 to 1972.

ACTION: As Mr. Russo was not present, this item was dropped.

APPROVAL OF MINUTES

CONSENT

2. Approval of minutes of June 26 and 27, 1972.
(Motion approving needed)

ACTION: By motion, minutes approved.

WRITTEN COMMUNICATIONS

CONSENT

3. Appeal of the Sylvan Improvement Club, the Loeb Investment Co., Francis P. Atteberry and Mabel J. Masellis from Planning Commission denial of request for rezoning from R-1 to H-1 of property north of Sylvan Avenue and east of McHenry Avenue.
(Resolution setting July 24, 1972 at 8:25 P.M. for hearing needed)

ACTION: Res. 72-823-A adopted setting hearing. (Clerk to handle)

CONSENT

4. Resignation of Robert D. Young from Farm-City Advisory Committee.
(Resolution accepting with regret needed)

ACTION: Res. 72-824 adopted accepting resignation with regret.
(Clerk to handle)

CONSENT

- 5. Request of Stanislaus Food Products Co. for permission to place a 12-foot concrete slab across 12th Street between B & D.
(Resolution granting encroachment permit subject to conditions set by Director of Public Works needed)

ACTION: Res. 72-825 adopted granting encroachment permit subject to conditions set by Director of Public Works. (P/W to handle)

BIDS

CONSENT

- 6. Approve plans and specifications and call for bids for the improvement of Rose Avenue from Scenic Drive to Briggsmore Avenue.
(Bid opening July 18, 1972 at 10:00 A.M. Rose Avenue is part of the select street system and will be financed from State Gas Tax funds. Resolution approving plans, specifications and bid call needed. Estimated cost \$112,900. (contract \$100,400; Engr. \$12,500). Funds budgeted in Account 6664-207, Rose Ave. - Scenic to Briggsmore, and 6561-212, Extend Subtrunk/Perimeter Sewers 1972-73 budget)

ACTION: Res. 72-826 adopted approving plans and specifications and bid call. (Clerk to handle)

HEARINGS

- 7. Hearing on amendment to Chapter 2 of Title X - shopping Center signs. 4:05 P.M.

ACTION: Councilman Dunlap was excused from consideration of this item.

Ord. No. 1201-C.S. introduced (Elliott/Dixon, unan. - Dunlap and Smith, absent) amending Title 9 of Municipal Code.

Ord. No. 1202-C.S. introduced (Elliott/Dixon, unan. - Dunlap and Smith, absent) amending Title 10 of Municipal Code.

(Both of above ordinances to include provision for each shopping center sign to be a maximum of 150 square feet in size)

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

ACTION: Frank Andrews spoke on the recent power outage.

ORDINANCES

CONSENT

- 9. Final adoption of the following ordinances:

(a) Ord. No. 1198-C.S. - amending Title X, driveway regulations.

ACTION: By motion, Ord. No. 1198-C.S. adopted. (Clerk to handle)

(b) Ordinance No. 1200-C.S. relating to speed limits.
(Motion adopting needed)

ACTION: By motion, Ord. No. 1200-C.S. adopted. (Clerk to handle)

UNFINISHED BUSINESS

10. Report on umbrella liability insurance.
(Carried over from June 26th meeting)

(Councilman Simon was excused from consideration of this item)

ACTION: By motion (Davies/Newton, unan.) staff directed to omit errors and omissions from coverage.

By motion (Dunlap/Newton, maj. - Elliott, no) \$5,000,000 coverage approved.

Res. 72-827 adopted (Newton/Dixon, unan. - Simon and Smith, absent) awarding insurance contract to Midland Insurance with \$5,000,000 coverage. (Finance to handle)

CONSENT

11. Further consideration of application for funds for Head Rest.
(Memo with agenda. Resolution authorizing the application and rescinding Resolution No. 72-774 needed)

ACTION: Res. 72-828 adopted authorizing application for grant and rescinding Res. 72-774. (C/Mgr to handle)

CONSENT

12. Agreement authorizing use by contractor of city-owned properties on Needham improvement project.
(Contractor on this project has requested use of two properties acquired by the City for widening of Needham. They would be used for assembly of men and equipment during the course of construction. Since this would expedite the work, a letter agreement has been prepared authorizing the use. Copy with agenda. Resolution authorizing City Manager to sign letter agreement needed)

ACTION: Res. 72-829 adopted approving letter agreement with Flintkote Co. (Clerk to handle)

NEW BUSINESS

CONSENT

13. Request by Raymond Lima for an encroachment permit to construct a brick wall 4½" behind the sidewalk in the public right of way at 1628 College Avenue.
(Suggested hearing date July 10, 1972, 7:50 P.M. Resolution setting date for hearing needed)

ACTION: Res. 72-830 adopted setting hearing. (Clerk to handle)

14. Consider gates at Blue Gum - S.P. railroad crossing.
(This crossing has now been annexed to the City. The County and S.P. were working on an agreement for such gates due to some recent fatalities. Staff needs direction from Council. Motion directing staff needed)

ACTION: By motion (Dixon/Simon, unan.) staff authorized to negotiate for installation of lights and gates. (P & T to handle)
Staff was requested to contact Southern Pacific Railroad, the Public Utility Commission and other cities re train speeds.
(P & T to handle)
A priority listing of unprotected crossings in the City was requested. (P & T to handle)

CONSENT

15. Amendment to Personnel Rules.
(To change Personnel Rule 13.5 to conform with the provision as agreed upon in the recent memoranda of understanding with employee organizations. Resolution approving change to Personnel Rule 13.5 needed)

ACTION: Res. 72-831 adopted approving change to Personnel Rule 13.5 to provide for increase in amount of unused sick leave to 184 days. (Personnel to handle)

CONSENT

16. Designate 14th and 15th Streets as one-way streets for future installation.

(When the Needham Street project is completed, 15th Street will need to be made one-way between K and Needham. The remainder of 14th and 15th Streets would not be made one-way until the Jennie Street bridge is built. Resolution amending Resolution 70-804 needed)

ACTION: Res. 72-832 adopted amending Res. 70-804 to provide that 14th and 15th Streets are to be one-way at proper time. (P & T to handle)

CONSENT

17. Accept improvements in Tully Manor No. 6 Subdivision and authorize City Clerk to file notice of completion and release bonds upon expiration of statutory periods.

(Tully Manor No. 6 Subdivision is located east of Carver Road and south of Standiford Avenue. All improvements have been completed to the satisfaction of the Public Works Department and all fees have been paid. Resolution accepting improvements and authorizing City Clerk to file notice of completion and release bonds upon expiration of the statutory periods.)

ACTION: Res. 72-833 adopted accepting improvements in Tully Manor No. 6. (Clerk to handle)

CONSENT

18. Consider extension of agreement with State of California, Office of Emergency Services, covering assignment of OES Pumper No. 115 which is stationed with the Modesto Fire Department.

(Copies of the extension of agreement with agenda. Resolution approving extension of agreement needed)

ACTION: Res. 72-834 adopted approving extension of agreement. (Clerk to handle)

CONSENT

19. Resolution certifying to the Board of Supervisors of the County of Stanislaus the amount of money needed by the City of Modesto for the payment of principal and interest on bonds of the Modesto Municipal Sewer District No. 1. Memo with agenda. Resolution needed)

ACTION: Res. 72-835 adopted certifying to Board of Supervisors amount needed. (Clerk to handle)

20. Consider modifying eligibility for taxi driver permits. (Memo with agenda. Staff recommends that Council authorize staff to prepare a draft of this section better defining "Moral turpitude" and incorporating some rehabilitation period. Motion directing staff needed)

ACTION: By motion (Simon/Elliott, unan.) staff directed to prepare changes as recommended. (C/Atty to handle)

21. Letter from Yosemite Junior College District concerning lighting tennis courts at Modesto Junior College.
(Memo and letter with agenda. Motion directing staff needed)

ACTION: By motion (Dunlap/Dixon, unan.) staff directed to continue negotiations with Yosemite Junior College District. (P & R to handle)

REPORTS

22. Report on retained percentage on public works contracts.
(Memo with agenda. Motion accepting report and directing staff to revise specifications to require 10% retention needed)

ACTION: By motion (Dixon/Elliott, unan.) staff directed to revise specifications to require 10% retention. (C/Atty to handle)

REPORTS FROM THE PLANNING COMMISSION

23. Council reconsideration of policy for neighborhood shopping center.
(See attached memo and report from Director of Planning. By motion, Council selection of one of the alternatives, modified as necessary, posed in the staff report, needed)

ACTION: By motion (Dixon/Elliott, unan.) further consideration continued for one week. (Clerk to handle)

CONSENT

24. Recommend amendment to Section 13-3-9 of the zoning map.
(Commission initiated - Fudenna)
(By Resolution No. 72-83 adopted June 20, 1972 the Planning Commission recommends an amendment to Section 13-3-9 of the zoning map as initiated by the Planning Commission to rezone P-D(59) to One-Family Residential Zone, R-1, property located on the west side of Prescott Road, south of Andrew Avenue. Resolution setting July 24, 1972 at 8:35 P.M. for public hearing needed)

ACTION: Res. 72-836 adopted setting hearing. (Clerk to handle)

25. Concentration of on-sale alcoholic establishments.
(Memo from Director of Planning with agenda. Brief oral report to be made at meeting. Motion accepting staff report and directing further staff action, if any, needed)

ACTION: It was agreed that staff should study this further and to ascertain what other cities are doing. (Planning to handle)

APPROPRIATION TRANSFERS

CONSENT

26. Consider purchase of decibel (noise) meter.
(Memo with agenda. Motion authorizing purchase of the meter and resolution approving transfer of \$390 from Account 110-41-101 needed)

ACTION: By motion, purchase of decibel meter approved. (P/W to handle)

Res. 72-837 adopted approving appropriation transfer of \$390 from Account 110-41-101 to Account 5404-41-101. (Finance to handle)

CONSENT

27. Appropriation transfers to provide for adjustments to the 1972-73 budget - salary adjustments and capital projects.
(Memo with agenda. Resolutions approving seven appropriation transfers needed)

ACTION: Res. 72-838 adopted approving appropriation transfer of \$432,653 from Account 60-101 to various accounts in Fund 101.

Res. 72-839 adopted approving appropriation transfer of \$3,049 from Account 60-209 to various accounts in Fund 209.

Res. 72-840 adopted approving appropriation transfer of \$5,539 from Account 60-223 to various accounts in Fund 223.

Res. 72-841 adopted approving appropriation transfer of \$2,918 from Account 60-230 to various accounts in Fund 230.

Res. 72-842 adopted approving appropriation transfer of \$8,786 from Account 60-512 to various accounts in Fund 512.

Res. 72-843 adopted approving appropriation transfer of \$9,206 from Account 5412-22-101 and \$4,755 from Account 5413-22-101 to Account 60-101.

Res. 72-844 adopted approving appropriation transfer of \$2,000 from Account 6808-41-321 to Account 60-321. (Finance to handle)

MISCELLANEOUS

28. Legislation.

NONE

29. Appointments.

NONE

30. Matters too late for the agenda.

ACTION: Mayor Davies commented on the excellent job being done by Center State Bank in connection with the filling of some of the unfilled basements in Block 55.

Adjournment at 5:30 P.M.

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

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, JULY 10, 1972 AT 7:30 P.M.

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

Pledge of allegiance to the Flag.

Invocation: Reverend Douglas Vander Wall, Christian Reformed Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 3, 5, 6, 7, 8, 13, 14,
Item 23 removed from consent 17, 19, 20, 21, 22, ~~23~~, 24, 26.
Simon/Newton, unan. - Smith, absent

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

PRESENTATION OF AWARD

1. Presentation of Distinguished Service Award to Frank J. Russo for his services as a member of the Personnel Commission from 1962 to 1972.

ACTION: The award was presented to Mr. Russo by Mayor Davies.

APPROVAL OF MINUTES

CONSENT

2. Minutes of July 3, 1972.
(Motion approving needed)

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

WRITTEN COMMUNICATIONS

CONSENT

3. Request of Kaiser-Aetna for abandonment of unused public utility easements in Modesto Verde Subdivision.
(Resolution referring to Planning Commission for report needed)

ACTION: Res. 72-845 adopted referring request to Planning Commission for report. (Planning to handle)

4. Letter from Stanislaus River Flood Control Association, Inc., explaining court action filed by Environmental Defense Fund in connection with New Melones Project.

ACTION: Res. 72-846 adopted (Simon/Newton, unan. - Smith, absent) authorizing intervention by City of Modesto in court action.
(C/Atty to handle)

BIDS

CONSENT

5. Consider acceptance of Larry Aksland's contract for grading of the instrument landing system site at Modesto City-County Airport. (Original contract \$8,300.00. All work on this project has been completed to the satisfaction of the Federal Aviation Administration and the City Public Works Department. Therefore, it would be in order to accept the work as complete and file the notice of completion. Resolution accepting work needed. Final cost, contract - \$8,300.00)

ACTION: Res. 72-847 adopted accepting contract. (Clerk to handle)

CONSENT

6. Approve plans and specifications and call for bids for the improvement of Rumble Road from McHenry Avenue to Coffee Road. (Bid opening: July 25, 1972 at 10:00 A.M. Rumble Avenue is part of the Select Street System and will be financed from State Gas Tax Funds. Memo with agenda. Resolution approving plans, specifications and call for bids needed. Estimated cost \$45,950. (Contract \$41,250 - Engr. \$4,700). Funds budgeted in Account 6665-207, Rumble-McHenry to Coffee)

ACTION: Res. 72-848 adopted approving plans and specifications and bid call. (Clerk to handle)

CONSENT

7. Consider approval of specifications and authorize call for bids to be opened August 1, 1972 at 2:00 P.M. for automotive equipment: 16 patrol vehicles; 1 flat bed dump; 1 4-door sedan; 5 dump trucks; 5 pickups. Memo from Director of Public Works with agenda. Resolution needed. Estimated cost \$109,303.00. Funds budgeted in Accounts 5415 7 5429, 5417 through 5422, Capital Outlay - Service Division, p. 157 Prel. Budget)

ACTION: Res. 72-849 adopted approving specifications and bid call. (Clerk to handle)

CONSENT

8. Consider awards to low bidders to furnish annual requirements of gasoline for the period ending June 30, 1973. (Shell Oil - truck and trailer loads; ARCO (Atlantic Richfield) - tank truck loads. Memo with agenda. Two resolutions needed. Estimated cost \$62,000. Funds budgeted in Account 330-48-512, Gas, Oil & Lubricants and other accounts, p. 159)

ACTION: Res. 72-850 adopted awarding contract for truck and trailer loads of gasoline to Shell Oil.

Res. 72-851 adopted awarding contract for tank truck loads of gasoline to Atlantic Richfield. (Finance to handle)

HEARINGS

9. Hearing on abandonment of alley known as "Church Way" in Block 131. 7:35 P.M.

ACTION: By motion (Dixon/Simon, unan.) intention declared to abandon alley at such time as hearing on amendment to P-D(83) is concluded and other conditions have been met.

10. Continued protest hearing - Sunrise-Granger Addition to City of Modesto. 7:40 P.M.

ACTION: Res. 72-852 adopted (Dixon/Elliott, unan. - Smith, absent) declaring no majority protest made.

Res. 72-853 adopted (Dixon/Elliott, unan. - Smith, absent) fixing September 19 as day for Sunrise-Granger Annexation Election. (Clerk to handle)

11. Hearing on request of Raymond Lema for encroachment permit for a brick wall 4½ inches behind the sidewalk at 1628 College Avenue. 7:50 P.M.

ACTION: A motion (Dixon) to deny the request failed for lack of a second.

Res. 72-854 adopted (Simon/Newton, maj. - Dixon, no - Smith, absent) granting request subject to standard conditions. (P/W to handle)

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

NONE

ORDINANCES

CONSENT

13. Final adoption of the following ordinances:

(a) Ordinance No. 1201-C.S. (amendment to sign regulations re shopping center signs)

ACTION: By motion, Ord. No. 1201-C.S. adopted. (Clerk to handle)

(b) Ordinance No. 1202-C.S. (Amendment to zoning regulations re shopping center signs)

ACTION: By motion, Ord. No. 1202-C.S. adopted. (Clerk to handle)

CONSENT

14. Consider emergency ordinance and non-emergency ordinance to amend recently adopted National Electrical Code for 1971. (Memo with agenda. Adoption of emergency ordinance and introduction of non-emergency ordinance needed)

ACTION: By motion, Ord. No. 1203-C.S. adopted

By motion, Ord. No. 1204-C.S. introduced. (Clerk to handle)

UNFINISHED BUSINESS

15. Further consideration of policy for neighborhood shopping center.

ACTION: By motion (Dunlap/Dixon, unan.) staff directed to attempt to arrange a City Council/Board of Supervisors joint meeting to discuss this. (C/Mgr to handle)

16. Further consideration of Environmental Resources Management Element.

ACTION: Following an informal hearing during which many members of the audience expressed their views, it was agreed that more information was needed and more hearings should be held.

By motion (Dixon/Dunlap, unan.) SAAG urged to hold a special public hearing as soon as possible and to give the public every opportunity to participate. (C/Mgr to handle)

Staff was requested to check the accuracy of statements attributed to Dr. Lucas of the U. C. Davis staff. (Planning to handle)

NEW BUSINESS

CONSENT

17. Resolution approving certificate of city treasurer and authorizing facsimile signature and seal on bonds and facsimile signature on coupons (M17-35 - Improvement District No. 17 - lighting in unlit areas of City. Resolution needed)

ACTION: Res. 1231-S.P. adopted approving certificate of City Treasurer and authorizing facsimile signatures and seal. (Clerk to handle)

18. Consider approval of right of way acquisition at the northeast corner of McHenry and Sylvan Avenues.
(Memo with agenda. Resolution accepting right of entry or resolution authorizing condemnation proceedings needed)

ACTION: Res. 72-855 adopted (Simon/Elliott, unan. - Smith, absent) accepting right of entry from Sylvan Improvement Club.
(Clerk to handle)

CONSENT

19. A resolution approving final map of McHenry Estates No. 2 Subdivision of the City of Modesto and authorizing an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code.
(The subdivision agreement has been signed and all fees paid. McHenry Estates No. 2 Subdivision is located on the north side of Sylvan Avenue east of McHenry Avenue. It contains 14.697 acres. Resolution approving final map needed)

ACTION: Res. 72-856 adopted approving final map of McHenry Estates No. 2. (Clerk to handle)

CONSENT

20. Police Chief's attendance at ASHA Conference - November 1 - 3, 1972.
(Memo with agenda. Motion approving needed)

ACTION: By motion, attendance approved. (Police to handle)

CONSENT

21. Authorization to file application for Land and Water Conservation funds for Tuolumne River Regional Park.
(Memo with agenda. Resolution authorizing filing of application needed. Estimated cost \$145,000 over two years.)

ACTION: Res. 72-857 adopted authorizing filing of application.
(P & R to handle)

CONSENT

22. Dry Creek Park - application of Land and Water Conservation Funds.
(Memo with agenda. Resolution authorizing filing of application needed. Estimated cost \$150,000. Funds budgeted in Account 6415-31-321, Dry Creek Park, Land Acquisition)

ACTION: Res. 72-858 adopted authorizing filing of application.
(P & R to handle)

REPORTS

~~XXXXXXXX~~

23. Report on Youth Brochure - Project Greater Modesto Youth Subcommittee.
(Memo with agenda. Motion approving report and authorizing staff to proceed, and resolution approving appropriation transfer needed. Estimated cost \$650)

ACTION: By motion (Simon/Newton, unan.) staff directed to prepare mock brochure for presentation to Council and request appropriation transfer at that time. (P & R to handle)

REPORTS FROM THE PLANNING COMMISSION

CONSENT

24. Recommend commencement of proceedings for the annexation to the City of inhabited territory (East Coolidge No. 2 Addition).
(On July 5, 1972 the Planning Commission adopted Resolution No. 72-95 recommending to the Council the commencement of proceedings for the annexation to the City of inhabited territory (East Coolidge No. 2 Addition, located between Coffee Road and Rose Avenues, south of Briggsmore Avenue. Resolution consenting to commencement of proceedings to annex needed)

ACTION: Res. 72-859 adopted consenting to commencement of proceedings.
(Planning to handle)

25. Amendment to the Standard Specifications for Subdivision Improvements pertaining to the raising of water valve stands and covers in new subdivisions.
(By Resolution No. 72-93 adopted July 5, 1972 the Planning Commission recommends an amendment to the standard specifications for subdivision improvements to require the subdivider to be responsible for raising water valve stands and covers to grade at the time the streets in subdivisions are paved. Resolution amending standard specifications for subdivision improvements needed)

ACTION: Res. 72-860 adopted (Newton/Simon, unan, - Smith, absent) amending standard specifications for subdivisions, (P/W to handle)

CONSENT

26. Recommend amendment to P-D(88) to allow construction of a swimming pool.
(By Resolution No. 72-94 adopted July 5, 1972 the Planning Commission recommends an amendment to P-D(88) to allow the construction of a swimming pool as an addition to the apartment complex on the north side of Kruger Drive east of Granada Way. Resolution setting July 24, 1972 at 8:40 P.M. for public hearing needed)

ACTION: Res. 72-861 adopted setting hearing. (Clerk to handle)

Mayor Davies left the chambers and Councilman Simon presided as Mayor Pro Tem.

MISCELLANEOUS:

27. Legislation.

ACTION: By motion (Dixon/Newton, unan.) SB 9 supported.
Mayor Davies returned.
By motion (Dixon/Newton, unan.) SB 544 supported.
By motion (Dixon/Elliott, unan.) AB 2376 opposed.
(C/Mgr to handle)

28. Appointments

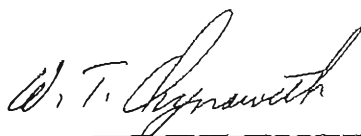
NONE

29. Matters too late for the agenda.

ACTION: William Ulm, member of the Farm-City Advisory Committee, was introduced.

Adjournment at 10:00 P.M. to 4:00 P.M. on July 11, 1972 for the purpose of holding a public hearing to consider applications for licenses to collect garbage, including swill, industrial garbage and salvageable waste within the City of Modesto.

ATTEST:


W. T. CHYNOWETH, City Clerk

July 11, 1972

The Council of the City of Modesto convened at 4:00 P.M. pursuant to adjournment.

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

Councilman Dunlap, Chairman of the Public Projects Committee, reported that a statement concerning equal opportunity employment had been inadvertently omitted from the proposed ordinance granting a license to collect garbage.

By motion (Newton/Elliott, unan.) it was determined that an equal opportunity employment statement would be included in the ordinance granting a license to collect garbage.

The public hearing was then opened. Persons favoring the applications of Airport Garbage Service, a co-partnership composed of Eugene Gilton and Leroy Gilton; Modesto Garbage Company, Inc., a California Corporation, dba Modesto Disposal Service; Ronald T. Driscoll and Diane M. Driscoll, dba Orange Line Sanitation Company and Sanders Brothers, Inc., a California Corporation, dba Sanders Garbage Company, were permitted to express their views. Those favoring the application of Rudy Bonzi Enterprises were then given an opportunity to speak. After giving representatives time for rebuttal statements and all persons present an opportunity to speak, the hearing was closed. The Council then discussed the applications and took the following action:

The following ordinances were introduced (Dixon/Simon, maj. - Elliott, no - Smith, absent) granting licenses to collect garbage, including swill, industrial garbage and salvageable waste within the City of Modesto for a 10-year term beginning January 1, 1973 at a base residential rate of \$1.40 per month for one container emptied once a week, with the company doing its own billing:

Ord. No. 1205-C.S. - Airport Garbage Service, a co-partnership composed of Eugene Gilton and Leroy Gilton.

Ord. No. 1206-C.S. - Modesto Garbage Company, Inc., a California Corporation, dba Modesto Disposal Service.

Ord. No. 1207-C.S. - Ronald T. Driscoll and Diane M. Driscoll, dba Orange Line Sanitation Company.

Ord. No. 1208-C.S. - Sanders Brothers, Inc., a California Corporation, dba Sanders Garbage Company.
(Clerk to handle)

By motion (Dixon/Simon, maj. - Elliott, no - Smith, absent) the application of Rudy Bonzi Enterprises for a license was denied.

The meeting adjourned at 6:25 P.M.

ATTEST:


W. F. CHYNOWETH, City Clerk

7/11/72

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, JULY 17, 1972 AT 4:00 P.M.

Roll call Present: Dixon, Dunlap, Elliott, Newton, Simon, Mayor
Davies
Absent: Smith
Councilman Newton arrived at 4:45 P.M.

Pledge of allegiance to the Flag
Invocation: - -

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 3, 4, 5, 6, 7, 8, 9,
Item 14, b, c, d, and e removed from 14, 15, 17, 18, 19, 20, 21, 22,
Consent. 23, 24, 25, 26
Simon/Elliott, unan. - Newton, Smith
absent.

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

APPROVAL OF MINUTES

CONSENT

1. Minutes of July 10 (regular) and 11, 1972 (adjourned regular).
(Motion approving needed)
ACTION: By motion minutes approved.

WRITTEN COMMUNICATIONS

2. Request of Turlock City Council for support in changing name of State College to California State College at Turlock.
ACTION: Res. 72-862 adopted (Elliott/Dixon, unan. - Newton, Smith, absent) supporting name change to California State College at Turlock. (Clerk to handle)

CONSENT

3. Letter from Robert L. Crisp concerning parking at Municipal 9-Hole Golf Course.
(Motion referring to staff for report needed)
ACTION: By motion, letter referred to staff for report.
(P & R to handle)

BIDS

CONSENT

4. Consider award of contract for installation of waterlines in Poppypatch No. 1, Applegate No. 3, Greenfield No. 3, and McHenry Avenue at Leveland.
(Bids were opened July 11, 1972. The low bid submitted by Rutan Construction Co., which is 13% under the Engineer's Estimate, is considered acceptable. It is therefore recommended that the contract be awarded to low bidder. Resolution needed. Estimated cost \$18,402.50 (\$15,285.00; Ext. \$3117.50). Funds budgeted in Account 6804-50-101, Water line Extension, New Services, and 5301-50-101, Waterline Extension, New Services)
ACTION: Res. 72-863 adopted awarding contract to Rutan Construction Co. (P/W to handle)

CONSENT

5. Consider award of bids for the asphalt concrete resurfacing, Various City Streets 1972-73-Unit No. 1 Select Streets and Unit No. 2 Residential Streets.
(Bids were opened July 11, 1972. The low bid submitted by George Reed, Inc., which is 7.5% below the Engineer's Estimate, is considered acceptable. It is recommended by the Public Works Department that the bid be awarded to low bidder. Resolution awarding bid needed. Estimated cost \$67,388.75; Unit No. 1 \$21,002.50; Unit #2, \$46,386.25. Funds budgeted in Accounts 6660-207, Misc. Resurfacing Var. Residential Streets and 6657-41-321, Overlays)
ACTION: Res. 72-864 adopted awarding contract to George Reed, Inc. (P/W to handle)

CONSENT

6. Consider acceptance of Industrial Electric's contract for construction of baseball field lighting at Downey Park.
(Original contract, \$64,200.00) All work in conjunction with this project has been completed to the satisfaction of the Parks & Recreation Department and the Public Works Department. It would be in order to accept the work as complete and file the notice of completion. Resolution accepting work needed. Funds budgeted in Account 6290-31-321, Downey Park, Stages 1, 2, 3, 4,; 6290-324, Downey Park, Stages 1, 2, 3A, pp 74 and 76. Final cost \$\$64,200)
ACTION: Res. 72-865 adopted accepting contract (Clerk to handle)

CONSENT

7. Consider award of bid for construction of footbridge between Moose and Kewin Parks.
(Bids were opened July 11, 1972. The low bid submitted by Charles I. Cunningham Company, which is 28% under the Engineer's estimate, is considered acceptable. It is recommended by the Parks & Recreation Department and the Public Works Department that the bid be awarded to low bidder. Resolution awarding bid needed. Estimated cost \$18,111.00 (\$15,111.00, construction; \$3,000.00 Eng. & Inspection.) Funds budgeted in Account 6321-31-321, Moose Park Stages 2,3,4)
ACTION: Res. 72-866 adopted awarding contract to Charles J. Cunningham Co. (P/W to handle)

CONSENT

8. Consider approval of specifications and authorize call for bids to be opened August 8, 1972 at 2:00 P.M. for furnishing one new 16-inch brush chipper, trailer-mounted for street tree use. (Resolution needed. Estimated cost \$4,500. Funds budgeted in Account 5431-58-512, Service Division Capital Outlay, Prel, Budget p. 157)
ACTION: Res. 72-867 adopted approving specifications and bid call (Clerk to handle)

CONSENT

9. Consider approval of specifications and authorize call for bids to be opened August 1, 1972 at 2:15 P.M. for furnishing one new tractor and 5-gang mower units of Parks use. (Resolution needed. Estimated cost \$7,907. Funds budgeted in Account 6426-48-512, Service Division Capital outlay, preliminary budget p. 157)
ACTION: Res. 72-868 adopted approving specifications and bid call (Clerk to handle)

HEARINGS

10. Hearing on request to rezone from C-1 to P-D to permit construction of a 20-unit 2-story apartment at 519 and 521 14th Street on the southwest side of 14th Street between E and F Streets. 4:05 P.M.
ACTION: Ord. No. 1209-C.S. introduced amending Section 28-3-9 of zoning map (Dunlap/Elliott, unan.) (Clerk to handle)
Res. 72-869 adopted (Dunlap/Elliott, unam., Newton, Smith absent) (Planning to handle)
11. Hearing on adoption of specific plan lines for sections of Crows Landing Road located in City. 4:10 P.M.
ACTION: Ord. 1210-C.S. introduced adopting specific plan lines. (Dixon/Simon, unan. - Newton, Smith absent) (Clerk to handle)
12. Hearing on request to rezone from R-3 to P-D to permit the construction of a 61-unit 2-story motel with freestanding pole sign on property located between Calaveras Avenue and U. S. 99 Freeway, north of Tuolumne Boulevard. 4:15 P.M.
Ord. 1211-C.S. (Simon/Dunlap, unan., Newton, Smith absent) introduced amending Sec. 32-3-9 of zoning map (Clerk to handle)
Res. 72-870 adopted approving development plan (Simon/Dunlap, unan., Newton, Smith absent) (Planning to handle)
13. Matters for the good of the community. 4:20 P.M.
(These may be presented by interested people in the audience)
Mrs. William Mitchell introduced four visitors from Germany who are in Modesto for a few days on the People to People Program. The visitors were: Helmut Hergeth, student; Dr. Karl Pesula, teacher; Raimund Durauer, teacher; Klaus Berach, teacher.

CONSENT

ORDINANCES

14. Final adoption of the following ordinances:
(Motion adopting needed)

(a) Ord. No. 1204-C.S. - amendment to electrical code.

ACTION: Ord. No. 1204-C.S. adopted (Clerk to handle) by motion.

(b) Ord. No. 1205-C.S. - garbage license - Airport Garbage Service.

ACTION: By motion, Ord. No. 1205-C.S. adopted (Dixon/Simon, unan., Smith absent.) (Clerk to handle)

(c) Ord. No. 1206-C.S. - garbage license - Modesto Garbage Co. Inc.

ACTION: By motion, Ord. No. 1206-C.S. adopted (Dixon/Simon, unan., Smith absent) (Clerk to handle)

(d) Ord. No. 1207-C.S. - garbage license - Orange Line Sanitation Co.

ACTION: By motion, Ord. No. 1207-C.S. adopted (Dixon/Simon, unan., Smith absent) (Clerk to handle)

(e) Ord. No. 1208-C.S. - garbage license - Sanders Garbage Co.

ACTION: By motion, Ord. No. 1208-C.S. adopted (Dixon/Simon, unan., Smith absent) (Clerk to handle)

CONSENT

15. Consider adopting a drainage plan for the Scenic-Sonoma-Orangeburg drainage area.

(Memo with agenda. Introduction of ordinance adopting the plan and adoption of emergency ordinance adopting the plan needed)

ACTION: By motion, Ord. 1212-C.S. adopted. (Clerk to handle)
By motion, Ord. No. 1213-C.S. introduced. (Clerk to handle)

UNFINISHED BUSINESS

16. Further consideration of Paradise Road widening.

(Memo with agenda. Motion directing staff needed)

ACTION: By motion (Dixon/Elliott, unan., Smith absent)
"Plan 6" approved and staff directed to present it to Board of Education. (P/W to handle)

CONSENT

17. Agreement with Ribera and Sue, Inc. for the beautification and improvement of sidewalks in the downtown area.

(Resolution authorizing agreement and resolution authorizing appropriation transfer of \$2,000 from D.I.D. beautification funds needed)

ACTION: Res. 72-871 adopted approving agreement (Clerk to handle)
Res. 72-872 adopted approving appropriation transfer of \$2,000 from Account 5399-218 to Account 5301-218. (Finance to handle)

CONSENT

NEW BUSINESS

18. Resolution determining that the public interest and convenience require that Dry Creek No. 2 Addition be annexed to Modesto Municipal District No. 1 and naming time and place for hearing.

(It is now necessary to commence proceedings to annex this area to the Modesto Municipal Sewer District No. 1. Suggested hearing date Tuesday, September 5, 1972 at 4:05 P.M. Resolution setting hearing (2/3 affirmative vote required)

ACTION: Res. 72-873 adopted setting hearing (Clerk to handle)

CONSENT

19. Consider eliminating encroachment permit insurance requirements for property owners installing their own sidewalks and/or curbs and gutters.
(Memo with agenda. Motion directing staff to prepare necessary documents needed)
ACTION: By motion, staff directed to prepare necessary documents. (C/Atty to handle)

CONSENT

20. Consider proposal of Mr. Thomas Fontana, Jr., to harvest nuts and grapes on city property.
(A letter has been received from Mr. Thomas Fontana, Jr. offering to harvest nuts and grapes from city owned property located at Dryden Park Municipal Golf Course, Roosevelt Park, at City Pump Station No. 14 on Virginia Avenue, the City Pump Station on Emerald Avenue, in the small parcel purchased by the City from the State on the south side of Tuolumne River near 9th Street bridge approach, and the Mancini Park property at 1204 River Road. He proposed to complete the harvest and pay to the City by November 20, 1972 35% of the gross revenue for the crop. He harvested the walnuts in 1971 and paid the City \$188.37. Resolution approving needed)
ACTION: Res. 72-874 adopted approving letter agreement with Thomas Fontana, Jr. (Finance to handle)

CONSENT

21. Requests for sewer service to properties outside the City at 1441 Rose Avenue and 2124 Roble Avenues. Property owners, Harold W. and Gertrude Colegrove and A. H. and Mary E. Dodson, respectively. (The property owners have signed agreements requiring that they annex to the City when requested to do so. The properties are contiguous to the City and sewer lines exist to serve them. Two resolutions approving agreements needed)
ACTION: Res. 72-875 adopted approving agreement with Harold and Gertrude Colegrove. (Public Works to handle)

Res. 72-876 adopted approving agreement with A. H. and Mary E. Dodson. (P/W to handle)

CONSENT

22. Letter from Division of Highways asking that City designate a staff person to work on a committee to develop an agreement for studying Highway 108 (McHenry Avenue) alternatives.
(Letter with agenda. It is recommended that Douglas Carmody be designated. Motion appointing him needed)
ACTION: By motion, Douglas Carmody appointed. (Parking & Traffic to handle)

CONSENT

23. Acceptance of dedication of all roads, streets, etc. in Orangeburg East Subdivision.
(Memo with agenda. Resolution accepting the dedication of and opening for public use all roads, streets, etc. in Orangeburg East Subdivision needed)

ACTION: Res. 72-877 adopted accepting dedication. (Clerk to handle)

REPORTS

CONSENT

24. Further report on small buses.
(Report sent with agenda recommending that purchase of small buses be delayed one year. Motion approving recommendation needed)

ACTION: By motion, recommendation approved. (Parking & Traffic to handle)

CONSENT

25. Greater Modesto Chamber of Commerce quarterly report.
(Motion accepting needed)

ACTION: By motion, report accepted.

CONSENT

26. Report on removal of rotating, moving, flashing, changing and blinking portions of signs.
(Report with agenda. Motion accepting report needed)

ACTION: By motion, report accepted.

MISCELLANEOUS

27. Legislation.

It was agreed that consideration of AB-1000 would be on the agenda for July 24.

Action was delayed for one week on SB-445 to permit staff to obtain information from Comprehensive Health Planning Council of Stanislaus County. (C/Mgr. to handle)

28. Appointments.

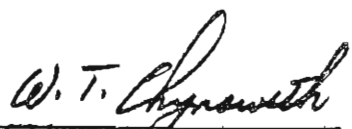
None

29. Matters too late for the agenda.

None

Adjournment at 4:50 P.M.

ATTEST:


W. T. CHENOWETH
City Clerk

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, JULY 24, 1972 AT 7:30 P.M.

Roll call Present: Dixon, Dunlap, Elliott, Newton, Simon, Mayor Davies
Absent: Smith
Councilman Dixon arrived at 7:35 P.M.

Pledge of allegiance to the Flag

Invocation: Reverend Ben Jennings, Prescott Bible Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2, 3, 6, 7, 8, 9, 10,
Item 11 dropped from agenda 11, 12, 13, 29, 30, 31, 32, 33,
Item 33 removed from consent 34, 35, 36, 37, 38, 39, 40, 41

Dunlap/Newton, unan. - Dixon, Smith absent.

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

APPROVAL OF MINUTES

CONSENT

1. Minutes of July 17, 1972.
(Motion approving needed)
ACTION: By motion minutes approved.

WRITTEN COMMUNICATIONS

CONSENT

2. Request of Modesto Crime Stop Committee that Council consider requiring mandatory licensing of all bicycles sold in Modesto.
(Motion directing staff to prepare necessary documents needed)
ACTION: By motion, staff directed to prepare necessary documents.
(C/Atty to handle)

CONSENT

3. Request of Cablecom General of Modesto for change in franchise to permit filing of financial statement on fiscal year basis rather than on calendar year basis.
(Motion referring to staff for report needed)
ACTION: By motion, referred to staff for report. (C/Atty and Finance to handle)
4. Request that court actions against Riverbank and Woodland Fire Protection Districts be dismissed.
ACTION: By motion (Dunlap/Dixon, unan.) further consideration continued to next meeting to permit staff to obtain more information as to amounts paid by other fire districts during the same period of time. (Finance to handle)

5. Letter re application of Head Rest for matching funds.
ACTION: By motion (Elliott/Newton, unan.) referred to staff to work out details with Drug Abuse Council and Head Rest and return to Council on August 7. (C/Mgr. to handle)

CONSENT

6. Permission for Councilman Dunlap to attend Town Affiliation Conference in Seattle, August 16 - 19, 1972.
(Motion granting permission needed)
ACTION: By motion, permission granted.

BIDS

CONSENT

7. Consider acceptance of W. M. Lyles Co. contract for installation of water lines in McHenry Estates No. 1 and Palomino Estates.
(Original contract \$24,761.46. All work has been completed to the satisfaction of the Public Works Department. It would be in order to accept the work as complete and file notice of completion. Resolution accepting work needed. Final cost: Contract, \$20,321.80; (Ext. \$18,230.10; Services \$2,091.70) Funds budgeted in Accounts 6804-50-101, Waterline Extension and 5301-50-101, New Services)
ACTION: Res. 72-878 adopted accepting contract. (Clerk to handle)

CONSENT

8. Call for bids for the construction of traffic signals and street lights at Orangeburg and Coffee, Orangeburg and Carver, and Tully and Rumble.
(Scheduled completion date is March 3, 1973. Resolution call for bids on August 22, 1972 at 2:00 P.M. needed. Estimated cost \$39,000; funds budgeted in Accounts 6137-56-321, Traffic Signals & Street Lighting; 6178-56-321, Orangeburg and Coffee; 6189-56-321, Orangeburg & Carver; and Tully and Rumble)
ACTION: Res. 72-879 adopted approving plans, specifications and bid call. (Clerk to handle)

CONSENT

9. Award contract for construction of traffic signals and street lights at El Vista and Encina
(Low bidder was Ferrero Electric, Inc., at \$10,575.00. Resolution awarding contract needed. Estimated cost \$11,575 (\$10,575 for construction; \$1,000 for engineering and inspection). Funds budgeted in Account 6160-56-321, Traffic Signals and Street Lights: El Vista and Encina)
ACTION: Res. 72-880 adopted awarding contract to Ferrero Electric.
(P & T to handle)

CONSENT

10. Consider award of bid for the improvement of Rose Avenue from Scenic Drive to Briggsmore Ave.
(Bids were opened on July 18, 1972. The low bid submitted by Lee White Paving Co., which is 2.17 over the Engineer's Estimate, is considered acceptable. It is recommended by the Public Works Department that the bid be awarded to low bidder. Resolution awarding bid needed. Estimated cost \$114,545.45 (Contract \$102,045; Engineer, \$12,500.00. Funds budgeted in Accounts 6664-207, Rose Ave. Scenic to Briggsmore; 6561-212, Subtrunk & Perimeter Sewer)

ACTION: Res. 72-881 adopted awarding contract to Lee White Paving Co. (P/W to handle)

CONSENT

11. Consider approval of plans and specifications and call for bids for the installation of waterlines in Daisy Park No. 1, Capistrano Park No. 1, and McHenry Estates No. 2.
(Suggested bid opening, August 8, 1972 at 10:00 A.M. Costs and Revenues: Daisy No. 1, Construction cost, \$5,199.63; Conn. Charges \$3,125.00; Net ann. rev. \$4,000. Capistrano No. 1: Construction cost \$3,480.52; Connection charges, \$2,750.00; Net annual revenue \$352.00. McHenry No. 2: Construction cost, \$18,179.00; Conn. Charges, \$5,875.00; Net Ann. Rev. \$752.00. Estimated cost, \$26,859.15 (Nat'l. \$15,370.15; Labor \$11,489.00) Funds budgeted in Account 6804-50-101, Waterline Ext. and 5301-50-101, New Services)

DROPPED FROM AGENDA.

CONSENT

12. Consider approval of plans and specifications and call for bids for revision of street lights and circuits on Tenth Street from "G" Street to "D" Street and Eleventh Street from Needham to "M" Street.
(Suggested bid opening date: August 8, 1972 at 2:10 P.M. These revisions are necessary to bring the street lights and circuits up to our current standards. Resolution needed. Estimated cost \$22,200.00 (Contract \$20,200; Engr. \$2,000.00). Funds budgeted in Account 6626-41-321, Modernize City Lighting, Stage 5)

ACTION: Res. 72-882 adopted approving plans, specifications and bid call. (Clerk to handle)

CONSENT

13. Consider acceptance of Shield Construction Company's contract to construct a subtrunk sewer on McHenry Avenue between Woodrow and Warren Avenues.
(Original contract, \$45,122.98. All work on this contract has been completed to the satisfaction of the Public Works Department. It would be in order to accept the work as complete and authorize filing of notice of completion. Resolution needed. Final cost \$56,495.49. Funds budgeted in Account 6516-212, Ext. Subtrunk Sewers)

ACTION: Res. 72-883 adopted accepting contract. (Clerk to handle)

HEARINGS

14. Annexation of Prescott No. 4 Addition to Sewer District. 7:35 P.M.
ACTION: Res. 72-884 adopted (Dixon/Elliott, unan. - Smith absent) annexing Prescott No. 4 Addition to Modesto Municipal Sewer District No. 1. (Clerk to handle)
15. Annexation of Carver No. 2 Addition to Sewer District. 7:40 P.M.
ACTION: Res. 72-885 adopted (Dixon/Elliott, unan. - Smith absent) annexing Carver No. 2 Addition to Modesto Municipal Sewer District No. 1 (Clerk to handle)
16. Annexation of Carpenter No. 2 Addition to Sewer District. 7:45 P.M.
ACTION: Res. 72-886 adopted (Dixon/Elliott, unan. - Smith absent) annexing Carpenter No. 2 Addition to Modesto Municipal Sewer District No. 1. (Clerk to handle)
17. Annexation of Dry Creek No. 1 Addition to Sewer District. 7:50 P.M.
ACTION: Res. 72-887 adopted (Dixon/Elliott, unan. - Smith absent) annexing Dry Creek No. 1 Addition to Sewer District. (Clerk to handle)
18. Annexation of Glendale-Miller Addition to Sewer District. 7:55 P.M.
ACTION: Res. 72-888 adopted (Dixon/Elliott, unan. - Smith absent) annexing Glendale-Miller Addition to Sewer District No. 1. (Clerk to handle)
19. Annexation of Maze-Emerald Addition to Sewer District. 8:00 P.M.
ACTION: Res. 72-889 adopted (Dixon/Elliott, unan. - Smith absent) annexing Maze-Emerald Addition to Sewer District No. 1. (Clerk to handle)
- 19A. Hearing on assessment - Improvement District No. 19. 8:00 P.M.
ACTION: Res. 1232-S.P. adopted (Dunlap/Elliott, unan. - Smith absent) confirming proceedings and assessment. (Clerk to handle)
20. Annexation of Conant No. 1 Addition to City of Modesto. 8:05 P.M.
ACTION: Ord. No. 1214-C.S. introduced (Dixon/Dunlap unan. - Smith absent) annexing Conant No. 1 Addition to City. (Clerk to handle)
Res. 72-889-A adopted declaring no majority protest. (Clerk to handle)
21. Hearing, amendment to Section 24-3-9 of the zoning map to rezone from R-1 to P-D to allow development of a shopping center on the south side of Briggsmore east of Lakewood extended (Bearden) 8:10 P.M.
ACTION: Ord. 1215-C.S. introduced amending 24-3-9 of zoning map to rezone from R-1 to P-D. (Clerk to handle)
Res. 72-890 adopted approving development plan (Planning to handle)

22. Amendment to Sec. 21-3-9 of the zoning map to rezone from R-1 to R-2 property on the north side of East Orangeburg between Sunrise & Brannon (Western Title) 8:15 P.M.
 ACTION: A resolution (Dixon/Newton) to deny the rezoning failed as Dunlap, Elliott, Simon and Mayor Davies voted no.
 Res. 72-890-A adopted (Dixon/Elliott, unan.) returning request for amendment to Planning Commission for consideration of possibility of a P-D zone at R-2 density. (Planning to handle)
23. Amendment to Section 17-3-9 of the zoning map to rezone from R-1 to H-1, property west of McHenry between Rumble and Leveland (Merwyns) 8:20 P.M.
 ACTION: Ord. 1216-C.S. introduced (Elliott/Simon, unan. - Smith absent) amending Sec. 17-3-9 of zoning map. (Clerk to handle)
24. Hearing on appeal to Planning Commission decision denying rezoning from R-1 to H-1, property east of McHenry and North of Sylvan. 8:25 P.M.
 ACTION: A motion (Dixon/Simon) to overrule the Planning Commission and grant the rezoning failed as Councilmen Dunlap and Newton and Mayor Davies voted no.
 This matter will be placed on each agenda until all council members are present. (Clerk to handle)
25. Continued hearing on amendment to P-D (83) (Modesto Affiliated Housing Corporation) 8:30 P.M.
 ACTION: Ord. 1217-C.S. introduced amending P-D(83) to permit expansion to include parking area on north side of Downey. (Clerk to handle)
 Res. 72-891 adopted amending development plan. (Planning to handle)
26. Amendment to Section 13-3-9 of the zoning map - proposed revocation of PD-59 (Planning Commission initiated - Fudenna) 8:35 P.M.
 ACTION: Ord. 1218-C.S. introduced (Newton/Elliott, unan. - Smith absent) amending Section 13 -3-8 of zoning map. (Clerk to handle)
27. Amendment to P-D(88) to allow construction of swimming pool between 4-plex structures on the north side of Kruger, east of Granada. (Zane Gard) 8:40 P.M.
 ACTION: By motion (Simon/Newton, unan.) staff directed to study compliance with development plan and report to Council on August 7. (Planning to handle)
28. Matters for the good of the community. 8:45 P.M.
 (These may be presented by interested people in the audience)
 NONE.

ORDINANCES

CONSENT

29. Final adoption of the following ordinances.
(Motion approving needed)

(a) Ord. 1210-C.S. - specific plan, Crows Landing Road.

ACTION: By motion, Ord. 1210-C.S. adopted.

(b) Ord. 1213-C.S. - drainage plan.

ACTION: By motion, Ord. 1213-C.S. adopted. (Clerk to handle)

CONSENT

30. Consider introducing ordinance adding Chapter 5 entitled "Regulations and Procedures for the removal of overhead utility facilities and the installation of underground facilities in underground utility districts" to Title XI of the Modesto Municipal Code.
(Memo with agenda. Introduction of ordinance needed)

ACTION: By motion, Ord. 1219-C.S. introduced. (Clerk to handle)

NEW BUSINESS

CONSENT

31. Approve cooperative agreement with State and County for widening McHenry from Leveland to 0.1 mile north of Standiford Avenue.
(Memo with agenda. Agreement is satisfactory and ready for approval. Resolution approving agreement and resolution transferring \$5,000 for traffic signal work needed. Estimated cost \$32,000. Funds budgeted in Account 207-6647, Misc. Right of Way)

ACTION: Res. 72-892 adopted approving agreement. (Clerk to handle)
Res. 72-893 adopted approving appropriation transfer of \$5,000 for traffic signal work from Acct 60-321 to Acct 6066-56-321. (Finance to handle)

CONSENT

32. Request from Mr. Bartoni to close Bartoni Arcade after business hours.
(Memo with agenda. If Council believes that request has merit, it is suggested that D.I.D. and D.M.A. be asked for their comments. Motion referring request to D.I.D. and D.M.A. for their comments needed)

ACTION: By motion, referred to D.I.D. and D.M.A. for comments.
(Parking and Traffic to handle)

~~CONSENT~~

33. Proposal of independent auditor to make annual audit of city records. (Three-year contract to be awarded (July 1, 1972 through June 30, 1975) to Nattinger, Lowry & Company. Motion authorizing preparation of an agreement and resolution approving appropriation transfer of \$1,000 from General Reserve needed. Estimated cost \$3,250 annually. Funds budgeted in Account 235-65-101 (\$2,250)

ACTION: By motion (Elliott/Newton, unan.) staff authorized to prepare agreement for external audit. (C/Atty to handle)
Staff was directed to furnish Council with information concerning requirements of audit. (C/Mgr to handle)

CONSENT

34. A resolution approving the final map of Pleasant View Estates No. 3 Subdivision of the City of Modesto and authorizing an agreement with the subdivider as required by Section 4-4.604 (c) of the Modesto Municipal Code.
(The subdivision agreement has been signed and all fees paid. This subdivision is located on the south side of Floyd Avenue east of Rose. It contains 3.53 acres. Resolution approving final map and authorizing execution of agreement by City)

ACTION: Res. 72-894 adopted approving final map of Pleasant View Estates No. 3. (Clerk to handle)

CONSENT

35. Designate alley between College, Leveland, Rumble, and Tidewater Southern Tracks one-way southbound.
(A considerable amount of traffic uses this alley as a shortcut between the Tully area and McHenry. Making it one-way will reduce the volume of traffic. Resolution amending Section 1(b) of Resolution 62-29 needed. Estimated cost \$50.00 for signs. Funds budgeted in Account 5301-56-101, Traffic Signs)

ACTION: Res. 72-895 adopted amending Res. 62-29 to designate alley as one-way southbound. (Parking and Traffic to handle)

CONSENT

36. Consider filing claim for M.I.D. damages.
(Memo with agenda. Damages of \$834.43 occurred on a city parking lot due to M.I.D. miswiring. Motion authorizing claim for damages needed)

ACTION: By motion, staff authorized to file claim. (Parking and Traffic to handle)

CONSENT

37. Approve easement contract between City and B & W Farms, Inc. for Outer Marker Site for Instrument Landing System (ILS) Installation at City-County Airport, and approve appropriation transfer in the amount of \$2,500 to provide sufficient funds to acquire the easement.
(Memo with agenda. Resolution approving easement contract and resolution approving appropriation transfer needed)

ACTION: Res. 72-896 adopted approving easement contract. (P/W to handle)
Res. 72-897 adopted approving appropriation transfer of \$2,500 from Acct60-46-230 to Acct 6489-46-230. (Finance to handle)

CONSENT

38. Second year application of Neighborhood Youth Advisor Program.
(Resolution authorizing application to CCCJ (Calif. Council on Criminal Justice) for second year funding for Neighborhood Youth Advisor Program. Estimated cost \$10,058 for salaries. Funds budgeted in Account 221, Neighborhood Youth Advisory Program Fund)

ACTION: Res. 72-898 adopted authorizing application to CCCJ. (C/Mgr. to handle)

CONSENT

39. Consider month-to-month lease agreement with Mrs. Joyce Pero for the duplex unit at 320 Paradise Ave.
(A month to month lease agreement has been prepared with Mrs. Joyce Pero for the unit at 320 Paradise. The rental is \$80.00 per month. The tenant is to pay the possessory interest taxes. Other provisions of the agreement include: \$25 cleaning deposit and the tenant is required to cut the grass for both units of the duplex. Resolution approving agreement needed)

ACTION: Res. 72-899 adopted approving agreement. (Finance to handle)

CONSENT

40. Request by City Attorney for two days vacation on July 28 and August 4, 1972.
(Motion granting request needed)

ACTION: By motion, request granted.

REPORTS FROM THE PLANNING COMMISSION

CONSENT

41. Tentative subdivision map of Applegate Nos. 4, 5, and 6 subdivisions.
(By Resolution No. 72-100 adopted July 18, 1972 the Planning Commission approved this tentative subdivision map, property located on the north side of Rumble Road, east of Prescott Road, and found that the subdivision is consistent with applicable general or specific plans of the City. The City Council must also find that the proposed subdivision is consistent with applicable general or specific plans of the City. Resolution making findings needed)

ACTION: Res. 72-900 adopted making findings. (Clerk to handle)

MISCELLANEOUS

42. Legislation.

(a) Further consideration of AB 1000.

ACTION: By motion (Dunlap/Dixon, unan.) AB-1000 supported.

(b) Further consideration of SB 445.

ACTION: By motion (Dixon/Dunlap, unan) SB-445 supported.

(c) Other.

ACTION: By motion (Simon/Dixon, unan.) action on SB-1440 held to August 7 to permit study by Council. (C/Mgr. to handle)

43. Appointments.

(a) Request that one of City's representatives to SAAG be designated as a member of the SAAG Executive Committee.

It was agreed that Councilman Dixon was the representative.

(b) Other.

ACTION: Res. 72-901 adopted (Simon/Davies, unan. Smith, absent) appointing Harold Jolliff a member of the Farm-City Advisory Committee to replace Robert Young. (Clerk to handle)

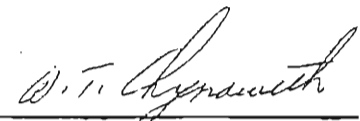
44. Matters too late for the agenda.

ACTION: Res. 72-902 adopted (Simon/Dunlap, unan. -
Smith absent) approving agreement with Southern
Pacific Co. for installation of gates at Blue
Gum Avenue. (Parking and Traffic to handle)

Councilman Dixon expressed his appreciation to the Council
for their kindness in connection with Mrs. Dixon's recent
operation.

Adjournment at 11:25 P.M.

ATTEST:



W. T. CHYNOWETH
City Clerk

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, AUGUST 7, 1972 AT 4:00 P.M.

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

Pledge of allegiance to the Flag

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2, 4, 5, 6, 7, 8, 9, 11,
Items 25 and 32 removed from consent 12, 19, 20, 21, 22, 23, 24,
Elliott/Dunlap, unan. - Newton, absent ~~25~~, 26, 27, 28, 29, 30, 31,
~~32~~, 36, 37, 38, 39, 40, 41,
42, 43, 44

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

APPROVAL OF MINUTES

CONSENT

1. Minutes of July 24, 1972.
(Motion approving needed)

ACTION: By motion, minutes approved.

WRITTEN COMMUNICATIONS

CONSENT

2. Resolution from City of Waterford requesting change of meeting time of SAAG Technical Advisory Committee.
(Motion referring to Modesto's members of SAAG needed)

ACTION: By motion, referred to Councilmen Dixon and Smith. (C/Mgr to handle)

3. Two resolutions from City of Costa Mesa urging changes in judicial system.

ACTION: By motion (Elliott/Dunlap, unan.) resolutions ordered filed pending action by League of California Cities. (Clerk to handle)

CONSENT

4. Request of Stanislaus County Fourth of July Committee for payment of \$1,000 budgeted for 1972 celebration.
(Motion authorizing payment needed)

ACTION: By motion, payment authorized. (Finance to handle)

BIDS

CONSENT

5. Consider award of bid for the improvement of Rumble Road from McHenry Avenue to Coffee Road.
(Bids were opened July 25, 1972. The low bid submitted by Shield Construction Company, Inc., which is 6.8% over the Engineer's Estimate is considered acceptable. It is recommended by the Public Works Department that the bid be awarded to low bidder. Resolution awarding bid needed. Estimated cost \$48,765.60 (Contract \$44,065.60; Engr. \$4,700). Funds budgeted in Account 6665-207, Rumble-McHenry to Coffee)

ACTION: Res. 72-903 adopted awarding contract to Shield Construction Co., Inc. (P/W to handle)

CONSENT

6. Approve plans and specifications and call for bids for street improvements on Maud Kump Terrace and Celeste Drive.
(Bid opening August 22, 1972 at 10:00 A.M. This project is necessary to pave the City's share of Maud Kump Terrace and Celeste Drive adjacent to two city parks. Resolution needed. Estimated cost \$19,780 (contract \$17,200; Engr. \$2,580). Funds budgeted in Account 6708-41-321, Misc. Street Improvement, Park Development and 6647-207, Misc. Right of Way and Improvements)

ACTION: Res. 72-904 adopted approving plans and specifications and bid call. (Clerk to handle)

CONSENT

7. Consider approval of specifications and authorize call for bids to be opened August 22, 1972 at 2:15 P.M. for furnishing traffic signs and accessories.
(Resolution needed. Estimated cost \$7,500. Funds budgeted in Accounts 223/56/101, Maintenance & Repair, Other, and 5301-56-101, Traffic Signs)

ACTION: Res. 72-905 adopted approving specifications and bid call. (Clerk to handle)

CONSENT

8. Consider approval of specifications and authorize call for bids to be opened at 2:00 P.M. August 23, 1972 for furnishing one new general purpose four-wheel tractor.
(Resolution needed. Estimated cost \$7,211.00. Funds budgeted in Account 5425/48/512, Service Division - Capital Outlay, p. 138)

ACTION: Res. 72-906 adopted approving specifications and bid call. (Clerk to handle)

CONSENT

9. Consider awards to low bidders for furnishing automotive equipment. (Bill Hughes Dodge, Items 1 and 2; Dow Hammond Co., Items 3 through 6.) Memorandum and bid tabulation with agenda. Two resolutions awarding bids and resolution approving appropriation transfer between service division accounts needed. Estimated cost \$113,082. Funds budgeted in various Service Division, Capital Outlay accounts, pp 137 and 138)

ACTION: Res. 72-907 adopted awarding bid for 16 police patrol cars and one 4-door sedan to Bill Hughes Dodge.

Res. 72-908 adopted awarding bid for five pickup trucks and six dump trucks to Dow Hammond Company.

Res. 72-909 adopted approving appropriation transfer from Accounts 60 (\$5,575), 5415 (\$3,000), 5429 (\$1,200) and 5420 (\$500) to Accounts 5419 (\$125), 5417 (\$100), 5418 (\$100), 5421 (\$7,000) and 5422 (\$2,950) of Department 48, Fund 512. (Finance to handle)

10. Matters for the good of the community. 4:05 P.M.
(These may be presented by interested people in the audience)

ACTION: Frank Andrews spoke concerning the Strand Theatre and Dennett Dam.

ORDINANCES

CONSENT

11. Final adoption of the following ordinances:

- (a) Ord. No. 1209-C.S. - amending Section 28-3-9 of zoning map - (Tri-County Leasing)

ACTION: By motion, Ord. No. 1209-C.S. adopted.

- (b) Ord. No. 1211-C.S. - amending Section 32-3-9 of zoning map - (O. B. Phillips Jr.)

ACTION: By motion, Ord. No. 1211-C.S. adopted.

- (c) Ord. No. 1215 - amending Section 24-3-9 of zoning map - (Bearden)

ACTION: By motion, Ord. No. 1215-C.S. adopted.

- (d) Ord. No. 1217-C.S. - amending Section 28-3-9 of zoning map - (Modesto Affiliated Church Housing)

ACTION: By motion, Ord. No. 1217-C.S. adopted.

- (e) Ord. No. 1218-C.S. - amending Section 13-3-8 of zoning map - (Fugenna)

ACTION: By motion, Ord. No. 1218-C.S. adopted.

- (f) Ord. No. 1219-C.S. - undergrounding utilities. (Motion adopting needed)

ACTION: By motion, Ord. No. 1219-C.S. adopted.

CONSENT

12. Ordinance amending Section 7-1.109 of Article 1 of Chapter 1 of Title VII of the Modesto Municipal Code relating to encroachment permits.
(This matter was considered by the Council at its meeting of July 17, 1972 at which time a motion was made directing the staff to prepare necessary documents to eliminate the necessity of property owners installing their own sidewalks and/or curbs and gutters to furnish public liability and property damage insurance. A copy of the ordinance has been transmitted to the Mayor and Councilmen with agenda. Introduction of ordinance needed)

ACTION: By motion, Ord. No. 1220-C.S. introduced amending Section 7-1.109 of Modesto Municipal Code. (Clerk to handle)

UNFINISHED BUSINESS

13. Further consideration of request that court actions against Riverbank and Woodland Fire Protection Districts be dismissed.
(Report on distribution of Fire District assets with agenda)

ACTION: By motion (Simon/Dixon, unan.) action tabled for one week to permit City Attorney to prepare a written report for Council on whether or not funds paid by other districts as a result of accumulation of annexations are payable. (C/Atty to handle)

14. Agreement between Head Rest, Inc. and the City of Modesto to revise the former agreement to include the City acting as the responsible agent in supplying matching cash funds for the Head Rest Grant, and acknowledging the agreement between the Stanislaus Drug Abuse Coordinating Council and the City.
(Copy with agenda. Resolution approving agreement needed)

ACTION: Res. 72-910 adopted (Dixon/Simon, unan. - Newton, absent) approving agreement. (Clerk to handle)

15. Agreement between the City of Modesto and the Stanislaus Drug Abuse Coordinating Council outlining responsibilities of each and the financial support of Head Rest, In.
(The Stanislaus Drug Abuse Coordinating Council agrees to turn over 60% of its local contributions to the City for matching funds for the Head Rest grant. Copy of agreement with agenda. Resolution approving agreement needed)

ACTION: Res. 72-911 adopted (Simon/Dunlap, unan. - Newton, absent) approving agreement. (Clerk to handle)

16. Further consideration of appeal to Planning Commission denial of rezoning from R-1 to H-1, property east of McHenry and north of Sylvan.
(Note: This will be on each agenda until all members of the Council are present)

No action as all members of Council were not present.

17. Further consideration of amendment to P-D (88) to allow construction of swimming pool between 4-plex structures on north side of Kruger, east of Granada.

(a) Report by staff on compliance with development plan for P-D (88).

Councilman Smith disqualified himself from consideration of this item.

ACTION: By motion (Elliott/Simon, unan.) further action continued to August 21 as it is contemplated that the required wall will be built by that time.

It was agreed that a report would be made to Council on dissemination of information between departments. (P/W to handle)

NEW BUSINESS

18. Consider asking for speed reduction on S.P. tracks at Blue Gum and other crossings.

(Memo with agenda. It is suggested that resolution and letter by Mayor be sent to S.P. asking for 45 m.p.h. limit at Blue Gum crossing and other crossings. Resolution to S.P. outlining Council's views on S.P. train speeds)

(a) Letter from P.U.C. re speed of S.P. trains through Modesto.

ACTION: Res. 72-912 adopted (Smith/Simon, unan. - Newton, absent) requesting Southern Pacific to establish a maximum speed of 45 m.p.h. for trains within the city limits. (Clerk to handle)

CONSENT

19. Consider approval of agreement between City and County for the construction of improvements to Rose Avenue from Scenic Drive to Briggsmore Avenue.

(A portion of the street area is in the County and the agreement provides for the County to pay its proportionate share of the contract. Resolution approving agreement needed. City share, (92.19%) \$85,782- construction; Engineering, city share \$10,723. Funds budgeted in account 6664-207, Rose Ave., Scenic to Briggsmore)

ACTION: Res. 72-913 adopted approving agreement with Stanislaus County. (Clerk to handle)

CONSENT

20. Consider approval of City-County cooperative agreement for the construction of improvements to Rumble Road from McHenry Avenue to Coffee Road.

(A portion of the street area is in the County and the agreement provides for the County to pay its proportionate share of the contract. Resolution approving agreement needed. Estimated cost: City share (98.10%) \$40,373, construction; City share \$6,056, engineering. Funds budgeted in Account 6665-207, Rumble, McHenry to Coffee)

ACTION: Res. 72-914 adopted approving agreement with Stanislaus County. (Clerk to handle)

CONSENT

21. Annual SAAG budget - City's share.

(Report with agenda. Motion approving report and authorizing payment needed. Estimated cost \$12,415.20. Funds budgeted in Account 465-65-101, SAAG)

ACTION: By motion, report approved and payment of \$12,415.20 authorized. (Finance to handle)

CONSENT

22. Accept improvements in Newcastle Estates No. 1 Subdivision and authorize City Clerk to file notice of completion and release bonds upon expiration of statutory periods.
(Newcastle Estates No. 1 Subdivision is located north of Scenic Drive and east of Sonoma Avenue. All improvements have been completed to the satisfaction of the Public Works Department and all fees have been paid. Resolution accepting improvements needed)

ACTION: Res. 72-915 adopted accepting improvements. (Clerk to handle)

CONSENT

23. Request of Pacific Telephone and Telegraph Company for a temporary right of way across city property for aerial facilities.
(Relocation of existing overhead equipment is necessary for the reconstruction of Yosemite Boulevard and the bridge across Dry Creek. Resolution approving right of way and authorizing the Mayor to sign for City needed)

ACTION: Res. 72-916 adopted granting right of way to Pacific Telephone and Telegraph Company. (Clerk to handle)

CONSENT

24. Accept improvements in Applegate No. 2 Subdivision and authorize City Clerk to file notice of completion and release bonds upon expiration of statutory periods.
(Applegate No. 2 subdivision is located south of Rumble Road between Prescott Road and Carver Road. All improvements have been completed to the satisfaction of the Public Works Department and all fees have been paid. Resolution accepting improvements needed)

ACTION: Res. 72-917 adopted accepting improvements. (Clerk to handle)

~~CONSENT~~

25. Request from First United Pentecostal Church to conduct Christian Youth Services at Beard Brook Park each Sunday from 2:30 to 3:30 P.M.
(Memo with agenda. Motion approving request needed)

ACTION: By motion (Smith/Elliott, unan.) request granted for a two-month period subject to condition that activity must be conducted in the south end of the park away from the large group picnic area and the softball field. (P & R to handle)

CONSENT

26. Agreement with landscape architect.
(The current Capital Improvement Program budget provides for the development of master plans for Chrysler, East La Loma and Woodrow Neighborhood Parks. The staff is asking authorizing to negotiate a contract for the development of these plans. Motion authorizing staff to negotiate needed. Estimated cost \$26,000. Funds budgeted in Accounts 6312-31-321, \$8,000, Chrysler Parks Plans/Studies; 6320-21-211, \$10,000; E. LaLoma Park Plans/Studies; and 6371-31-321, \$8,000, Woodrow Park Plans/Studies)

ACTION: By motion, staff authorized to negotiate agreement with landscape architect for development of master plans. (P & R to handle)

CONSENT

27. City employee group health insurance coverage.
(Results of bidding for new group health insurance carrier because of large premium increase by current carrier. Memo of explanation attached. Resolution awarding group medical insurance to California Blue Shield needed. Funds budgeted in Account 64-426, Group Health Insurance)

ACTION: Res. 72-918 adopted awarding group medical insurance to California Blue Shield, effective September 1, 1972. (Personnel to handle)

CONSENT

28. A resolution approving final map of Granada Park No. 3 Subdivision of the City of Modesto and authorizing an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code. (The subdivision agreement has been signed and all fees paid. Granada Park is located north of Haddon Avenue and east of Riverside Drive. It contains 7.838 acres. Resolution approving final map and authorizing execution of agreement by City needed)

ACTION: Res. 72-919 adopted approving final map of Granada Park No. 3. (Clerk to handle)

CONSENT

29. Resolution approving final map of Wyldewood Estates No. 3 Subdivision of the City of Modesto and authorizing an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code. (The subdivision agreement has been signed and all fees paid. Wyldewood Estates No. 3 Subdivision is located at Orangeburg Avenue west of Rose Avenue. It contains 8.51 acres. Resolution approving final map and authorizing execution of agreement by City needed.)

ACTION: Res. 72-920 adopted approving final map of Wyldewood Estates No. 3. (Clerk to handle)

CONSENT

30. Resolution approving final map of Old Orchard No. 1 Subdivision of the City of Modesto and authorizing an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code. (The subdivision agreement has been signed and all fees paid. Old Orchard No. 1 Subdivision is located on the north side of East Orangeburg Avenue east of Lakewood Avenue. It contains 10.02 acres. Resolution approving final map and authorizing execution of agreement by City needed)

ACTION: Res. 72-921 adopted approving final map of Old Orchard No. 1. (Clerk to handle)

REPORTS

CONSENT

31. Report on basic insurance coverage and airport liability premiums. (Report with agenda. Motion approving report and authorizing payment needed. Estimated cost \$57,080 (\$52,330 basic policy; \$4,750 Airport policy. Funds budgeted in various accounts)

ACTION: By motion, report approved and payment authorized. (Finance to handle)

~~CONSENT~~

32. Submission of annual summary reports of activities of all city departments for fiscal year 1971-72. (Report with agenda. It is recommended by the City Manager that these reports be accepted as the City Manager's annual report on administrative activities of the City, as required by the City Charter. Motion accepting report needed)

ACTION: By motion (Davies/Elliott, unan.) report accepted and City Manager and Department Heads commended.

33. Report regarding Modesto Cemetery Association. (Report with agenda. Motion approving report and authorizing letter as recommended needed)

ACTION: By motion (Dixon/Simon, maj. - Dunlap, no) City Attorney directed to take the necessary action to determine ownership of the Cemetery but to proceed in such a manner as to present the minimum costs for the Association and the City. (C/Atty to handle)

34. Second progress report of Project Greater Modesto. (Reports will be presented at Council meeting. Motion accepting report needed)

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

35. Report on priorities for railroad crossing protection. (Report with agenda. The Council may want to direct the staff or refer the report to the Planning Commission. Motion indicating Council's intention needed)

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

REPORTS FROM THE PLANNING COMMISSION

CONSENT

36. County referral of open space contract. Application No. 73-1221, Joseph Lederle.
(Memo with agenda. Resolution expressing council recommendation of no opposition to the County Board of Supervisors)

ACTION: Res. 72-922 adopted expressing no opposition to contract.
(Clerk to handle)

CONSENT

37. Vacation and abandonment of various public utility easements in Modesto Verde Subdivision.
(By Resolution No. 72-102, adopted at its regular meeting of July 18, 1972 the Modesto Planning Commission recommended to the Council the vacation and abandonment of various utility easements in Modesto Verde Subdivision. Resolution of Intention to vacate and abandon and setting August 28, 1972 at 7:35 P.M. for public hearing needed)

ACTION: Res. of Int. 337 (1233-S.P.) adopted setting hearing. (Clerk to handle)

CONSENT

38. Uninhabited annexation to the City of Modesto - Rose Acres No. 5 Addition.
(The LAF Commission has authorized this annexation without notice or public hearing - July 21, 1972. Resolution approving annexation needed)

ACTION: Res. 72-923 adopted annexing Rose Acres No. 5 to City of Modesto. (Clerk to handle)

CONSENT

39. Tentative Subdivision Maps.
(By Resolution Nos. 72-104, 72-105, 72-106, and 72-107, adopted August 1, 1972, the Planning Commission approving the following subdivision maps: Coffee Plaza No. 7 and 8 Subdivisions, Wyldwood Estates Nos. 4, 5, and 6, Flintridge Estates No. 1, 2, 3, and 4, and A. & M. Industrial Park No. 3 Subdivision; and found that these subdivisions, together with the provisions for their design and improvement, are consistent with applicable general or specific plans of the City. The City Council must also find that the proposed subdivisions, together with the provisions for their design and improvements, are consistent with applicable general or specific plans of the City. Four Resolutions making findings needed)

ACTION: Res. 72-924 adopted making necessary findings (Coffee Plaza No. 7 and 8)
Res. 72-925 adopted making necessary findings (Wyldwood Estates No. 4, 5, and 6)
Res. 72-926 adopted making necessary findings (Flintridge Estates No. 1, 2, 3 and 4)
Res. 72-927 adopted making necessary findings (A. & M. Industrial Park No. 3) (Clerk to handle)

APPROPRIATION TRANSFERS

CONSENT

40. Transfer \$200,000 from the General Fund, General Reserve, to the Contingency Reserve designated for Auditorium construction in the Special Fund for Capital Outlays.
(To help build up the auditorium fund. The Auditorium Contingency Fund will then be 1/2 million dollars. Resolution approving transfer needed)

ACTION: Res. 72-928 adopted approving transfer of \$200,000 from General Fund, General Reserve to contingency Reserve designated for Auditorium construction in the Special Fund for Capital Outlays.
(Finance to handle)

CONSENT

41. Consider approval of appropriation transfer in the amount of \$414 from Airport General Reserve to Account 120, Part-time Salaries and Wages in the Airport budget. (Memo with agenda. Resolution approving appropriation transfer needed)

ACTION: Res. 72-929 adopted approving appropriation transfer of \$414 from Account 60-46-230 to Account 120-46-230. (Finance to handle)

CONSENT

42. Approve \$10,400 transfer for Blue Gum Ave. crossing gates. (Agreement for these gates were approved at July 24, 1972 council meeting. Resolution transferring funds from General Reserve to this project. Estimated cost \$10,400)

ACTION: Res. 72-930 adopted approving appropriation transfer of \$10,400 from Account 60-321 to Account 6072-56-321. (Finance to handle)

CONSENT

43. Appropriation transfer of \$579 from Head Rest Fund General Reserve Account to Head Rest Fund Capital Account to provide for the purchase of a 16mm sound projector. (Approved in the grant but was not purchased in the 1971-72 fiscal year) Resolution approving appropriation transfer needed)

ACTION: Res. 72-931 adopted approving appropriation transfer of \$579 from Account 60-222 to Account 5503-02-222. (Finance to handle)

CONSENT

44. Request for appropriation transfer of \$1,232. from General Reserve Special Fund for Capital Outlay, to an account for the installation of burglar alarm system at the McHenry Museum of Art and History. (Memo with agenda. Estimated cost \$1,232. Funds budgeted in Account 60-321, General Reserve)

ACTION: Res. 72-932 adopted approving appropriation transfer of \$1,232 from Account 60-321 to Account 6546-31-321. (Finance to handle)

MISCELLANEOUS

45. Legislation.
(a) Consideration of SB 1440.

NO ACTION

- (b) Other.

ACTION: By motion (Smith/Elliott, unan.) staff directed to send telegrams to Congressmen Mathias and McFall and Senators Cranston and Tunney urging that City employees be excluded from S 1861 and HR 7130. (C/Mgr to handle)

46. Appointments.

NONE

47. Matters too late for the agenda.

ACTION: Councilman Dixon moved that parking lot attendants be paid no less than minimum wages, but the motion died for lack of a second. It was announced that this matter had been referred to the D.I.D. and the D.M.A. and that their reports would be presented to Council on August 14.

Executive session to discuss personnel matters.

ACTION: The Council adjourned to executive session at 6:15 P.M. with the announcement that they would not return to open meeting.

Adjournment at 6:15 P.M.

ATTEST:

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

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, AUGUST 14, 1972 AT 7:30 P.M.

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

Pledge of allegiance to the Flag

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2, 4, 6, 7, 9, 10, 13,
Item 30 removed from consent 17, 18, 19, 20, 22, 23, 24, 25,
Smith/Dunlap, unan. - Newton, absent 26, 27, 28, 29, ~~30~~, 31, 32, 33,
34

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

APPROVAL OF MINUTES

CONSENT

1. Minutes of August 7, 1972.
(Motion approving needed)

ACTION: By motion, minutes approved.

WRITTEN COMMUNICATIONS

CONSENT

2. Appeal by Bob Burgess from Board of Zoning Adjustment ruling to stop rotation of Denny's Restaurant sign at 110 McHenry.
(Resolution setting August 28, 1972 at 7:40 P.M. for hearing needed)

ACTION: Res. 72-933 adopted setting hearing. (Clerk to handle)

3. Memo from Planning Commission regarding sign regulations.
(John Sutton, Chairman of Planning Commission, will be present to discuss this)

ACTION: John Sutton stated that the Planning Staff had been instructed to conduct a comprehensive study of sign regulations and that the study would hopefully be completed prior to the end of this year. The assistance of the Public Projects Committee was offered in this study.

CONSENT

4. Letter from Senator Randolph Collier concerning possible elimination of about 11,000 miles from State Highway System, and abandonment of Freeway and Expressway System and the State Scenic Highway System designations.
(Motion directing staff to express opposition needed)

ACTION: By motion, staff directed to inform Senator Teale and Assemblyman LaCoste that Council opposes this proposal. (C/Mgr to handle)

5. Letter from Stella V. Marshall and others requesting that hearing on rezoning of property at 519 and 512 14th Street be reset as she claims that opponents of rezoning did not have an opportunity to speak during public hearing held on July 17, 1972.

ACTION: The recording of the July 17 meeting was played and it showed that the people in the audience had been given an opportunity to speak. No Council action was taken.

BIDS

CONSENT

6. Consider acceptance of Ferrero Electric contract for construction of lighting - Marshall & Sherwood Parks.
(Original contract - \$6,485.00).
(All work on this project has been completed to the satisfaction of the Public Works Department and the Parks Department. It would be in order to accept the work as complete and file notice of completion. Resolution accepting work needed. Final cost, Contract \$6,485.00; funds budgeted in Account 6274-31-321, Marshall Park Development and 6301-31-321, Sherwood Park Development)

ACTION: Res. 72-934 adopted accepting contract. (Clerk to handle)

CONSENT

7. Consider approval of plans, specifications and call for bids for installation of water lines in Daisy Park No. 1, Pleasant View No. 3 and McHenry Estates No. 2 subdivisions.
(Suggested bid opening: August 29, 1972 at 10:00 A.M. Costs & Revenues:
- | | Daisy No. 1 | Pleasant View | McHenry No. 2 |
|---------------------------|---|---------------|---------------|
| Const. Cost | \$5,199.63 | \$5,276.11 | \$18,179.00 |
| Conn. Charges | 3,125.00 | \$2,125.00 | 5,875.00 |
| Net Ann. Rev. | 400.00 | 272.00 | 752.00 |
| Estimated cost | \$28,654.74 (Matl. \$16,437.24; labor, \$12,217.50.) | | |
| Funds budgeted in Account | 6804-50-101, Waterline Ext.; 5301-50-101, New Services) | | |

ACTION: Res. 72-935 adopted approving plans and specifications and bid call. (Clerk to handle)

8. Consider award to low bidder, H. V. Carter, Co. to furnish one diesel tractor and a five-gang mowing unit.
(Memo with agenda. Resolution needed. Estimated cost \$7,846.00; funds budgeted in Account 5426-48-512, Service Division - Capital Outlay, p. 138)

ACTION: Res. 72-936 adopted (Elliott/Dixon, unan. - Newton, absent) awarding contract to H. V. Carter Co. (Finance to handle)

CONSENT

9. Consider award to low bidder, Asplundh Equipment Sales and Service, to furnish one new trailer-mounted 16-inch brush chipper.
(Memo with agenda. Resolution needed. Estimated cost \$4,490.00; funds budgeted in Account 5431-48-512, Service Division - Capital Outlay, p. 138)

ACTION: Res. 72-937 adopted awarding contract to Asplundh Equipment Sales and Service. (Finance to handle)

CONSENT

10. Consider award of bid for revision of street lights and circuits on Tenth Street from "G" Street to "D" Street and Eleventh Street from Needham to "M" Street.
(Bids were opened August 8, 1972. The low bid submitted by Industrial Electrical Co., which is 3% under the Engineer's Estimate is considered acceptable. It is recommended by the Public Works Department that the bid be awarded to low bidder. Resolution awarding bid. Estimated cost \$21,569.60 (Contract \$19,569.60; Engr., \$2,000;) Funds budgeted in Account 6626-41-321, Modernize City Lighting, Stage 5)

ACTION: Res. 72-938 adopted awarding contract to Industrial Electrical Co. (P/W to handle)

HEARINGS

11. Hearing on annexation of Lakewood No. 1 Addition to Modesto 7:35 P.M.
Municipal Sewer District No. 1.

ACTION: Res. 72-939 adopted (Simon/Elliott, unan. - Newton, absent) annexing Lakewood No. 1 Addition to Modesto Municipal Sewer District No. 1. (Clerk to handle)

12. Matters for the good of the community. 7:40 P.M.
(These may be presented by interested citizens in the audience)

NONE

ORDINANCES

CONSENT

13. Final adoption of the following ordinances:

(a) Ord. No. 1216-C.S. - amendment to Section 17-3-9 of zoning map (Mervyns)

ACTION: By motion, Ord. No. 1216-C.S. adopted.

(b) Ord. No. 1220-C.S. - insurance for encroachment permits)
(Motion adopting needed)

ACTION: By motion, Ord. No. 1220-C.S. adopted. (Clerk to handle)

UNFINISHED BUSINESS

14. Further consideration of request for dismissal of court actions against Riverbank and Woodland Fire Protection Districts.
(Memo from City Attorney with agenda)

ACTION: By motion (Smith/Dunlap, maj. - Dixon and Simon, no) request denied.

15. Further consideration of appeal to Planning Commission denial of rezoning from R-1 to H-1, property east of McHenry and north of Sylvan.
(Note: This will only be considered in the event all members of the Council are present)

NO ACTION AS ONE COUNCILMAN WAS ABSENT

16. (a) Recommendation from Downtown Improvement District that parking lot attendants' salaries be increased to \$1.65 per hour and that supervisor's salary be increased to \$1.90 per hour.

ACTION: By motion (Simon/Dixon, unan.) staff directed to proceed to increase attendant's salaries to \$1.65 per hour, the supervisor's salary to \$1.90 per hour and to raise the price of validation stampbooks to \$15.00; all of this to be effective September 1, 1972. (P & T to handle)

- (b) Recommendation by Downtown Merchants Association that parking lot attendants' salaries not be increased to \$1.65 per hour and that request to close Bartoni Arcade at certain times be granted.

ACTION: No action was taken on the request to close Bartoni Arcade.

CONSENT

17. Agreement between City of Modesto and Nattinger, Lowry & Company providing independent audit of City's financial records for fiscal years 1972-73 through 1974-75.
(This matter was considered by the Council at its meeting of July 24, 1972, at which time the Council, by motion, authorized preparation of an agreement. Resolution approving agreement needed)

ACTION: Res. 72-940 adopted approving agreement. (Clerk to handle)

NEW BUSINESS

CONSENT

18. Request for payment of \$2,500 budgeted for the Comprehensive Health Planning Council of Stanislaus County.
(Memo with agenda. Motion authorizing payment needed)

ACTION: By motion, payment authorized. (Finance to handle)

CONSENT

19. Consider request of Attorney General for City to authorize release of two defendants in Western Liquid Asphalt cases.
(In May 1969 the City of Modesto joined with other public entities in California and other states in antitrust actions involving purchase of liquid asphalt. The California Attorney General represents the City in these actions. An agreement has been reached with two of the defendant oil companies and the Attorney General has requested that the City approve the agreements and authorize releases. Letter of explanation with agenda. Adoption of two resolutions needed)

ACTION: Res. 72-941 adopted approving settlement agreement with Golden Bear (Witco)
Res. 72-942 adopted approving settlement agreement with Edgington Oil Co. (C/Atty to handle)

CONSENT

20. Permission for City Manager to take vacation (August 18, 23, 24, 25 and week of August 28)

ACTION: By motion, permission granted.

21. Request of Monroe Taylor for salary increase.
(Memo with agenda. Motion authorizing staff to prepare amendment to agreement and resolution approving appropriation transfer of \$576 from General Reserve needed. Estimated cost \$576. Funds budgeted in Account 60-101, General Reserve)

ACTION: By motion (Elliott/Dixon, unan.) dropped from agenda.

CONSENT

22. Disposition of city-owned property, Block 124.
(Memo with agenda. Motion referring to Planning Commission needed)

ACTION: By motion, referred to Planning Commission. (Planning to handle)

CONSENT

23. Consider request for sewer service to property outside the City at 810 Lombardo Avenue.
(Property owner, Ponfilo Gomez, has signed an agreement to annex to the City when requested to do so. The property is not contiguous to the City but a sewer line exists to serve it. Resolution approving agreement needed)

ACTION: Res. 72-943 adopted approving agreement. (P/W to handle)

CONSENT

24. Consider approval of three-party agreement between City, lessor, Darold Holliff, lessee, and Standard Oil Co. of California, who is providing the funding for the construction of a jet fuel facility at the airport.
(Memo with agenda. Resolution approving agreement and authorizing City Manager to execute on behalf of city needed)

ACTION: Res. 72-944 adopted approving agreement. (P/W to handle)

CONSENT

25. Resolution revising the position classification plan.
(Memo of explanation, job specifications, and alphabetical listing attached. Resolution needed)

ACTION: Res. 72-945 adopted revising Position Classification Plan to create the positions of Parks and Recreation Foreman and Parks and Recreation Leadman. (Personnel to handle)

CONSENT

26. Consider request of General Services Administration to construct a brick planter in the public right of way on 12th Street, south-east of M Street.
(A portion of the wall footing is paired in the public right of way above sidewalk grade. An encroachment permit is requested to construct a brick planter to conceal the footing. Resolution setting August 21 at 4:05 P.M. for hearing needed)

ACTION: Res. 72-946 adopted setting hearing. (Clerk to handle)

CONSENT

27. Consider opposing construction of a 500' TV tower in the Turlock area which would affect the approach to Runway 28-R at the Modesto City-County Airport.
(Memo and Airport Manager's letter to FAA with agenda. Resolution opposing construction needed)

ACTION: Res. 72-947 adopted opposing construction of tower. (P/W to handle)

CONSENT

28. Consider an agreement between the City of Modesto and St. Paul's parish which provides for water service to an area outside the City.
(St. Paul's parish has requested water service to two parcels of a recorded parcel map and has agreed to pay the water main connection charge and to annex to the City when requested. Resolution approving agreement needed)

ACTION: Res. 72-948 adopted approving agreement. (P/W to handle)

CONSENT

29. Report on ice rink.
(Memo with agenda. Motion accepting report needed)

ACTION: By motion, report accepted.

~~CONSENT~~

30. Report on trail bikes.
(Memo with agenda. Motion accepting report needed)

ACTION: Jerry Irons, President of the Trail Bike Association, requested the City to take the initiative in finding a suitable place for a trail bike area. As this is now being studied by the County, it was agreed that this could be on the agenda for a proposed Council-Board of Supervisors meeting to be held in the near future. (C/Mgr to handle)

CONSENT

31. Status report on group dental insurance.
(Memo from group dental insurance committee with copy of recommended dental plan specifications and bid sheet attached. Motion approving specifications and authorizing committee to proceed needed)

ACTION: By motion, specifications approved and committee authorized to proceed to obtain quotations. (Personnel to handle)

CONSENT

32. Report on issuance of building permit for swimming pool (P-D 88)
(Memo with agenda. Motion accepting report needed)

ACTION: By motion, report accepted.

CONSENT

33. Project report - 1972-73 treatment plant expansion.
(Report and memo with agenda. Motion accepting report,
information only, needed)

ACTION: By motion, report accepted.

REPORTS FROM THE PLANNING COMMISSION

CONSENT

34. County referral of open space contracts: Application No.
73-1215 and 73-1242, Edwin Colt, Pauline Avenue at M.I.D.
Lateral No. 5.
(Memo attached. Two resolutions expressing recommendation of
no opposition to the County Board of Supervisors needed)

ACTION: Res. 72-949 adopted expressing no opposition to Application
No. 73-1215.

Res. 72-950 adopted expressing no opposition to Application
No. 73-1242. (Clerk to handle)

MISCELLANEOUS

35. Legislation.

NONE

36. Appointments.

(a) Appointment of voting representative and alternate voting
representative for annual league conference.

ACTION: By motion (Simon/Dixon, unan.) Mayor Davies appointed as
voting delegate and Councilman Elliott as alternate. (Clerk
to handle)

37. Matters too late for the agenda.

ACTION: Following a poll of the Council, it was agreed that September
26 be set as the tentative date for a joint meeting with the
Board of Supervisors.

Adjournment at 8:45 P.M.

ATTEST:

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

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, AUGUST 21, 1972 AT 4:00 P.M.

Roll call Present: Dunlap, Elliott, Newton, Simon, Smith, Mayor Davies
Absent: Dixon
Councilman Simon arrived at 4:10 P.M.

Pledge of allegiance to the Flag.

Invocation by Reverend Harold Knowles, Central Baptist Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2, 3, 4, 5, 10, 11,
Item 2 dropped from agenda. 12, 13, 14, 15, 16, 17, 18,
Smith/Dunlap, unan. - Dixon and Simon, 19, 21
absent

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

APPROVAL OF MINUTES

CONSENT

1. Minutes of August 14, 1972.
(Motion approving needed)

ACTION: By motion, minutes approved.

BIDS

~~CONSENT~~

2. Consider acceptance of Valley Construction Company's contract for installation of water lines in North Hampton No. 1 and Coffee Plaza No. 6.
(All work on this project has been completed to the satisfaction of the Public Works Department. It would be in order to accept the work as complete and file notice of completion. Resolution accepting work as complete needed. Final cost \$9,183.20 (Main ext. \$7,149.20; Ser. \$2,034.00) Funds budgeted in Accounts 6804-50-101, Water Main Extension and 5301-50-101, New Services)

DROPPED FROM AGENDA

CONSENT

3. Approve plans and specifications and call for bids for the improvement of Sylvan Avenue at Beyer High School and City Park.
(Bid opening September 5, 1972 at 10:10 A.M. Sylvan Avenue is part of the Select Street System and will be financed from State Gas Tax Funds. Resolution approving plans, specifications and bid call needed. Estimated cost \$42,900 (Contract \$39,000; Engr. \$3,900). Funds budgeted in Account 6647-207, Misc. Right of Way and Improvements)

ACTION: Res. 72-951 adopted approving plans and specifications and bid call. (Clerk to handle)

CONSENT

4. Consider approval of plans and specifications and call for bids for construction and repair of curbs, gutters and sidewalks at various locations - No. 2.
(Suggested bid opening September 5, 1972 at 10:00 A.M. Bids are necessary to complete the construction of curbs, gutters and sidewalks ordered by the Council and to repair unsatisfactory curb and gutter prior to sidewalk installation. Resolution approving plans, specifications and call for bids needed. Estimated cost \$30,325 (Contract, \$28,885; Engr. \$1,440). Funds budgeted in Accounts 321-51, Construction Material; 5301-51, Curbs and Gutters; 5302-51, Curbs and Gutters-Special)

ACTION: Res. 72-952 adopted approving plans and specifications and bid call. (Clerk to handle)

CONSENT

5. Consider acceptance of George Reed's contract for asphalt concrete resurfacing, various city streets - 1972-73.
(Original contract \$67,388.75). All work on this project has been completed to the satisfaction of the Public Works Department. It would be in order to accept the work as complete and file notice of completion. Resolution accepting work needed. Final cost \$68,257.45. Funds budgeted in Account 6660-207, Miscellaneous Resurfacing; 6657-41-321, Various Residential Overlays)

ACTION: Res. 72-953 adopted accepting contract. (Clerk to handle)

HEARINGS

6. Hearing on request of General Services Administration for 4:05 P.M. encroachment permit for a brick planter in public right of way on 12th Street, southeast of M Street.

ACTION: Res. 72-954 adopted (Elliott/Dunlap, unan. - Dixon and Simon, absent) granting request subject to usual conditions with the exception that no evidence of insurance coverage will be required as the Federal Government is the applicant. (P/W to handle)

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

NONE

Councilman Simon arrived at 4:10 P.M.

UNFINISHED BUSINESS

- 8. Further consideration of appeal to Planning Commission denial of rezoning from R-1 to H-1, property east of McHenry and north of Sylvan.
(Note: This will be on each agenda until all members of the Council are present)

No action as all members of the Council were not present

- 9. Further consideration of amendment to P-D (88) to allow construction of a swimming pool between 4-plex structures on north side of Kruger, east of Granada.

ACTION: Councilman Smith was excused from consideration of this item as he was not present at the original hearing.

Ord. No. 1221-C.S. introduced (Elliott/Dunlap, unan. - Dixon and Smith, absent) amending P-D(88) (Clerk to handle)

Res. 72-955 adopted (Elliott/Dunlap, unan. - Dixon and Smith, absent) approving revised development plan to permit construction of swimming pool after wall has been completed along northerly and easterly boundaries from Granada Way to Kruger Drive. (Planning to handle)

CONSENT

NEW BUSINESS

- 10. Permission for City Manager to attend the International City Managers Association Conference in Minneapolis September 17-20, 1972. (The City Manager would leave Saturday, September 16, and return from Minneapolis on Thursday, September 21.) (Motion approving needed)

ACTION: By motion, permission granted. (C/Mgr to handle)

CONSENT

- 11. Resolution determining that the public interest and convenience require that Conant No. 1 Addition be annexed to the Modesto Municipal Sewer District No. 1 and naming time and place for hearing.
(It is now necessary to commence proceedings to annex the Conant No. 1 Addition to Modesto Municipal Sewer District No. 1. Suggested hearing date October 10, 1972 at 7:35 P.M. Resolution setting hearing needed (2/3 affirmative vote required)

ACTION: Res. 72-956 adopted setting hearing. (Clerk to handle)

CONSENT

- 12. Resolution determining that the public interest and convenience require that Rose Acres No. 5 Addition be annexed to the Modesto Municipal Sewer District No. 1 and naming a time and place for hearing.
(It is now necessary to commence proceedings to annex Rose Acres No. 5 Addition to Modesto Municipal Sewer District No. 1. Resolution setting October 10, 1972 at 7:40 P.M. for hearing needed. (2/3 affirmative vote required)

ACTION: Res. 72-957 adopted setting hearing. (Clerk to handle)

CONSENT

13. Consider replacements for Deferred Compensation Plan Committee.
(The IRS has indicated that Committee members cannot be participants in the plan. It is recommended that Howard Neyens and John Doxey replace John Keefe and Doug Carmody. Resolution changing Committee membership needed)

ACTION: Res. 72-958 adopted amending Resolution No. 72-800 to provide that Howard Neyens and John Doxey replace John Keefe and Doug Carmody. (Finance to handle)

CONSENT

14. Authorize change in price of validation stamps from 10¢ to 15¢ each.
(This change is being made to offset salary increases to parking lot attendants. Resolution needed)

ACTION: Res. 72-959 adopted changing price of parking validation stamps from 10¢ to 15¢ each and rescinding Resolution No. 72-52. (P & T to handle)

CONSENT

15. Resolution approving final map of Dry Creek Estates No. 2 Subdivision of the City of Modesto and authorizing an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code.
(The subdivision agreement has been signed and all fees paid. Dry Creek Estates No. 2 Subdivision is located on the west side of El Vista Avenue at Lance Street. It contains 6.48 acres. Resolution approving final map and agreement needed)

ACTION: Res. 72-960 adopted approving final map of Dry Creek Estates No. 2. (Clerk to handle)

CONSENT

16. Consider approval of revised streets budget - 1972-73 CIP.
(Memo with agenda. Resolution approving revised streets budget, 1972-73 CIP and authorizing submission of that budget to SAAG for approval of use of Transportation Funds as represented by that budget)

ACTION: Res. 72-961 adopted approving Revised Streets Budget - 1972-73 Capital Improvement Program and authorizing its submission to SAAG. (Clerk to handle)

CONSENT

17. Request from Modesto Roadmen Bicycle Club.
(Request to conduct a bicycle race around Downey Park and Downey High School on Sunday, September 10, 1972.
(Motion approving request needed)

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

CONSENT

- 18. Approval of agreement with John's Bike Center for the sale of Bicycle licenses.
(Memo with agenda. Resolution authorizing City Manager to execute agreement needed)

ACTION: Res. 72-962 adopted approving agreement. (Finance to handle)

CONSENT

- 19. Request by City Attorney for vacation for September 5, 6, 7, and 8, 1972.
(Motion granting request needed)

ACTION: By motion, request granted.

REPORTS

- 20. Report on 1972-73 assessed values and tax rates.
Report with agenda. Ordinance setting tax rates needed)

ACTION: Ord. No. 1222-C.S. adopted (Smith/Newton, unan. - Dixon, absent) setting tax rates for 1972-73 and repealing Ord. No. 1139-C.S. (Clerk to handle)

REPORTS FROM THE PLANNING COMMISSION

CONSENT

- 21. Tentative subdivision map - Bonnie-Lee Estates.
(By resolution No. 72-109 adopted August 15, 1972 the Planning Commission approved the tentative map of Bonnie-Lee Estates subdivision and found that this subdivision, together with the provisions for its design and improvement, is consistent with applicable general and any specific plan of the City. The City Council must also find that the proposed subdivision, together with the provisions for its design and improvement, is consistent with applicable general and specific plans of the City. Resolution making findings needed)

ACTION: Res. 72-963 adopted making findings. (Clerk to handle)

MISCELLANEOUS

- 22. Legislation.

NONE

- 23. Appointments.

NONE

- 24. Matters too late for the agenda.

NONE

Adjournment at 4:15 P.M.

ATTEST:

W. T. Chynoweth

 W. T. CHYNOWETH, City Clerk

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, AUGUST 28, 1972 AT 7:30 P.M.

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

Pledge of allegiance to the Flag.

Invocation by Reverend Donald Weston, St. John's Chapel of the Valley

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 3, 4, 5, 6, 7, 11, 12,
Dunlap/Elliott, unan. - Dixon and 13, 14, 15, 16, 17, 18, 19, 20,
Simon, absent 21, 22, 23, 24, 25

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

APPROVAL OF MINUTES

CONSENT

1. Minutes of August 21, 1972.
(Motion approving needed)

ACTION: By motion, minutes approved.

WRITTEN COMMUNICATIONS

2. Letter from Stella V. Marshall and others opposing proposed new location in area of 12th, 13th, F and G Streets for Department of Motor Vehicles.

ACTION: Letter ordered filed.

CONSENT

3. Announcement concerning One-Day Cable Television Workshop, International Hotel, Los Angeles, September 28, 1972.
(Motion ordering filed needed)

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

BIDS

CONSENT

4. Award contract for construction of traffic signals and street lights at Orangeburg and Coffee, Orangeburg and Carver and Tully and Rumble. (Low bidder was Collins Electrical Co., Inc. at \$27,444. Resolution awarding contract needed. Estimated cost: \$36,000 (\$27,444 construction, \$3,000 inspection and engineering, and an estimated \$5,556 to interconnect these signals; funds budgeted in Account No. 6137-56-321, Orangeburg and Coffee, 6178-56-321, Orangeburg and Carver, and 6189-56-321, Tully and Rumble)

ACTION: Res. 72-964 adopted awarding contract to Collins Electrical Co., Inc. (P & T to handle)

CONSENT

5. Consider approval of plans and specifications and call for bids for raising gate valve stands in various locations.
(Suggested bid opening date: September 12, 1972 at 10:00 A.M.
Resolution needed. Estimated cost: \$11,150 (\$10,150-Const. and \$1,000-Engr. & Insp; funds budgeted in Account No. 50-5409, Gate Valve Stand)

ACTION: Res. 72-965 adopted approving plans and specifications and bid call. (Clerk to handle)

CONSENT

6. Consider acceptance of Valley Construction Company's contract for installation of Water Lines in North Hampton No. 1 and Coffee Plaza No. 6. Original contract: \$9,925.50.
(All work on this project has been completed to the satisfaction of the Public Works Department. Therefore, it would be in order to accept the work as complete and file the Notice of Completion. Resolution accepting the work as complete needed. Final cost: \$9,183.20 (Main ext. \$7,149.20; \$2,034.00); funds budgeted in Account No. 6804-50-101, Water main extension and 5301-50-101, New Services)

ACTION: Res. 72-966 adopted accepting contract. (Clerk to handle)

CONSENT

7. Consider award of contract for improvement of Maud Kump Terrace and Celeste Drive.
(Bids were opened on August 22, 1972. The low bid submitted by George Reed Inc., which is 2% under the Engineers Estimate, is considered acceptable. It is, therefore, recommended that the contract be awarded to them. Resolution awarding contract needed. Estimated cost: \$19,415.55 (\$16,835.55 Const. \$2,580.00 Engr. & Insp.); funds budgeted in Account No. 6708-41-321, Misc. Street Improvement and 6647-207, Park Development Misc. Right of Way and Improvements)

ACTION: Res. 72-967 adopted awarding contract to George Reed, Inc. (P/W to handle)

HEARINGS

8. Abandonment of Public Utility Easements in Modesto Verde Subdivision. 7:35 P.M.

ACTION: Res. 1234-S.P. adopted (Elliott/Newton, unan. - Dixon and Simon, absent) abandoning Public Utility Easements in Modesto Verde Subdivision. (Clerk to handle)

9. Appeal from Board of Zoning Adjustment decision to stop rotation of Denny's Restaurant sign at 110 McHenry Ave. 7:40 P.M.

ACTION: Res. 72-968 adopted (Smith/Dunlap, unan. - Dixon and Simon, absent) affirming action of Board of Zoning Adjustment in upholding administrative action of Chief Building Inspector ordering rotation of sign to stop. (P/W to handle)

10. Matters for the good of the community.

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

7:45 P.M.

ACTION: Hugh Barton suggested that the City and the Modesto Irrigation District cooperate in beautifying the canal banks. He urged that people be encouraged to buy living Christmas trees and donate them for this purpose after the holidays. It was explained that canal bank beautification was being worked on at this time.

ORDINANCES

CONSENT

11. Final adoption of Ord. No. 1221-C.S. (Amendment to P-D(88) (Dr. Zane Gard)
(Motion adopting needed)

ACTION: By motion, Ord. No. 1221-C.S. adopted. (Clerk to handle)

CONSENT

12. An Ordinance amending Article 7 of Chapter 6 of Title IV of the Modesto Municipal Code relating to Taxicab Drivers' Permits.
(Memo with agenda. Introduction of Ordinance needed)

ACTION: Ord. No. 1223-C.S. introduced amending Article 7 of Chapter 6 of Title IV of the Modesto Municipal Code. (Clerk to handle)

NEW BUSINESS

CONSENT

13. Agreement with Ribera & Sue - Woodrow Neighborhood Park.
(The agreement provides that Ribera & Sue, Landscape Architects, will prepare a master plan for Woodrow Neighborhood Park for a lump sum figure of \$6,300, to be ready by January 22, 1973. Resolution approving agreement needed. Estimated cost: \$6,300; funds budgeted in Account No. 6371-31-321 P. 125, Woodrow Park Plans/Studies)

ACTION: Res. 72-969 adopted approving agreement. (Clerk to handle)

CONSENT

14. Agreement with Ribera & Sue - Chrysler Neighborhood Park.
(The agreement provides that Ribera & Sue, Landscape Architects, will prepare a master plan for Chrysler Neighborhood Park for a lump sum figure of \$6,930, to be ready by January 22, 1973. Resolution approving agreement needed. Estimated cost: \$6,930; funds budgeted in Account No. 6312-31-321 p. 127, Chrysler Park Plans/Studies)

ACTION: Res. 72-970 adopted approving agreement. (Clerk to handle)

CONSENT

15. Agreement with Ribera and Sue - E. La Loma Neighborhood Park.
(The agreement provides that Ribera & Sue, Landscape Architects, will prepare a master plan for E. La Loma Neighborhood Park for a lump sum figure of \$9,550, to be ready by January 22, 1973. Resolution approving agreement needed. Estimated cost: \$9,550; funds budgeted in Account No. 6320-31-321 p. 127, E. La Loma Park Plans/Studies)

ACTION: Res. 72-971 adopted approving agreement. (Clerk to handle)

CONSENT

16. Consider removal of some on-street parking meters and changing enforcement hours on some parking lots.
(Seven parking meters on the north side of L Street between 9th and 10th are producing less than \$20/year. It is recommended they be removed. Also, there are some parking lots which are enforceable from 9:00 A.M. - 10:00 P.M. that are either near to parking lots that are only enforceable to 6:00 P.M. or are some distance from retail stores. It is recommended that these lots be enforced only to 6:00 P.M. Introduction of Ordinance amending Sec. 3-2.1504 of the Municipal Code and Ordinance amending the parking meter zoning map needed. Estimated cost: \$20; funds budgeted in Account No. 110-57-209, Salaries & Wages Regular - Parking Fund)

ACTION: Ord. No. 1224-C.S. introduced amending Section 3-2.1504 of Modesto Municipal Code.

Ord. No. 1225-C.S. introduced amending Parking Meter Zoning Map. (Clerk and Parking & Traffic to handle)

CONSENT

17. Authorize cancellation of parking lot lease - Modesto (Seeley) Tower.
(The owners have indicated a desire to terminate this month-to-month lease. It is recommended that the City Manager be authorized to cancel the lease at a time acceptable to both parties. Resolution authorizing cancellation of lease needed)

ACTION: Res. 72-972 adopted authorizing cancellation of parking lot lease with Modesto Tower, Inc. (P & T to handle)

CONSENT

18. Requirement for construction of curbs and gutter and/or sidewalks at the locations listed below: (Project No. 72-34-35) (Informal requests were sent to the property owners over 30 days ago. As the work has not been done, it is recommended that a resolution be adopted instructing the Superintendent of Streets to give notices. Resolution setting 7:35 P.M. on September 11, 1972 for hearings needed)

- (a) Sidewalk on Princeton Avenue at 901 Princeton Avenue, a portion of Block 814. (Francois C. d'Artenay)
- (b) Sidewalk at 907 Princeton Avenue, a portion of Block 814. (Mavis D. Seeman)
- (c) Sidewalk at 909 Princeton Avenue, a portion of Block 814. (Clay W. Harmon)
- (d) Sidewalk at 917 Princeton Avenue, a portion of Block 814. (Jerry H. Howe)
- (e) Sidewalk at 925 Princeton Avenue, a portion of Block 814. (Luthern Evangelical Church)
- (f) Sidewalk on Princeton Avenue and Mills at 902 Mills Avenue, a portion of Block 814. (Willis H. Roddy)
- (g) Sidewalk on Princeton Avenue at 1001 Princeton Avenue, Lot 1 of Block 820. (Jack Robinson)
- (h) Sidewalk at 1009 Princeton Avenue, Lot 2 of Block 820. (John W. Salter)
- (i) Sidewalk at 1015 Princeton Avenue, Lot 3 of Block 820. (Mary A. Murray)
- (j) Sidewalk at 1023 Princeton Avenue, a portion of Block 820. (Lester R. Johnson)
- (k) Sidewalk at 1031 Princeton Avenue, a portion of Block 820. (Dorothy E. Swan)
- (l) Sidewalk at 1039 Princeton Avenue, a portion of Block 820. (John I. Ward)
- (m) Sidewalk at 1040 Princeton Avenue, Lot 11 of Block 813. (Hsiu-Hwang Ho)
- (n) Sidewalk at 1034 Princeton Avenue, Lot 12 of Block 813. (Fred M. Johnson)
- (o) Sidewalk at 1030 Princeton Avenue, Lot 13 of Block 813. (Ruth Blumenstein)
- (p) Sidewalk at 1024 Princeton Avenue, a portion of Block 813. (Elton J. Simmonds)
- (q) Sidewalk at 1010 Princeton Avenue, a portion of Block 813. (Robert A. Crabb)
- (r) Sidewalk on Princeton Avenue at 1002 Princeton Avenue, a portion of Block 813. (Dorothea M. McVay)
- (s) Sidewalk on Princeton Avenue at 814 Mills, a portion of Block 801-A. (Elinor C. Conway)

CONSENT

18. Requirement for construction of curbs and gutters and/or sidewalks (continued)

- (t) Sidewalk at 916 Princeton Avenue, a portion of Block 801-A. (Robert R. Radcliff)
- (u) Sidewalk at 906 Princeton Avenue, a portion of Block 801-A. (Charles H. McBrain)
- (v) Sidewalk on Princeton Avenue at 823 Columbia Way, Lot 6 of Block 801-A. (Gene E. Johnson)
- (w) Sidewalk on Princeton Avenue at 805 Princeton Avenue, South 65' of Lot 1 of Block 814. (Ellen Thomas)

ACTION: Res. 72-973 adopted setting hearings. (P/W to handle)

CONSENT

19. Revise agreement with Sears for operation of Sears attendant lot. (A new agreement is needed to reflect the attendant salary increase to be effective September 1, 1972. Resolution approving agreement and authorizing City Manager to sign needed)

ACTION: Res. 72-974 adopted approving revised agreement with Sears Roebuck and Co. (Clerk to handle)

CONSENT

20. Accept improvements in Wyldewood Estates No. 2 Subdivision and authorize City Clerk to file a notice of completion and release bonds upon expiration of the statutory periods. (Wyldewood Estates No. 2 Subdivision is located south of Orangeburg Avenue between Rose Avenue and Coffee Road. All improvements have been completed to the satisfaction of the Public Works Department and all fees have been paid. Resolution accepting improvements needed)

ACTION: Res. 72-975 adopted accepting improvements in Wyldewood Estates No. 2 Subdivision. (Clerk to handle)

CONSENT

21. Accept improvements in Erin Estates Subdivision and authorize the City Clerk to file a Notice of Completion and release bonds upon expiration of the statutory periods. (Erin Estates Subdivision is located north of Scenic Drive between Oakdale Road and Sonoma Avenue. All improvements have been completed to the satisfaction of the Public Works Department and all fees have been paid. Resolution accepting improvements needed)

ACTION: Res. 72-976 adopted accepting improvements in Erin Estates Subdivision. (Clerk to handle)

CONSENT

22. Consider taking appropriate actions to accomplish the transfer of easements and land leases for the installation of the ILS Unit at the City-County Airport, to the Federal Government. (Memo with agenda. Four resolutions authorizing the granting of two easements and approving two leases needed)

ACTION: Res. 72-977 adopted authorizing easement for Middle Marker Beacon and Runway Alignment Indicator Light to the Federal Government.
Res. 72-978 adopted authorizing easement for Outer Marker Site to the Federal Government.
Res. 72-979 adopted authorizing lease to Federal Government for Instrument Landing System Glide Slope.
Res. 72-980 adopted authorizing lease to Federal Government for Instrument Landing System Localizer. (P/W to handle)

REPORTS FROM THE PLANNING COMMISSION

CONSENT

23. Recommend amendment to Section 18-3-9 of the Zoning Map (Jadal Properties, Inc.)
(By Resolution No. 72-115, adopted on August 15, 1972, the Planning Commission recommends an amendment to Section 18-3-9 of the Zoning Map as requested by Jadal Properties, Inc., to rezone from One-family Residential Zone, R-1, Neighborhood Commercial Zone, C-1, and Planned Development Zone, P-D(5), to Planned Development Zone, P-D, to allow construction for a community shopping center, property located on the east side of Prescott Road between Mt. Vernon Drive and Briggsmore Avenue. Resolution setting September 18, 1972 at 4:05 P.M. for public hearing needed)

ACTION: Res. 72-981 adopted setting hearing. (Clerk to handle)

CONSENT

24. Recommend amendment to Section 21-3-9 of the Zoning Map (Setliff Brother).
(By Resolution No. 72-117, adopted on August 15, 1972, the Planning Commission recommends an amendment to Section 21-3-9 of the Zoning Map as requested by Setliff Brothers, to rezone from Neighborhood Commercial Zone, C-1, to Planned Development Zone, P-D, to permit construction of a hardware store and a coin-operated car wash, property located on the west side of Coffee Road between Orangeburg and Briggsmore Avenues. Resolution setting September 18, 1972 at 4:10 P.M. for public hearing needed)

ACTION: Res. 72-982 adopted setting hearing. (Clerk to handle)

CONSENT

25. Recommend amendment to P-D(88) to allow the construction of a second swimming pool.
(By Resolution 72-116, adopted on August 15, 1972, the Planning Commission recommends an amendment to P-D(88) to allow the construction of a second swimming pool as an addition to the P-D(88) apartment complex located north of Kruger Drive, East of Granada Way and South of Kruger Drive northeast of Crestview Drive. Resolution setting September 18, 1972 at 4:15 P.M. for public hearing needed)

ACTION: Res. 72-983 adopted setting hearing. (Clerk to handle)

MISCELLANEOUS

26. Legislation

ACTION: By motion (Smith/Dunlap, unan.) staff directed to inform our Senators and Congressmen that while the Council approves the purpose of the Tax Reform Act of 1969 it is opposed to the proposed regulations concerning the limitations on revenue from facilities which are financed by the sale of municipal bonds. (C/Mgr to handle)

27. Appointments

NONE

28. Matters too late for the agenda.

ACTION: Mayor Davies expressed his dismay over the burning of the addition to Somerset School.

A member of the audience commented on the lack of entertainment for young people.

Adjournment at 8:45 P.M. to 12:00 o'clock noon on September 1, 1972 in the Essie Room of the Covell Hotel for the purpose of meeting with Thomas Gallagher, staff assistant to Senator Tunney.

ATTEST:


W. T. CHYNOWETH, City Clerk

Adjourned Regular Meeting
September 1, 1972

The Council of the City of Modesto met at 12:00 o'clock noon on September 1, 1972, in an adjourned regular meeting.

Present: Councilmen Elliott and Newton and Mayor Davies

Absent: Councilmen, Dixon, Dunlap, Simon and Smith

As there was not a quorum present, the meeting was adjourned.

The members of the Council who were present, together with the City Manager and the Deputy City Manager, then had an informal discussion with Thomas Gallagher, staff assistant to Senator Tunney. Among the matters discussed were the following:

- 1) Revenue sharing.
- 2) Airport development and controls.
- 3) Standardization of information required by different Federal Agencies in connection with Federal Grants.
- 4) Regulations developed by Federal agencies which go beyond the intent of the law passed by Congress.
- 5) Continually changing guidelines for Federal programs.
- 6) Minimum wage bill as it affects local government. (Especially as it might affect our firemen)
- 7) HUD requirements for relocation of tenants in connection with renovation of housing units.
- 8) Better coordination between Census Bureau and other Federal Agencies to allow census data to be more in line with information required by the various agencies.

Mr. Gallagher assured the group that he would bring some of these items to the attention of Senator Tunney and that the Senator's office stood ready to assist the City at any time.

ATTEST:



W. T. CHYNOWETH, City Clerk

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF TUESDAY, SEPTEMBER 5, 1972 AT 4:00 P.M.

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

Absent: None

Councilman Newton arrived at 4:05 P.M.

Councilman Simon arrived at 4:10 P.M.

Pledge of allegiance to the Flag.

Invocation by Reverend Ben Jennings, Prescott Bible Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 3, 4, 5, 6, 7, 8, 9,
Smith/Elliott, unan. - Newton and 10, 11, 12, 15, 18, 20, 21
Simon, absent

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

APPROVAL OF MINUTES

CONSENT

1. Minutes of August 28, 1972.
(Motion approving needed)

ACTION: By motion, minutes approved.

WRITTEN COMMUNICATIONS

2. Letter from Southern Pacific stating that railroad does not feel that reduction of train speeds throughout Modesto to 45 MPH would increase safety.

ACTION: By motion (Smith/Dunlap, unan.) staff directed to pursue the possibility of reducing train speeds through Modesto with the P.U.C. (Parking and Traffic to handle)

CONSENT

3. Petition on behalf of Gerritt and Truus Van Nes for permission to present a claim not timely presented.
(Resolution denying petition needed)

ACTION: Res. 72-984 adopted denying request for permission to file late claim. (Clerk to handle)

CONSENT

4. Notice from Pacific Gas & Electric Co. that it has requested PUC for authority to increase rates for gas.
(Motion referring to staff needed)

ACTION: By motion, notice referred to staff. (Parking and Traffic to handle)

CONSENT

5. Request of Downtown Improvement District that time for Ribera & Sue to complete program for beautification of downtown sidewalks be extended for two weeks to make completion date September 22, 1972.
(Resolution approving amendment to agreement needed)

ACTION: Res. 72-985 adopted approving amendment to agreement. (Clerk to handle)

CONSENT

6. Resignation of Raymond Whitgrove as Interim Chairman of Project Greater Modesto.
(Resolution accepting with regret needed)

ACTION: Res. 72-986 adopted accepting resignation with regret. (Clerk to handle)

BIDS

CONSENT

7. Consider award to low bidder, Stanislaus Implement and Hardware Co., to furnish one new general purpose 4-wheel tractor.
(Memo with agenda) (Resolution needed)

ACTION: Res. 72-987 adopted awarding contract to Stanislaus Implement and Hardware Co. (Finance to handle)

CONSENT

8. Consider award of bid for installation of waterlines in Daisy Park No. 1, Pleasant View Estates No. 3, and McHenry Estates No. 2. (Bids were opened on August 29, 1972. The low bid submitted by Joe Martin, which is 19% under the Engineer's Estimate, is considered acceptable. It is therefore recommended that the contract be awarded to them. Resolution needed. Estimated cost \$11,142.00 (\$10,642.00 Const., \$500.00 Engr. Funds budgeted in Accounts 6804-50-101, Waterline Ext. and 5301-50-101, New Services)

ACTION: Res. 72-988 adopted awarding contract to Joe Martin. (P/W to handle)

CONSENT

9. Consider approval of plans, specifications and call for bids for construction of Pump Station No. 39 at Beyer High Park site. (Suggested bid opening date September 19, 1972 at 10:00 A.M. This pump station is needed to provide additional water for the northeast portion of Modesto. Resolution needed. Estimated cost \$43,758 (\$41,758; Const. \$2,000). Funds budgeted in Account 6816-50, New Well 4th H.S. Park Site and 6804-50, Waterlines Extensions. Insufficient funds are budgeted. Additional funds will be requested later from Fund No. 60-101 when bids are opened and exact amount needed is determined)

ACTION: Res. 72-989 adopted approving plans and specifications and bid call. (Clerk to handle)

CONSENT

10. Consider acceptance of Valley Construction Company's contract for installation of water lines in Eastridge No. 1 and Riedel Estates No. 1.
(Original contract \$8,626.70. All work on this project has been completed to the satisfaction of the Public Works Department. It would be in order to accept the work as complete and file notice of completion. Resolution accepting work as complete needed. Final cost \$9,013.70. (Ext. \$7,447.70; services \$1,566.00) Funds budgeted in Account 6804-50-101, Water Line Extensions and 5301-50-101, New Services)

ACTION: Res. 72-990 adopted accepting contract. (Clerk to handle)

CONSENT

11. Consider award to low bidder, Hawkins-Hawkins Co., Inc., to furnish traffic signs and accessories.
(Memo with agenda. Resolution needed. Estimated cost \$5,985. Funds budgeted in Accounts 5301-56-101, 223-56-101, Maintenance and repair and capital outlay)

ACTION: Res. 72-991 adopted awarding contract to Hawkins -Hawkins Co., Inc. (Finance to handle)

CONSENT

12. Consider approval of specifications and authorize call for bids to be opened September 20, 1972 at 2:00 P.M. for furnishing I.M.S.A. cable and allied hardware.
(Material will be used for fire alarm system cable and replacement. Resolution needed. Estimated cost \$6,200. Funds budgeted in Account 6430-41-921, Special Fund For Capital Outlays. p. 127)

ACTION: Res. 72-992 adopted approving specifications and bid call.
(Clerk to handle)

HEARINGS

13. Hearing on annexation of Dry Creek No. 2 Addition to Modesto Municipal Sewer District No. 1. 4:05 P.M.

ACTION: Res. 72-993 adopted (Elliott/Dunlap, unan. - Simon, absent) annexing Dry Creek No. 2 Addition to Modesto Municipal Sewer District No. 1. (Clerk to handle)

14. Matters for the good of the community. 4:10 P.M.

ACTION: Frank Andrews complained that the Modesto Bee did not publish his side of various matters.

ORDINANCES

CONSENT

15. Final adoption of the following ordinances:
(Motion approving needed)

(a) Ord. No. 1223-C.S. - taxi drivers permits

ACTION: By motion, Ord. No. 1223-C.S. adopted.

(b) Ord. 1224-C.S. - parking meters.

ACTION: By motion, Ord. No. 1224-C.S. adopted. (Clerk to handle)

UNFINISHED BUSINESS

16. Recommendations from Downtown Improvement District and Downtown Merchants Association concerning the request for closure of Bartoni Arcade at certain times.

ACTION: By motion (Dixon/Smith, unan.) action tabled and staff directed to meet with Mr. Bartoni to acquire a more detailed proposal on the method by which the arcade would be closed. (Parking and Traffic to handle)

17. Further consideration of appeal to Planning Commission denial of rezoning from R-1 to H-1, property east of McHenry and north of Sylvan.

(NOTE: This will only be considered in the event all members of the Council are present)

ACTION: By motion (Dixon/Elliott, maj. - Dunlap, Smith and Mayor Davies, no) decision of Planning Commission overruled and Ord. No. 1226-C.S. introduced amending Section 9-3-9 of the zoning map. (Clerk to handle)

A motion (Smith/Dunlap) to table until receipt of a report from the Planning Commission on the zoning for this entire area failed.

By motion (Dunlap/Elliott, unan.) consideration of Beno's north property line as the ultimate end of strip zoning for McHenry to be an item of discussion with the Board of Supervisors at a meeting tentatively scheduled for September 26. (C/Mgr to handle)

NEW BUSINESS

CONSENT

18. Revise truck routes to add K Street between 9th and Needham; 14th Street between J and Needham; Briggsmore east of McHenry. (In about two months, K Street will be made one-way and part of Highway 108 (L Street is already a truck route); 14th Street was inadvertently left off the last truck route map; and Briggsmore has been extended. Resolution adopting truck routes shown on the sketches sent with agenda. Estimated cost \$200. Funds budgeted in Accounts 5301-56-101, Traffic Signs, and 120-56-101, Salaries and Wages)

ACTION: Res. 72-994 adopted establishing truck routes in City of Modesto and rescinding Resolution No. 69-872. (Parking and Traffic to handle)

19. Block^{ing} of street intersections on 9th Street by Tidewater Southern.
(Motion requesting staff investigation and report needed)

ACTION: By motion (Smith/Simon, unan.) staff requested to make an investigation and report to Council. (Parking and Traffic to handle)

CONSENT

20. Approval of change in Modesto City-County Airport Comprehensive Liability Insurance carrier.
(Memo with agenda. Resolution approving change of carriers and expiration date and rescinding Res. No. 71-746)

ACTION: Res. 72-995 adopted approving change of insurance carrier and extension of expiration date to August 2, 1975, and rescinding Resolution No. 71-746. (Clerk to handle)

APPROPRIATION TRANSFERS

CONSENT

21. Approval of appropriation transfer of \$2,000 for repair of fire damage at Community Service Center.
(Memo with agenda. Resolution approving appropriation transfer needed)

ACTION: Res. 72-996 adopted approving appropriation transfer of \$2,000 from Account 60-101 to Account 224-34-101. (Finance to handle)

MISCELLANEOUS

22. Legislation.

NONE

23. Appointments.

ACTION: Res. 72-997 adopted (Dixon/Smith, unan.) appointing Les Brooks as Chairman of Project Greater Modesto. (Clerk to handle)

24. Matters too late for the agenda.

NONE

Adjournment at 5:05 P.M.

ATTEST:


W. T. CHYNOWETH, City Clerk

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, SEPTEMBER 11, 1972 AT 7:30 P.M.

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

Pledge of allegiance to the Flag.

Invocation by Lieutenant Joe Toscillico, Salvation Army

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2, 6, 7, 8, 11, ~~12~~, 13,
Items 12 and 14 removed from consent ~~14~~, 15, 16
Newton/Smith, unan. - Dunlap, absent

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

APPROVAL OF MINUTES

CONSENT

1. Minutes of September 1 (adjourned regular) and September ¹⁹⁷² 5/(regular).
(Motion approving needed)

ACTION: By motion, minutes approved.

WRITTEN COMMUNICATIONS

CONSENT

2. Resignation of Silas W. Green from the Library and Culture Commission effective August 22, 1972.
(Resolution accepting with regret needed)

ACTION: Res. 72-998 adopted accepting resignation with regret. (Clerk to handle)

3. Offer of Nazarene Church property at 1801 - H Street for \$125,000.

ACTION: It was agreed that items 3, 4 and 5 would be considered together.

4. Letter from Citizen's Improvement Committee of the Westside Civic Auditorium Site pledging support for proposed westside site for the civic auditorium.

ACTION: A motion (Dixon) to table until discussed in executive session died for want of a second.

After hearing statements in favor of both the Lincoln School site and the Westside site, the Mayor appointed Councilmen Elliott (chairman), Newton and Simon as a committee to make a study of this entire subject and make its recommendation to the Council.

By motion (Dixon/Smith, unan.) it was directed that a charge to this committee be prepared and submitted to the Council for approval. (C/Mgr to handle)

5. Petition bearing 57 signatures in support of H. Eye, Jay and Eighth Streets general locations for new civic auditorium.

See Item 4.

CONSENT

6. Invitation from National League of Cities to attend the 49th Annual Congress of Cities, November 26-30, 1972, in Indianapolis.
(If any Councilman wishes to attend, he is to inform the City Manager)
(Motion ordering City Manager to handle needed)

ACTION: By motion, City Manager directed to handle)

CONSENT

7. Consider award of bid for the Improvement of Sylvan Avenue at Beyer High School and City Park Site.
(Bids were opened on September 5, 1972. The low bid submitted by George Reed, Inc., which is 6.6% below the Engineer's Estimate, is considered acceptable. Therefore, it is recommended by the Public Works Department that the bid be awarded to them. Resolution awarding bid needed. Estimated cost: \$40,246.25 (Contract \$36,346.25, Engr. \$3,900.00); funds budgeted in Account No. 6647-207 - Miscellaneous Right of Way and Improvements.

ACTION: Res. 72-999 adopted awarding contract to George Reed, Inc.
(P/W to handle)

CONSENT

8. Consider acceptance of Lee Cain's contract for Repair and Reconstruction of Curbs, Gutters, Driveways and Sidewalks at Various Locations. Original Contract: \$10,280.00.
(All work on this project has been completed to the satisfaction of the Public Works Department. Therefore, it would be in order to accept the work as complete and file the Notice of Completion. Resolution accepting the work as complete needed. Final cost: \$10,280 (Construction Mat. \$8,000; C & G \$2,280); funds budgeted in Account No. 321-51, Construction Material and Account 5301-51, Curbs & Gutters)

ACTION: Res. 72-1000 adopted accepting contract. (Clerk to handle)

9. Hearings on requirement of sidewalks at the following locations. (Project No. 72/34-35)

7:35 P.M.

- (a) Sidewalk on Princeton Avenue at 901 Princeton Avenue, a portion of Block 814. (Francois C. d'Artenay)
- (b) Sidewalk at 907 Princeton Avenue, a portion of Block 814. (Mavis D. Seeman)
- (c) Sidewalk at 909 Princeton Avenue, a portion of Block 814. (Clay W. Harmon)
- (d) Sidewalk at 917 Princeton Avenue, a portion of Block 814. (Jerry H. Howe)
- (e) Sidewalk at 925 Princeton Avenue, a portion of Block 814. (Lutheran Evangelical Church)
- (f) Sidewalk on Princeton Avenue and Mills at 902 Mills Avenue, a portion of Block 814. (Willis H. Roddy)
- (g) Sidewalk on Princeton Avenue at 1001 Princeton Ave., Lot 1 of Block 820. (Jack Robinson)
- (h) Sidewalk at 1009 Princeton Avenue, Lot 2 of Block 820. (John W. Salter)
- (i) Sidewalk at 1015 Princeton Avenue, Lot 3 of Block 820. (Mary A. Murray)
- (j) Sidewalk at 1023 Princeton Avenue, a portion of Block 820. (Lester R. Johnson)
- (k) Sidewalk at 1031 Princeton Avenue, a portion of Block 820. (Dorothy E. Swan)
- (l) Sidewalk at 1039 Princeton Avenue, a portion of Block 820. (John I. Ward)
- (m) Sidewalk at 1040 Princeton Avenue, Lot 11 of Block 813. (Hsiu-Hwang Ho)
- (n) Sidewalk at 1034 Princeton Avenue, Lot 12 of Block 813. (Fred M. Johnson)
- (o) Sidewalk at 1030 Princeton Avenue, Lot 13 of Block 813. (Ruth Blumenstein)
- (p) Sidewalk at 1024 Princeton Avenue, a portion of Block 813. (Elton J. Simmonds)
- (q) Sidewalk at 1010 Princeton Avenue, a portion of Block 813. (Robert A. Crabb)
- (r) Sidewalk on Princeton Avenue at 1002 Princeton Ave., a portion of Block 813. (Dorothea M. McVay)
- (s) Sidewalk on Princeton Avenue at 814 Mills, a portion of Block 801-A. (Elinor C. Conway)
- (t) Sidewalk at 916 Princeton Avenue, a portion of Block 801-A. (Robert R. Radcliff)
- (u) Sidewalk at 906 Princeton Avenue, a portion of Block 801-A. (Charles H. McBrian)

9. Hearings on requirement of sidewalks, (continued)

7:35 P.M.

- (v) Sidewalk on Princeton Avenue at 823 Columbia Way, Lot 6 of Block 801-A. (Gene E. Johnson)
- (w) Sidewalk on Princeton Avenue at 805 Princeton Ave., South 65' of Lot 1 of Block 814. (Ellen Thomas)

ACTION: Res. 72-1001 adopted (Dixon/Smith, unan. - Dunlap, absent) ordering the installation of 4 foot sidewalks at all the locations listed. (P/W to handle)

10. Matters for the good of the Community.

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

7:40 P.M.

NONE

ORDINANCES

CONSENT

11. Final adoption of Ord. No. 1225-C.S. (Amendment to parking meter zoning map)
(Motion adopting needed)

ACTION: By motion, Ordinance No. 1225-C.S. adopted. (Clerk to handle)

~~CONSENT~~

12. Revise speed limits designated by Municipal Code on several streets. (Limits need reducing on El Vista and Sylvan; limits need to be adopted on East Orangeburg; and descriptions of limits on Carver, Rose, and Woodrow are no longer needed. Ordinance amending Section 3-2.1401 of the Municipal Code needed. Estimated cost: \$100; funds budgeted in Account No. 5301-56-101, Traffic Signs)

ACTION: Ord. No. 1227-C.S. introduced (Dixon/Elliott, unan. - Dunlap, absent) amending Section 3-2.1401 of the Modesto Municipal Code. (Clerk to handle)

By motion (Dixon/Simon, unan.) staff directed to refer the matter of coordination of speed limits in City and County to City-County Liaison Committee. (C/Mgr to handle)

NEW BUSINESS

CONSENT

13. Consider making alley that intersects Leveland near McHenry one-way northerly.
(Memo with agenda. Only the northerly 130' of the alley is to be made one-way. Resolution declaring the 130' portion of the alley to be one-way northerly needed. Estimated cost: \$10; funds budgeted in Account No. 5301-56-101, Traffic signs)

ACTION: Res. 72-1002 adopted making northerly 130 feet of alley one-way northerly. (P & T to handle)

CONSENT

14. Agreement between City and Modesto City School District of Stanislaus County whereby City agrees to operate the Modesto Elementary School District playgrounds on an afterschool basis to commence on or about September 25, 1972, and to extend to on or about June 1, 1973. District is to pay City \$7,206.00 for these services. (This agreement is the usual agreement which has been entered into previously with the Modesto City School District whereby City agrees to operate the playgrounds on an afterschool basis. Adoption of resolution authorizing agreement needed.

ACTION: Res. 72-1003 adopted (Simon/Elliott, unan. - Dixon and Dunlap, absent) approving agreement. (Clerk to handle)

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

CONSENT

15. Consider approval of amendment to the paying agent for the Modesto Municipal Sewer District No. 1 1967 Sewer Bonds agreement. (Crocker National Bank, our Paying Agent for the Modesto Municipal Sewer District No. 1 1967 Sewer Bonds, has advised us that their co-paying agents have increased their charges and that they no longer can pay these out-of-state co-paying agents out of the fees paid to them by the City. At Crocker's request, an amendment to our present agreement has been prepared which provides that the City shall pay the bank the excess charges made by the co-paying agents. Resolution approving amendment to agreement needed.

ACTION: Res. 72-1004 adopted approving amendment to agreement. (Finance to handle)

REPORTS

CONSENT

16. Presentation of Financial Statement for August, 1972. (Copies of the report will be presented at the meeting. Motion accepting report needed)

ACTION: By motion, report accepted.

MISCELLANEOUS

17. Legislation

NONE

18. Appointments.

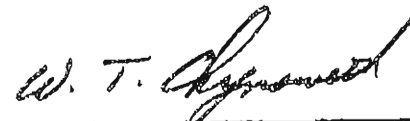
NONE

19. Matters too late for the agenda.

ACTION: The City Manager was requested to send a report to Council reviewing the sidewalk policy. (P/W to handle)

Councilman Simon requested further information on the landscaping of small parcels of City-owned property. (C/Mgr to handle)

Adjournment at 9:45 P.M.

ATTEST: 
W. T. CHYNOWETH, City Clerk

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, SEPTEMBER 18, 1972 AT 4:00 P.M.

Roll Call Present: Dixon, Dunlap, Elliott, Newton, Simon, Vice Mayor Smith
Absent: Mayor Davies
Councilman Dixon arrived at 4:05 P.M.
Councilman Newton arrived at 4:15 P.M.
Vice Mayor Smith presided

Pledge of allegiance to the Flag.

Invocation by Father DeGroot, St. Joseph's Catholic Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 3, 4, 5, 6, 7, 8, 9, 10,
Item 16(a) dropped from agenda 11, 16, 17, 18, 19, 20, 21, 22,
Dunlap/Elliott, unan. - Dixon, Newton 23, 24, 25, 26
and Mayor Davies, absent

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

PRESENTATION

1. Presentation by Lyle Engeldinger, A.A.A., of a Special Citation for Pedestrian Program Activities.

ACTION: Mr. Engeldinger presented a plaque to Vice Mayor Smith and Police Chief Ammerman.

APPROVAL OF MINUTES

CONSENT

2. Minutes of September 11, 1972.
(Motion approving needed)

ACTION: By motion, minutes approved.

WRITTEN COMMUNICATIONS

CONSENT

3. Request of County of Stanislaus for parcel of City-owned property, which is needed for expansion of County facilities, at no cost or at minimal cost to County.
(Motion referring to staff for report needed)

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

CONSENT

4. Request of Omega Nu for City-owned house at 1121 - 15th Street for use as "Haunted House."
(Motion referring to staff needed)

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

CONSENT

5. Request of Scouts for courtesy parking stickers for 62nd annual Supreme Convention November 8 - 12, 1972.
(Motion granting request needed)

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

CONSENT

6. Request of Pine Cone Inn Motor Lodge for waiver of \$247.87 penalty for late payment of Transient Occupancy Tax.
(Resolution setting September 25 at 7:35 P.M. for hearing needed)

ACTION: Res. 72-1005 adopted setting hearing. (Clerk to handle)

BIDS

CONSENT

7. Consider approval of specifications and authorize call for bids to be opened October 4, 1972 at 2:00 P.M. for furnishing one new four wheel twin engine street sweeper.
(Memo with agenda. Resolution needed. Estimated cost: \$18,600.00; funds budgeted in Account No. 5424-48-512, p. 138 - Service Division Capital Outlay)

ACTION: Res. 72-1006 adopted approving specifications and bid call.
(Clerk to handle)

CONSENT

8. Consider award of contract for the Adjustment of Gate Valve Stands.
(Bids were opened September 12, 1972. The low bid submitted by W. M. Lyles Company which is 11% under the Engineer's Estimate is considered acceptable. It is recommended that the bid be awarded to them. Resolution needed. Estimated cost: \$10,033.50 (\$9,033.50 Const. \$1,000.00 Engr); funds budgeted in Account No. 50-5409, Gate Valve Stand)

ACTION: Res. 72-1007 adopted awarding contract to W. M. Lyles Co.
(P/W to handle)

CONSENT

9. Consider acceptance of Joseph Sallaberry's contract for construction of automatic sprinkler system in Elk Park and MID Lateral #2 Park Strip. Original Contract: \$12,200.00.
(All work on this project has been completed to the satisfaction of the Parks Department and the Public Works Department. It would be in order to accept the work as complete and file the Notice of Completion. Resolution accepting the work needed. Final cost: \$12,623.40 (Elk: \$2,439.33, Lat. #2: \$10,184.07); funds budgeted in Account No. 6335-324, Elk Park Auto Sprinklers and Account No. 6319-31-321, MID Lateral #2 Linear Park.

ACTION: Res. 72-1008 adopted accepting contract. (Clerk to handle)

CONSENT

10. Consider approval of plans and specifications and call for bids for installation of Water Lines in Wyldewood Estates No. 3. (Suggested bid opening date: October 3, 1972 at 10:00 A.M. Costs and Revenues: Const. Cost \$11,525.36, Conn. Charges \$4,875.00 and Net Ann. Revenue \$524.00. Resolution needed. Estimated cost: \$11,525.36 (\$4,158.00 labor \$7,367.36 Matl.); funds budgeted in Account No. 6804-50-101, Water Line Ext. and Account No. 5301-50-101, New Services.

ACTION: Res. 72-1009 adopted approving plans and specifications and bid call. (Clerk to handle)

CONSENT

11. Consider award of bid for Construction and Repair of Curbs, Gutters and Sidewalks at Various Locations - No. 2. (The bids were opened September 5, 1972 and the bid of Harold W. Tuller which is 5% over the Engineer's Estimate is considered acceptable. It is recommended that the bid be awarded to them. Resolution awarding bid needed. Estimated cost: \$28,969.74 (contract \$28,269.74, Engr. \$700); funds budgeted in Account No. 321-50, Construction Material, Account No. 5301-51, Curbs and Gutters and Account No. 5302-51, Curbs and Gutters/special.

ACTION: Res. 72-1010 adopted awarding contract to Harold W. Tuller. (P/W to handle)

HEARINGS

12. Hearing on amendment to Section 18-3-9 of the Zoning Map to rezone from R-1 and P-D(5) to P-D to allow construction of a community shopping center on east side of Prescott between Briggsmore and Mt. Vernon. 4:05 P.M.
(Jadal Properties)

ACTION: Ord. No. 1228-C.S. introduced (Elliott/Simon, unan. - Newton and Mayor Davies, absent) amending Section 18-3-9 of zoning map. (Clerk to handle)
Res. 72-1011 adopted (Elliott/Simon, unan. - Newton and Mayor Davies, absent) approving development plan. (Planning to handle)

13. Hearing on amendment to Section 21-3-9 of the Zoning Map to rezone from C-1 to P-D to permit construction of a hardware store and car wash on the west side of Coffee between Orangeburg and Briggsmore. 4:10 P.M.
(Setliff Brothers)

ACTION: Ord. No. 1229-C.S. introduced (Simon/Elliott, unan. - Newton and Mayor Davies, absent) amending Section 21-3-9 of zoning map. (Clerk to handle)
Res. 72-1012 adopted (Simon/Elliott, unan. - Newton and Mayor Davies, absent) approving development plan. (Planning to handle)

14. Hearing on amendment to P-D(88) to allow construction of a second swimming pool on property located at the southeast corner of Crestview and Kruger Drives. (Zane Gard) 4:15 P.M.

ACTION: Ord. No. 1230-C.S. introduced (Dixon/Elliott, unan. - Mayor Davies, absent) amending P-D(88). (Clerk to handle)
Res. 72-1013 adopted (Dixon/Elliott, unan. - Mayor Davies, absent) approving amendment to development plan. (Planning to handle)

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

ACTION: Councilman Dunlap reported that the Public Projects Committee had finished the garbage collection study and hoped to finish noise and office machine studies by the first of the year.

ORDINANCES

CONSENT

16. Final adoption of the following ordinances:
(Motion approving needed)

(a) Ord. No. 1226-C.S. (Amendment to Sec. 9-3-9 of the Zoning Map) (Loeb Investment Co., et al)

DROPPED FROM AGENDA

(b) Ord. No. 1227-C.S. - speed limits.

ACTION: By motion, Ord. No. 1227-C.S. adopted. (Clerk to handle)

NEW BUSINESS

CONSENT

17. Consider approval of Revised Modesto City-County Airport Security Plan and authorize its submission to Federal Aviation Administration. (Memo with agenda. Resolution approving revised airport security plan and authorizing its submission to Federal Aviation Administration needed)

ACTION: Res. 72-1014 adopted approving Revised Modesto City-County Airport Security Plan. (P/W to handle)

CONSENT

18. Recommendation that rate for use of personal car for City business be increased from 10¢ to 12¢ per mile effective October 1, 1972. (Memo with agenda. Motion approving recommendation needed. Estimated cost: \$450.00; funds budgeted in Account No. various budgets, 208 - Business Expense)

ACTION: By motion, increase in mileage rate approved. (C/Mgr to handle)

CONSENT

19. A resolution approving the final map of A & M Industrial Park No. 3 Subdivision of the City of Modesto and authorizing an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code.
(The subdivision agreement has been signed and all fees paid. A & M Industrial Park No. 3 Subdivision is located on the north side of Woodland Avenue east of Carpenter Road. It contains 3.66 acres. Resolution approving final map and authorizing execution of agreement by City needed)

ACTION: Res. 72-1015 adopted approving final map. (Clerk to handle)

CONSENT

20. Consider request for sewer service to property located outside the City limits at 3417 Wycliffe Drive. Property owner: Thomas Robert Stone.
(The property owner has signed an agreement to annex when requested to do so by the City. The property is not contiguous to the City but a sewer line exists to serve it. Resolution approving the agreement needed)

ACTION: Res. 72-1016 adopted approving agreement with Thomas Robert Stone. (P/W to handle)

CONSENT

- 21 Consideration of sale of City property: (A) Report and recommendation by Planning Commission regarding abandonment and sale of park site at intersection of 16th and Needham. (B) Proposed agreement with Mr. and Mrs. Leonard Sward for the purchase of City's interest in park site proposed to be abandoned at intersection of 16th and Needham.
(Copies of Planning Commission resolution and memo from City Manager with agenda. Resolution approving the agreement, and a resolution of intention to abandon and sell the park site and setting public hearing for October 2, 1972 at 4:05 P.M. needed)

ACTION: Res. 72-1017 adopted approving agreement with Leonard Sward et ux. (Clerk to handle)

Res. of Intention 338 (1235-S.P.) adopted setting hearing.
(Clerk to handle)

REPORTS

CONSENT

22. Report on P. G. and E. request for increase in gas rates.
(Report with agenda. The 1.4% increase in gas rates is being sought to offset higher charges for gas imposed on P. G. and E. by the Federal Power Commission and Canada. It is recommended that the Council take no action. Motion accepting report needed)

ACTION: By motion, report ordered filed.

REPORTS FROM THE PLANNING COMMISSION

CONSENT

23. Set date for public hearing: Amendment to the Modesto Urban Area General Plan (Interim Open Space Plan). (Staff report dated August 4, 1972, and Planning Commission Resolution No. 72-124 with agenda. Resolution setting October 2, 1972 at 4:10 P.M. for public hearing needed)

ACTION: Res. 72-1018 adopted setting hearing. (Clerk to handle)

CONSENT

24. Recommend amendment to Section 15-3-9 of the Zoning Map (Harley D. Brannan)
(By Resolution No. 72-123, adopted on September 12, 1972, the Planning Commission recommends an amendment to Section 15-3-9 of the Zoning Map as requested by Harley D. Brannan to rezone from One-family Residential Zone, R-1, Two-family Residential Zone, R-2, and Multiple-family Residential Zone, R-3, to Planned Development Zone, P-D, to allow construction of a neighborhood shopping center, property located at the southwest corner of Oakdale Road and Lancey Drive extended. Resolution setting October 10, 1972 at 7:45 P.M. for public hearing needed)

ACTION: Res. 72-1019 adopted setting hearing. (Clerk to handle)

CONSENT

25. Tentative Subdivision Map - Newporter Subdivision.
(By Resolution No. 72-122, adopted on September 12, 1972, the Planning Commission approved the tentative map of the Newporter Subdivision, and found that this subdivision, together with the provisions for its design and improvement, is consistent with applicable general and any specific plan of the City. The City Council must also find that the proposed subdivision, together with the provisions for its design and improvement is consistent with applicable general and specific plans of the City. Resolution making findings needed)

ACTION: Res. 72-1020 adopted making necessary findings. (Clerk to handle)

CONSENT

26. Tentative Subdivision Map - Capistrano Park No. 1, 2, 3, 4, and 5 Subdivision.
(By Resolution No. 72-125, adopted on September 12, 1972, the Planning Commission approved the tentative map of Capistrano Park No. 1, 2, 3, 4 and 5 Subdivision, and found that this subdivision, together with the provisions for its design and improvement, is consistent with applicable general and any specific plan of the city. The City Council must also find that the proposed subdivision, together with the provisions for its design and improvement is consistent with applicable general and specific plans of the City. Resolution making findings needed)

ACTION: Res. 72-1021 adopted making necessary findings. (Clerk to handle)

(a) Plan line studies to determine width of Yosemite Blvd. east of Riverside Drive.
(See memo to the City Manager, same subject as (a) above, dated September 13, 1972. Motion directing staff to prepare plan line studies to establish ultimate width and right of way lines for Yosemite east of Riverside needed)

ACTION: By motion, staff directed to make plan line studies for Yosemite east of Riverside. (P/W to handle)

MISCELLANEOUS

27. Legislation.

NONE

28. Appointments.


NONE

29. Matters too late for the agenda.

NONE

Adjournment at 4:18 P.M.

ATTEST:


W. T. CHYNOWETH, City Clerk

MINUTES AND ACTION AGENDA

CITY HALL

AGENDA FOR COUNCIL MEETING OF MONDAY, SEPTEMBER 25, 1972 AT 7:30 P.M.

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

Pledge of allegiance to the Flag

Invocation by Reverend Harold Knowles, Central Baptist Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2, 3, 4, 6, 9, 10, 11,
Item 17 removed from consent ~~12~~, 13, 14, 15, 16, ~~17~~, 18, 18a,
Dixon/Elliott, unan. - Simon, absent 20, 22, 23, 24, 25, 26

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

CONSENT

1. Confirmation of canvass of ballots - Sunrise-Granger Addition annexation election held September 19, 1972.
(Ballots for this election will be canvassed on September 22, 1972 by the City Clerk. Unofficial results are as follows: No. of registered voters in area - 167; No. of persons voting - 106; No. of yes votes - 68; No. of no votes - 38. Resolution confirming canvass and declaring results of election and ordinance annexing area needed)

ACTION: Res. 72-1022 adopted confirming canvass of votes and declaring results.

Ord. 1231-C.S. adopted annexing Sunrise/Granger Addition to the City of Modesto as of November 8, 1972. (Clerk to handle)

APPROVAL OF MINUTES

CONSENT

2. Minutes of September 18, 1972. (Motion approving needed)

ACTION: By motion, minutes approved.

WRITTEN COMMUNICATIONS

CONSENT

3. Notification that Pacific Telephone & Telegraph Co. has filed application with P.U.C. for interim and final rate increases.
(Motion referring to staff for report needed)

ACTION: By motion, referred to staff. (P & T to handle)

CONSENT

4. Request of D.I.D. for use of sidewalks for Downtown Annual Fall Sidewalk Sale, October 12, 13 and 14.
(Resolution permitting sale needed)

ACTION: Res. 72-1023 adopted permitting sale. (Clerk to handle)

5. Request of Modesto City Schools for traffic signal at corner of Roselawn and Tuolumne.
(The City Schools have offered to pay half of the \$11,000 installation cost.)

ACTION: Councilman Dixon disqualified himself from consideration of this item due to a possible conflict of interest.
By motion (Smith/Dunlap, unan.) staff directed to prepare an agreement and start on plans for this signal with the understanding that an appropriation transfer will be requested later. (P & T to handle) BIDS

CONSENT

6. Consider acceptance of Klemm Trucking Company's contract for construction of perimeter sidewalks at Davis and Downey Park.
(Original contract \$12,178.00. All work on this project has been completed to the satisfaction of the Parks and Recreation and Public Works Departments. It would be in order to accept the work as complete and file the notice of completion. Resolution accepting work as complete needed. Final cost \$13,277.75 (Davis \$7,568; Downey \$5,709.75) Funds budgeted in Accounts 6315-31-321, Davis Park Development and 6290-31-324, Downey Park Development, Stg. 1 & 2)

ACTION: Res. 72-1024 adopted accepting contract. (Clerk to handle)

HEARINGS

7. Hearing on request of Pine Cone Inn Motor Lodge for waiver of penalty for late payment of transient occupancy tax. 7:35 P.M.

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

8. Matters for the good of the community. 7:40 P.M.
(These may be presented by interested citizens in the audience)

ACTION: Mayor Davies introduced Mrs. Shirley Buscano who has formed a group of members of Beta Sigma Phi into a group to study local government.

Frank Andrews spoke.

John Burke presented a letter from residents of Hudson Lane requesting better law enforcement in that area and offering their assistance to the police. It was agreed that the City Manager, Police Chief and Director of Parking and Traffic would meet with representatives to work things out. (C/Mgr to handle)

ORDINANCES

CONSENT

9. Final adoption of the following ordinances:

- (a) Ord. No. 1226-C.S. (amendment to Section 9-3-9 of zoning map - Loeb Investment Co., et al)

ACTION: By motion, Ord. No. 1226-C.S. adopted. (Clerk to handle)

- (b) Ord. No. 1230-C.S. (amendment to P-D(88) - Dr. Zane Gard)

ACTION: By motion, Ord. No. 1230-C.S. adopted. (Clerk to handle)

NEW BUSINESS

CONSENT

10. Consider possible parking projects and increasing parking revenues. (Memo with agenda. Three parking projects are detailed and an increase in the on-street parking meter charges to 10¢ per hour is suggested to provide the necessary funds. Motion referring to D.M.A. and D.I.D. for recommendation needed.)

ACTION: By motion, referred to D.M.A. and D.I.D. for recommendation. (P & T to handle)

CONSENT

11. Request Council permission to conduct Junior Fire Marshall program in all elementary schools in the City of Modesto, October 2, October 6 and October 9 - 13, 1972. (Memo with agenda. Motion approving needed)

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

CONSENT

13. Accept improvements in McHenry Estates No. 1 Subdivision and authorize City Clerk to file notice of completion and release bonds upon expiration of statutory periods. (McHenry Estates No. 1 Subdivision is located west of McHenry Avenue and north of Sylvan Avenue. All improvements have been completed to the satisfaction of the Public Works Department and all fees have been paid. Resolution accepting improvements needed)

ACTION: Res. 72-1025 adopted accepting improvements. (Clerk to handle)

CONSENT

14. Report of Superintendent of Streets on the cost of installation of curbs and gutters and/or sidewalks at the locations listed below. (Resolution setting 7:55 P.M. October 10, 1972 for hearing needed. Contract costs listed below with properties. Funds budgeted in Account 5302-51-101, Curbs and gutters, special.)

- (a) Sidewalk at 1419 Roseburg Ave., Lot 11 of Block 6017. (Howard R. Brundage - \$148.00)
- (b) Sidewalk at 1512 Bronson Ave., Lot 12 of Block 6123. (Clifford G. Fox - \$120.00)
- (c) Sidewalk at 1522 Bronson Ave., Lot 14 of Block 6123. (Walter E. Crismon - \$148.00)
- (d) Sidewalk at 1104 College Ave., Lot 8 of Block 832. (Portia M. Davis - \$181.00)

CONSENT

14. (e) Sidewalk on Roseburg Ave. at 1500 Roseburg Ave., Lot 1 of Block 931. (Howard W. DeJone - \$197.25)
- (f) Sidewalk on College Ave. and on West Granger Ave. at 1047 West Granger Ave., south 175 feet of Lot 2 of Block 6138. (Dunbar G. Garey - \$514.00)
- (g) Sidewalk at 1320 Roseburg Avenue, Lot 6 of Block 935. (Sharon L. Garrett - \$171.00)
- (h) Sidewalk at 1516 Bronson Ave., Lot 13 of Block 6123. (Gerald Gehegan - \$155.00)
- (i) Sidewalk at 1526 Bronson Ave., Lot 15 of Block 6123. (Cecil Jaspas - \$165.00)
- (j) Curb, gutter and sidewalk at 1344 East Orangeburg Ave., a portion of Block 1159. (Jessie L. McMillin - \$942.80)
- (k) Sidewalk on College Avenue at 1713 College Ave., a portion of Block 6139. (Jack Matheny - \$444.75)
- (l) Sidewalk on West Orangeburg Ave. and on Kearney Ave. at 1501 West Orangeburg Ave., Lot 14 of Block 6079. (Richard D. Pedrioli - \$489.20)
- (m) Sidewalk at 1521 Bronson Ave., Lot 7 of Block 6122. (Clarence Schipper - \$120.00)
- (n) Sidewalk at 1528 Roseburg Ave., Lot 8 of Block 931. (Gilbert H. Walter - \$166.00)
- (o) Sidewalk at 1616 College Ave., north 70 feet of Lots 1 and 2 of Block 6138. (Annie Wright - \$167.00)

ACTION: Res. 72-1026 adopted setting hearings. (P/W to handle)

CONSENT

15. Requirement for construction of curbs and gutters and/or sidewalks at the locations listed below. (Project No. 72/37-38)
(Informal requests were sent to the property owners over 30 days ago. As the work has not been done, it is recommended that a resolution be adopted instructing the Superintendent of Streets to give notices. Resolution setting 7:50 P.M., October 10, 1972 for hearings needed)
- (a) Sidewalk on Princeton Ave. at Lot 8 of Block 824. (George R. Sanders)
- (b) Sidewalk at 1119 Princeton Ave., Lot 1, Block 824. (Harold D. Carver)
- (c) Sidewalk on Princeton Ave. at 1137 Princeton Ave., a portion of Block 811. (Merrill J. Alexander)
- (d) Sidewalk on Princeton Ave. at 1219 Princeton Ave., Lot 8, Block 810. (Francis Gnesa)
- (e) Sidewalk at 1223 Princeton Ave., Lot 7 of Block 810. (Francis Gnesa)
- (f) Sidewalk at 1227 Princeton Ave., a portion of Block 810. (Helen E. Marmon)
- (g) Sidewalk at 1235 Princeton Ave., a portion of Block 810. (Don D. Hammond)

CONSENT

15. Requirement for construction of curbs and gutters (continued)

- (h) Sidewalk at 1241 Princeton Ave., Lot 2 and a portion of 3, Block 810. (Hubert M. Brockett)
- (i) Sidewalk at 1238 Princeton Ave., a portion of Block 809. (Edward L. McClarty)
- (j) Sidewalk at 1228 Princeton Ave., a portion of Block 809. (Gordon B. Reuhl)
- (k) Sidewalk at 1226 Princeton Ave., a portion of Block 809. (George R. Sanders)
- (l) Sidewalk at 1218 Princeton Ave., Lot 7, Block 809. (Merle L. Lancey)
- (m) Sidewalk at 1212 Princeton Ave., a portion of Block 809. (Peter W. Johansen)
- (n) Sidewalk at 1206 Princeton Ave., a portion of Block 809. (Ben F. Hollinger)
- (o) Sidewalk on Princeton Ave. at 1130 Princeton Ave., Lot 1 of Block 808. (Carl H. Benson)
- (p) Sidewalk at 1126 Princeton Ave., a portion of Block 808. (Robert H. Odell)
- (q) Sidewalk at 1122 Princeton Ave., Lot 3 of Block 808. (George W. Ditman)
- (r) Sidewalk at 1110 Princeton Ave., a portion of Block 808. (Elmer D. Baim)
- (s) Sidewalk on Briggsmore Ave. at 1802 Sherwood Ave., a portion of Block 6808. (Frances Pansini Jacobson)
- (t) Sidewalk at 321 Briggsmore Ave., a portion of Block 6808. (Ludwig Erickson)
- (u) Sidewalk on Briggsmore Ave. at 1801 Aloha Way, Lot 8, Block 6813. (Herman Mayberry)

ACTION: Res. 72-1027 adopted setting hearings. (P/W to handle)

CONSENT

16. Resolution adopting an affirmative action program for the City of Modesto and directing the City Manager to implement said program. (Memo and Affirmative Action Program with agenda. Resolution adopting program needed)

ACTION: Res. 72-1028 adopted adopting an Affirmative Action Program. (C/Mgr to handle)

CONSENT

17. Resolution approving and providing for the execution of a proposed grant contract for Code Enforcement Program (F.A.C.E.) No. Calif. E-26(G). (Resolution approving the proposed grant contract and authorizing City Manager to sign needed)

ACTION: Res. 72-1029 adopted (Dixon/Smith, unan. - Newton and Simon, absent) approving proposed grant contract. (C/Mgr to handle)
Due to a possible conflict of interest, Councilman Newton disqualified himself from consideration of this item. He also read a statement concerning his ownership of property in the area now being redeveloped under the FACE Program. A copy of this statement is on file with the records of this meeting.

CONSENT

18. Consider offer to purchase city-owned property on Briggsmore Ave. (Memo with agenda. Resolution accepting offer and authorizing sale needed)

ACTION: Res. 72-1030 adopted accepting offer of Save Mart of Modesto, Inc. to purchase property for \$7,500 and authorizing sale. (C/Atty to handle)

CONSENT

- 18A. A resolution approving final map of Sunset Country Estates Subdivision of the City of Modesto and authorizing an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code. (The subdivision agreement has been signed and all fees paid. Sunset Country Estates Subdivision is located on the south side of Veneman Avenue west of Carver Road. It contains 11.210 acres. Resolution approving final map and agreement needed)

ACTION: Res. 72-1031 adopted approving final map of Sunset Country Estates Subdivision. (Clerk to handle)

REPORTS

19. Group dental insurance quotations. (Report with agenda. Resolution authorizing contract for group dental insurance coverage for employees needed. Funds budgeted in Account 64-422-101, Insurance - Dental)

ACTION: A motion (Smith/Dunlap) to accept Plan CDS VI was withdrawn. Further action was delayed for one week to permit a full report on all proposals made in connection with the plan. (Personnel to handle)

CONSENT

20. Report on request of Omega Nu for use of city-owned house at 1121 15th St. as "Haunted House." (Resolution approving lease agreement needed)

ACTION: Res. 72-1032 adopted approving lease agreement. (C/Mgr to handle)

REPORTS FROM THE PLANNING COMMISSION

21. Concentration of On-Sale Alcoholic Establishments. (Please see attached memo from Director of Planning. Motion accepting staff report and directing further staff action needed)

ACTION: By motion (Dunlap/Newton, unan.) further study (including the Stockton ordinance) referred to Public Projects Committee with the understanding that this matter will be referred to the Planning Commission later. (C/Mgr to handle)

CONSENT

22. Recommend amendment to Section 13-3-8 of the zoning map (Robert A. Morrison - Conant Ave.) (By Resolution No. 72-138 adopted September 19, 1972 the Planning Commission recommends an amendment to Section 13-3-8 of the zoning map as requested by Robert A. Morrison, to rezone from One-family Residential Zone, R-1, to Two-family Residential Zone, R-2, property located on the east side of Conant Avenue, north of Eicher Ave. Resolution setting October 16, 1972 at 4:05 P.M. for public hearing needed)

ACTION: Res. 72-1033 adopted setting hearing. (Clerk to handle)

CONSENT

23. Recommend amendment to Section 24-3-8 of the zoning map (commission initiated) (Blue Gum and Carpenter)
(By Resolution No. 72-1035 adopted September 19, 1972 the Planning Commission recommends an amendment to Section 24-3-8 of the zoning map, as initiated by the Planning Commission, to rezone P-D(42) and P-D(43) to One-family Residential Zone, R-1, property located on the southwest corner of Blue Gum Ave. and Carpenter Road. Resolution Setting October 16, 1972 at 4:10 P.M. for public hearing needed)

ACTION: Res. 72-1034 adopted setting hearing. (Clerk to handle)

CONSENT

24. Recommend amendment to Section 26-3-9 of the zoning map (Allen Grant-North Riverside Drive).
(By Resolution No. 72-140 adopted September 19, 1972 the Planning Commission recommends an amendment to Section 26-3-9 of the zoning map as requested by Allen Grant to rezone from One-family residential Zone, R-1, and P-D (82) granted for medium density apartment to a new Planned Development Zone for development of 92 single-family attached housing units, property located on the east side of North Riverside Drive between Miller and Haddon Avenues extended. Resolution setting October 16, 1972 at 4:15 P.M. for public hearing needed)

ACTION: Res. 72-1035 adopted setting hearing. (Clerk to handle)

CONSENT

25. Recommend amendment to Section 8-3-9 of the zoning map (Marvin E. Tackett)
(By Resolution No. 72-134 adopted September 19, 1972, the Planning Commission recommends an amendment to Section 8-3-9 of the zoning map as requested by Marvin E. Tackett to rezone from One-family residential Zone, R-1, to Planned Development Zone, P-D, to allow duplex development on property located on the north side of Rumble Road, opposite Davis High School. Resolution setting October 24, 1972 at 7:35 P.M. for public hearing needed)

ACTION: Res. 72-1036 adopted setting hearing. (Clerk to handle)

CONSENT

26. Recommend amendment to Section 22-3-9 of the zoning map (Edward G. Wylie, SW corner Orangeburg and Old Oakdale)
(By Resolution No. 72-137 adopted September 19, 1972 the Planning Commission recommends an amendment to Section 22-3-9 of the zoning map to prezone from Residential-Agricultural Zone, R-A, to Two-family Residential Zone, R-2, property located at the southwest corner of Orangeburg Avenue extended and Old Oakdale Road. By the same resolution, the Planning Commission denied a request for Two-Family Residential Zone, R-2, on properties on the south side of Orangeburg Avenue extended across from a proposed junior high school and a request for Multiple-family Residential Zone, R-3 on a portion of the property at the southwest corner of Orangeburg Ave. extended and Old Oakdale Road. Resolution setting October 24, 1972 at 7:40 P.M. for public hearing needed)

ACTION: Res. 72-1037 adopted setting hearing. (Clerk to handle)

MISCELLANEOUS

27. Legislation.

- (a) November ballot propositions.
(Memo with agenda)

ACTION: The following directions were given the Mayor for his guidance at a meeting of the Board of Directors of the League of California Cities:

Proposition No.

1. By motion (Dixon/Elliott, unan.) approved
 2. By motion (Dixon/Elliott, unan.) approved
 3. By motion (Smith/Elliott, unan.) opposed
 8. By motion (Smith/Dixon, unan.) opposed
 10. By motion (Dixon/Elliott, unan.) approved
 12. By motion (Dixon/Elliott, unan.) approved
 15. By motion (Smith/Dixon, unan.) opposed
 16. By motion (Smith/Elliott, unan.) opposed
 18. By motion (Davies/Dunlap, unan.) approved
 19. By motion (Dixon/Dunlap, unan.) opposed
 20. By motion (Elliott/Smith, unan.) approved
- No action was taken on the other propositions.

- (b) Other.

NONE

28. Appointments.

NONE

29. Matters too late for the agenda.

ACTION: Res. 72-1038 adopted (Elliott/Smith, unan. - Simon, absent) setting October 24, 1972 at 7:40 P.M. as time for hearing an appeal by Edward G. Wylie from decision of Planning Commission denying request for R-2 zoning on properties on south side of Orangeburg. (Same as item 26) (Clerk to handle)

Adjournment at 9:00 P.M. to 6:00 P.M. on September 26, 1972 in the 11th Street parking lot located behind City Hall for the purpose of a joint meeting with the Stanislaus County Board of Supervisors. A bus trip of approximately 45 minutes duration will be taken and the group will then meet in the Hotel Covell for dinner and an informal business meeting.

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

Adjourned Regular Meeting
September 26, 1972

The Council of the City of Modesto met at 6:00 P.M. at the City Hall Parking Lot pursuant to adjournment.

Present: Councilmen Dunlap, Elliott and Smith and Mayor Davies

City Staff: City Manager Keefe, Planning Director Nichols, Assistant City Attorney Liedstrand and City Clerk Chynoweth

Board of Supervisors: Thurman, Fahey and VanderWall

County Staff: Chief Administrative Officer Gaekle, County Counsel Martz and Assistant Planner Adams

Press: Phillips, Modesto Bee

During a bus trip, examples of the results of various City and County zonings on Tully Road and upper McHenry Avenue were pointed out. Examples of one corner and multi-corner commercial development were also viewed.

Following the bus trip, the group met in the Mirror Room of the Covell Hotel. In addition to the above-named, there were present:

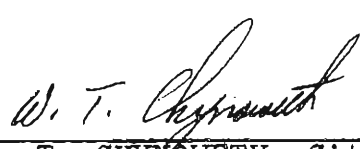
Councilman Dixon
Supervisors Franzen and Paul
Angelo Perini, a farmer and realtor

After dinner an informal discussion was held. This basically concerned zoning and planning problems in the areas surrounding Modesto. It was pointed out that the County A-1 zoning permits almost any type of development (except junk yards, residential subdivisions and mobile home parks) by simply getting a building permit. Under the present set-up no legislative body has any control over uses permitted on property zoned A-1.

It was informally agreed that the entire matter should be studied by Committees of both the City and County Planning Commissions and that the general public should be involved. The City Manager and the Chief Administrative Officer were directed to work out a charge to the two Planning Commissions and to submit the proposed charge to the Council and the Board of Supervisors for approval.

The meeting adjourned at 9:10 P.M.

ATTEST:


W. T. CHYNOWETH, City Clerk

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, OCTOBER 2, 1972 AT 4:00 P.M.

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

Absent: None

Councilman Dixon arrived at 4:05 P.M.

Councilman Simon arrived at 4:15 P.M.

Pledge of allegiance to the Flag.

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2, 3, 4, 5, 9, 11, 12,
Smith/Elliott, unan. - Dixon and 13, 14, 15, 15A, 16, 17, 18, 19,
Simon, absent 20

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

APPROVAL OF MINUTES

CONSENT

1. Minutes of September 25, 1972 (regular meeting) and 26 (adjourned regular meeting), 1972.
(Motion approving needed)

ACTION: By motion, minutes approved.

WRITTEN COMMUNICATIONS

CONSENT

2. Appeal by Deet Eichel, et al from denial by Planning Commission of request to prezone from A-2-10 to M-2, property on west side of Highway 99, north of M.I.D. Lateral #3.
(Resolution setting October 24, 1972 at 7:45 P.M. for hearing needed)

ACTION: Res. 72-1039 adopted setting hearing. (Clerk to handle)

CONSENT

3. Request of Kate Palmer and others for use of Graceada Park on October 21 and 22 from 10:00 A.M. to 6:00 P.M. for a community festival.
(Motion referring to staff needed)

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

BIDS

CONSENT

4. Consider approval of plans and specifications for construction of catch basins at various locations.
(Suggested bid opening date October 24, 1972 at 10:00 A.M. This project was included in the budget to replace old and ineffective catch basins with new catch basins which will delete many drainage problems. Resolution approving plans, specifications and bid call needed.) Estimated cost \$7,600 (Contract \$7,300; Engr. \$300).
Funds budgeted in Account 5305-51, Replace Catch Basins)

ACTION: Res. 72-1040 adopted approving plans and specifications and bid call. (Clerk to handle)

CONSENT

5. Consider award to low bidder TW Communication Corp, Great Neck, N.Y., to furnish IMSA fire alarm system cable and allied hardware. (Memo with agenda. Resolution needed. Funds budgeted in account 6430-41-321, Special Fund For Capital Outlay, p. 127)

ACTION: Res. 72-1041 adopted awarding contract to TW Communication Corp. (Finance to handle)

HEARINGS

6. Hearing on abandonment and sale of park site at 16th and Needham, Block 124. 4:05 P.M.

ACTION: By motion (Elliott/Dunlap, unan.) intention declared to abandon and to sell. (C/Atty to handle)

7. Hearing on amendment to General Plan (interim open space) 4:10 P.M.

ACTION: Res. 72-1042 adopted (Dixon/Smith, unan.) amending Modesto Urban Area General Plan to include an Interim Open Space Plan.
(Planning to handle)

8. Matters for the good of the community. 4:15 P.M.
(These may be presented by interested citizens in the audience)

ACTION: Frank Andrews spoke.

ORDINANCES

CONSENT

9. Final adoption of the following:

- (a) Ord. No. 1228-C.S. (amending Section 18-3-9 of zoning map, Jadal Properties)
- (b) Ord. No. 1229-C.S. (amending Section 21-39 of zoning map, (Setliff Brothers)
(Motions adopting ordinances needed)

ACTION: By motion, Ord. No. 1228-C.S. and Ord. No. 1229-C.S. adopted.
(Clerk to handle)

UNFINISHED BUSINESS

10. Further consideration of group dental insurance proposals.

ACTION: Councilman Simon was excused from consideration of this item due to a possible conflict of interest.
By motion (Smith/Elliott, unan. - Simon absent) staff directed to proceed to obtain Plan CDS VI as of 12:01 A.M. on October 16, 1972, with Giddings, Corby & Hynes acting as agent. (Personnel to handle)

NEW BUSINESS

CONSENT

11. Consider request for sewer service to property outside the City at 1104 Scenic Drive.

(The property is contiguous to the city limits and a sewer line exists to serve it. Property owners Charles C. and Frances Coon, have signed an agreement to annex when requested to do so by City. Resolution approving agreement needed)

ACTION: Res. 72-1043 adopted approving agreement. (P/W to handle)

CONSENT

12. Accept improvements in Coleman Acres No. 2 Subdivision and authorize City Clerk to file notice of completion and release bonds upon expiration of the statutory periods.

(Coleman Acres No. 2 Subdivision is located on the north side of Claremont Ave. south of Sylvan Ave. All improvements have been completed to the satisfaction of the Public Works Department and all fees have been paid. Resolution accepting improvements needed)

ACTION: Res. 72-1044 adopted accepting improvements. (Clerk to handle)

CONSENT

13. Accept improvements in Dragoo Park No. 1 Subdivision and authorize City Clerk to file notice of completion and release bonds upon expiration of the statutory periods.

(Dragoo Park No. 1 Subdivision is located west of Claremont Avenue south of Sylvan Avenue. All improvements have been completed to the satisfaction of the Public Works Department and all fees have been paid. Resolution accepting improvements needed)

ACTION: Res. 72-1045 adopted accepting improvements. (Clerk to handle)

CONSENT

14. Experimental salvage project.

(Memo with agenda. Motion approving request needed)

ACTION: By motion, request to conduct an experimental curb-side pickup project for some salvageable materials in three small areas of the City from October 21 through December 16, 1972 approved.
(P/W to handle)

CONSENT

15. Consider authorizing City Manager to sign letter agreement with the Modesto Bee to print and publish the official advertising for the City for a one-year period ending June 30, 1973. (Memo with agenda. Resolution needed. Estimated cost \$8,000. Funds budgeted in Account 230-14-101, Advertising Legal & Other, p. 35)

ACTION: Res. 72-1046 adopted approving letter agreement. (Clerk to handle)

CONSENT

- 15A. Consider request to John Veneman, Representatives McFall and Mathias, and Senators Tunney and Cranston for support of proposal from American Social Health Association to the President's Special Assistant to Drug Abuse, Dr. Jaffee, for a continuation of the pilot community drug abuse programs of which Modesto has been a part and has been a recipient for the past two years. (The project was to go three years and will not be able to do so because of lack of funding if the federal government does not respond. This program has been very successful and provided Modesto with a continuing input of professional help in developing its drug abuse programs. Motion approving request needed)

ACTION: By motion, staff authorized to prepare letters for signature of Mayor. (C/Mgr to handle)

REPORTS

CONSENT

16. One-year report on bike lanes. (Installation of bike lanes on Coffee Road is suggested. Motion approving recommendation needed) (Funds budgeted in Accounts 110-56-101, Salaries & Wages - Regular, and 321-56-101, Construction Materials)

ACTION: By motion, recommendation that additional pair of bike lanes on Coffee Road from Scenic Drive to Brighton approved. (P & T to handle)

CONSENT

17. Report on delays in federal aid to buy bus. (Memo with agenda. We filed for this aid 10 months ago, and the aid is not in sight. It is suggested that Council authorize Mayor to send appropriate letters. Motion authorizing Mayor to send letters needed)

ACTION: By motion, Mayor authorized to send letters to appropriate officials asking for assistance in obtaining federal grant. (P & T to handle)

CONSENT

18. Report on TOPICS deadlines changes. (Letters from City Manager and State Highway Department set with agenda for council information. Motion ordering filed needed)

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

CONSENT

19. Report on Pacific Telephone request for a rate increase.
(Memo with agenda reviews the request. It is recommended that
no city action be taken. Motion accepting report needed)

ACTION: By motion, report accepted.

APPROPRIATION TRANSFERS

CONSENT

20. Appropriation transfer for reproduction of pictures of past mayors.
(It is necessary to have uniform pictures made of the twelve (12)
who have served as Mayor of Modesto since 1911, for display in
the McHenry Museum. Resolution approving appropriation transfer
of \$150 from the General Reserve, General Fund, to Account 235-7-101
needed)

ACTION: Res. 72-1047 adopted approving appropriation transfer of \$150
from Account 60-101 to Account 235-7-101. (Finance to handle)

MISCELLANEOUS

21. Legislation.

NONE

22. Appointments.

NONE

23. Matters too late for the agenda.

NONE

Adjournment at 5:05 P.M.

ATTEST:

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

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF TUESDAY, OCTOBER 10, 1972 AT 7:30 P.M.

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

Pledge of allegiance to the Flag.

Invocation: Father John Asimacopoulos, Greek Orthodox Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2, 3, 5, 6, 7, 8, 9,
Simon/Smith, unan. 17, 18, 19, 20, 21, 22, 24, 25,
26, 27, 28

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

APPROVAL OF MINUTES

CONSENT

1. Minutes of October 2, 1972.
(Motion approving needed)

ACTION: By motion, minutes approved.

CONSENT

2. Letter from Greater Modesto Chamber of Commerce recommending that plans to meet future demands upon sewage disposal facilities be developed as soon as data is available and that care should be used in dissemination of information regarding availability of sewer capacity.
(Motion ordering letter filed needed)

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

CONSENT

3. Request of Greater Modesto Chamber of Commerce for payment of \$15,000 budgeted for 1972-73.
(Motion granting request needed)

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

4. Request of Dr. Warner Soelling for discussion concerning the pending annexation of his property located at the southwest corner of Briggsmore and Old Oakdale Road.

ACTION: By Order of the Chair, staff instructed to work with Dr. Soelling and/or his representatives concerning rezoning and access to Briggsmore. (Planning to handle)

CONSENT

5. Offer of Jadal Properties, Inc. to purchase property at southeast corner of Eye Street and Downey Ave.
(Motion referring to Council Community Center Study Committee needed)

ACTION: By motion, offer referred to Council Community Center Study Committee. (C/Mgr to handle)

BIDS

CONSENT

6. Consider approval of plans and specifications and call for bids for the installation of waterlines in Old Orchard No. 1 and Granada Park No. 3.
(Suggested bid opening October 24, 1972 at 10:15 A.M. Costs and Revenues: Old Orchard No. 1: Construction, \$18,255.71; Conn. charges, \$6,125.00; Net Revenue, \$784.00). Granada Park No. 3: Construction, \$18,638.72; Conn. charges, \$7,750.00; Net Revenue, \$992.00. Resolution approving needed. Estimated cost \$36,894.43 (\$23,953.18; Matl. \$12,941.25 (Labor). Funds budgeted in Account 6804-50-101, Water Line Extension; and 5301-50-101, New Services)

ACTION: Res. 72-1048 adopted approving plans and specifications and bid call. (Clerk to handle)

CONSENT

7. Consider approval of plans, specifications for construction of wet well at 1000 Oaks Lift Station.
(Suggested bid opening October 24, 1972 at 10:10 A.M. This project was included in the budget to increase the efficiency of the lift station and to eliminate flooding of the station during an emergency. Estimated cost \$7,000 (Contract \$6,500; Engr. \$500). Funds budgeted in Account 6573-212, Improve Thousand Oaks Pump Plant. Resolution approving needed)

ACTION: Res. 72-1049 adopted approving plans and specifications and bid call. (Clerk to handle)

CONSENT

8. Consider award of contract for construction of Pump Station No. 39.
(Bids were opened September 19, 1972. The low bid submitted by Stanislaus, Pump and Supply, which is 14% over the Engineer's Estimate, has been reviewed and is considered acceptable. It is recommended that the contract be awarded to low bidder. Memo with agenda. Resolution approving appropriation transfer of \$18,700 from General Reserve and resolution awarding bid needed. Estimated cost \$52,932 (\$45,389 P.S., \$2350.00 water line, \$2,000 Engr. & Insp., \$2,000 Cont., \$1,193.00, P. G. & E. Funds budgeted in Account 6816-50, P.S. 4th High School; 6804-50-101, Water Line Extensions)

ACTION: Res. 72-1050 adopted awarding contract to Stanislaus Pump & Supply. (P/W to handle)

Res. 72-1051 adopted approving appropriation transfer of \$18,700 from Account 60-101 to Account 6816-50-101. (Finance to handle)

CONSENT

9. Consider award of contract for installation of water lines in Wyldewood Estates No. 3 Subdivision.
(Bids were opened October 3, 1972. The low bid submitted by Joe Martin, 20% under the Engineer's Estimate, is considered acceptable. It is recommended that contract be awarded to low bidder. Resolution approving needed. Estimated cost \$4,362.00 (\$4,162 Const., \$200 Engr. & insp. Funds budgeted in Account 6804-50-101, Water Line Extensions, and 5301-50-101, New Services)

ACTION: Res. 72-1052 adopted awarding contract to Joe Martin. (P/W to handle)

HEARINGS

10. Hearing, annexation of Conant #1 Addition to Sewer District. 7:35 P.M.

ACTION: Res. 72-1053 adopted (Dunlap/Elliott, unan.) annexing Conant No. 1 Addition to Modesto Municipal Sewer District No. 1. (Clerk to handle)

11. Hearing, annexation of Rose Acres No. 5 to Sewer District. 7:40 P.M.

ACTION: Res. 72-1054 adopted (Simon/Smith, unan.) annexing Rose Acres No. 5 to Modesto Municipal Sewer District No. 1. (Clerk to handle)

12. Hearing, amendment to Section 15-3-9 of the zoning map to rezons from R-1, R-2, and R-3 to P-D, to permit construction of neighborhood shopping center at southwest corner of Oakdale Road and Lancey Drive extended (Brannan) 7:45 P.M.

ACTION: By motion (Dixon/Elliott, unan.) hearing continued to October 24, 1972 at 8:00 P.M. to see if further information can be obtained concerning possible requirement for an Environmental Impact Report.
Councilman Simon was excused from the balance of the meeting at 8:10 P.M.

- (a) Sidewalk on Princeton Ave. at Lot 8 of Block 824. (George R. Sanders)
- (b) Sidewalk at 1119 Princeton Ave., Lot 1, Block 824. (Harold D. Carver)
- (c) Sidewalk on Princeton Ave. at 1137 Princeton Ave., a portion of Block 811. (Merrill J. Alexander)
- (d) Sidewalk on Princeton Ave. at 1219 Princeton Ave., Lot 8, Block 810. (Francis Gnesa)
- (e) Sidewalk at 1223 Princeton Ave., Lot 7 of Block 810. (Francis Gnesa)
- (f) Sidewalk at 1227 Princeton Ave., a portion of Block 810. (Helen E. Marmon)
- (g) Sidewalk at 1235 Princeton Ave., a portion of Block 810. (Don D. Hammond)
- (h) Sidewalk at 1241 Princeton Ave., Lot 2 and a portion of 3, Block 810. (Hubert M. Brockett)
- (i) Sidewalk at 1238 Princeton Ave., a portion of Block 809. (Edward L. McClarty)
- (j) Sidewalk at 1228 Princeton Ave., a portion of Block 809. (Gordon B. Reuhl)
- (k) Sidewalk at 1226 Princeton Ave., a portion of Block 809. (George R. Sanders)
- (l) Sidewalk at 1218 Princeton Ave., Lot 7, Block 809. (Merle L. Lancey)
- (m) Sidewalk at 1212 Princeton Ave., a portion of Block 809. (Peter W. Johansen)
- (n) Sidewalk at 1206 Princeton Ave., a portion of Block 809. (Ben F. Hollinger)
- (o) Sidewalk on Princeton Ave. at 1130 Princeton Ave., Lot 1 of Block 808. (Carl H. Benson)
- (p) Sidewalk at 1126 Princeton Ave., a portion of Block 808. (Robert H. Odell)
- (q) Sidewalk at 1122 Princeton Ave., Lot 3 of Block 808. (George W. Ditman)
- (r) Sidewalk at 1110 Princeton Ave., a portion of Block 808. (Elmer D. Baim)
- (s) Sidewalk on Briggsmore Ave. at 1802 Sherwood Ave., a portion of Block 6808. (Frances Pansini Jacobson)
- (t) Sidewalk at 321 Briggsmore Ave., a portion of Block 6808. (Ludwig Erickson)
- (u) Sidewalk on Briggsmore Ave. at 1801 Aloha Way, Lot 8, Block 6813. (Herman Mayberry)

ACTION: Res. 72-1055 adopted (Dixon/Dunlap, unan. - Simon, absent) ordering work done. (P/W to handle)

14. Hearings on the cost of installation of curbs, gutters and/or sidewalks at the following locations:

7:55 P.M.

- (a) Sidewalk at 1419 Roseburg Ave., Lot 11 of Block 6017. (Howard R. Brundage - \$148.00)
(Payment over a 3-year period recommended)

ACTION: Res. 72-1056 adopted (Smith/Dunlap, unan. - Simon, absent) approving report, assessing costs and directing method of collection (over a 3-year period). (Finance to handle)

- (b) Sidewalk at 1512 Bronson Ave., Lot 12 of Block 6123. (Clifford G. Fox - \$120.00)
(Payment over a 2-year period recommended)

ACTION: Res. 72-1057 adopted (Smith/Dunlap, unan. - Simon, absent) approving report, assessing costs and directing method of collection (over a 2-year period). (Finance to handle)

- (c) Sidewalk at 1522 Bronson Ave., Lot 14 of Block 6123. (Walter E. Crismon - \$120.00)
(Payment over a 2-year period recommended)

ACTION: Res. 72-1058 adopted (Smith/Dunlap, unan. - Simon, absent) approving report, assessing costs and directing method of collection (over a 2-year period). (Finance to handle)

- (d) Sidewalk at 1104 College Avenue, Lot 8 of Block 832. (Portia M. Davis - \$181.00)

ACTION: Res. 72-1059 adopted (Smith/Dunlap, unan. - Simon, absent) approving report, assessing costs and directing method of collection. (Finance to handle)

- (e) Sidewalk on Roseburg Avenue at 1500 Roseburg Ave., Lot 1 of Block 931. (Howard W. DeJong - \$197.25)
(Payment over a 4-year period recommended)

ACTION: Res. 72-1060 adopted (Smith/Dunlap, unan. - Simon, absent) approving report, assessing costs and directing method of collection (over a 4-year period). (Finance to handle)

- (f) Sidewalk on College Avenue and on West Granger Ave. at 1047 West Granger Avenue, South 175 feet of Lot 2 of Block 6138. (Dunbar G. Garey - \$514.00)
(Payment over a 10-year period recommended)

ACTION: Res. 72-1061 adopted (Smith/Dunlap, unan. - Simon, absent) approving report, assessing costs and directing method of collection (over a 10-year period). (Finance to handle)

- (g) Sidewalk at 1320 Roseburg Avenue, Lot 6 of Block 935. (Sharon L. Garrett - \$171.00)
(Payment over a 3-year period recommended)

ACTION: Res. 72-1062 adopted (Smith/Dunlap, unan. - Simon, absent) approving report, assessing costs and directing method of collection (over a 3-year period). (Finance to handle)

- (h) Sidewalk at 1516 Bronson Ave., Lot 13 of Block 6123. (Gerald Gehegan - \$155.00)
(Payment over a 3-year period recommended)

ACTION: Res. 72-1063 adopted (Smith/Dunlap, unan. - Simon, absent) approving report, assessing costs and directing method of collection (over a 3-year period). (Finance to handle)

- (i) Sidewalk at 1526 Bronson Ave., Lot 15 of Block 6123.
(Cecil Jaspar - \$165.00)
(Payment over a 3-year period recommended)

ACTION: Res. 72-1064 adopted (Smith/Dunlap, unan. - Simon, absent) approving report, assessing costs and directing method of collection (over a 3-year period). (Finance to handle)

- (j) Curb, gutter and sidewalk at 1344 East Orangeburg Ave., a portion of Block 1159. (Jessie L. McMillin - \$942.80)

ACTION: Res. 72-1065 adopted (Smith/Dunlap, unan. - Simon, absent) approving report, assessing costs and directing method of collection. (Finance to handle)

- (k) Sidewalk on College Ave. at 1713 College Ave., a portion of Block 6139. (Jack Matheny - \$444.75)
(Payment over a 10-year period recommended)

ACTION: Res. 72-1066 adopted (Smith/Dunlap, unan. - Simon, absent) approving report, assessing costs and directing method of collection (over a 10-year period). (Finance to handle)

- (l) Sidewalk on West Orangeburg Ave. and on Kearney Ave. at 1501 West Orangeburg Ave., Lot 14 of Block 6079.
(Richard D. Pedrioli - \$489.20)
(Payment over a 10-year period recommended)

ACTION: Res. 72-1067 adopted (Smith/Dunlap, unan. - Simon, absent) approving report, assessing costs and directing method of collection (over a 10-year period). (Finance to handle)

- (m) Sidewalk at 1521 Bronson Ave., Lot 7 of Block 6122.
(Clarence Schipper - \$120.00)

ACTION: Res. 72-1068 adopted (Smith/Dunlap, unan. - Simon, absent) approving report, assessing costs and directing method of collection. (Finance to handle)

- (n) Sidewalk at 1528 Roseburg Ave., Lot 8 of Block 931.
(Gilbert H. Walter - \$166.00)
(Payment over a 3-year period recommended)

ACTION: Res. 72-1069 adopted (Smith/Dunlap, unan. - Simon, absent) approving report, assessing costs and directing method of collection (over a 3-year period). (Finance to handle)

- (o) Sidewalk at 1616 College Ave., north 70 feet of Lots 1 and 2 of Block 6138. (Annie Wright - \$167.50)
(Payment over a 3-year period recommended)

ACTION: Res. 72-1070 adopted (Smith/Dunlap, unan. - Simon, absent) approving report, assessing costs and directing method of collection (over a 3-year period). (Finance to handle)

15. Matters for the good of the community.

8:00 P.M.

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

ACTION: William Ulm, member of the Farm-City Advisory Committee, was introduced.

In honor of National Fire Week, Frank Andrews told of his experiences in fire prevention and other matters.

Fonnie Bartholomew, a realtor, informed the Council that he had a 24 acre site on Prescott near Mt. Vernon for sale and that it would make a good location for a Community Center. He was requested to put the offer in writing.

OLD BUSINESS

16. Further consideration of County request for 11th and G Streets parking lot.
(Memos with agenda giving background and alternatives. It is recommended that the City-County Liaison Committee negotiate this matter. Motion referring to City-County Liaison Committee needed)

ACTION: By motion, referred to City-County Liaison Committee.
(C/Mgr to handle)

NEW BUSINESS

CONSENT

17. Reduce petty cash in the Parking Fund from \$80 to \$70.
(With the elimination of the Modesto Tower Lot, petty cash for operating the attendant lots should be reduced \$10. The \$10 has been returned to the Finance Department. Resolution rescinding Resolution 72-19 and adopting a new resolution authorizing petty cash fund of \$70 needed)

ACTION: Res. 72-1071 adopted authorizing petty cash fund of \$70 in Parking Fund and rescinding Resolution No. 72-19. (Finance to handle)

CONSENT

18. Adoption of resolution approving issuance of bonds pursuant to Certificate of Issue of City Treasurer.
(M19-34A - Improvement District No. 19: Tokay-Codding Storm Drainage District)

ACTION: Res. 1236-S.P. adopted approving issuance of bonds for Improvement District No. 19. (Finance to handle)

CONSENT

19. Resolution adjusting the 1972-73 City of Modesto budget to estimate revenue and appropriate necessary accounts required by the California Council on Criminal Justice Grant for Head Rest.
(Memo with agenda. Resolution amending the 1972-73 budget needed)

ACTION: Res. 72-1072 adopted amending 1972-73 Budget.

CONSENT

20. Requirement for construction of curbs and gutters and/or sidewalks at the locations listed below. (72-39-41)
(Informal requests were sent to the property owners over 30 days ago. As the work has not been done, it is recommended that a resolution be adopted instructing the Superintendent of Streets to give notices. Resolution setting 7:50 P.M. October 24, 1972 for hearings needed)

(a) Sidewalk at 1311 Princeton Avenue, Lot 16 of Block 914.
(Virginia Keleher)

(b) Sidewalk at 1317 Princeton Ave., Lot 15 of Block 914.
(Howard J. Farnstrom)

CONSENT

20. (continued)
- (c) Sidewalk at 1321 Princeton Ave., Lot 14 of Block 914.
(Helen D. Fullerton)
 - (d) Sidewalk at 1325 Princeton Ave., Lot 13 of Block 914.
(Harvey A. Suprenand)
 - (e) Sidewalk at 1329 Princeton Ave., Lot 12 of Block 914.
(Ralph L. Ryan)
 - (f) Sidewalk at 1333 Princeton Ave., Lot 11 of Block 914.
(Nancy B. McMahon)
 - (g) Sidewalk on Princeton Ave. at 830 Del Rey Ave., Lot 10
of Block 914. (John R. Clark)
 - (h) Sidewalk on Princeton Ave. at 829 Del Rey Ave., Lot 9 of
Block 913. (Robert M. White)
 - (i) Sidewalk at 1405 Princeton Ave., Lot 8 of Block 913.
(Haig Ignatius)
 - (j) Sidewalk at 1411 Princeton Ave., Lot 7 of Block 913.
(Delphina A. Williams)
 - (k) Sidewalk at 1415 Princeton Ave., Lot 6 of Block 913.
(Homer W. Huxtable)
 - (l) Sidewalk at 1421 Princeton Ave., Lot 5 of Block 913.
(Norman D. Powers)
 - (m) Sidewalk at 1425 Princeton Ave., Lot 4 of Block 913.
(Robert E. Patch)
 - (n) Sidewalk at 1429 Princeton Ave., Lot 3 of Block 913.
(Virginia C. Gragno)
 - (o) Sidewalk at 1433 Princeton Ave., Lot 2 of Block 913.
(Denny M. Curtiss)
 - (p) Sidewalk at 1426 Princeton Ave., Lot 15 of Block 912.
(Arthur H. Van De Pol)
 - (q) Sidewalk at 1422 Princeton Ave., Lot 14 of Block 912.
(Edna L. Reid)
 - (r) Sidewalk at 1418 Princeton Ave., Lot 13 of Block 912.
(Harold G. Rimmel)
 - (s) Sidewalk at 1412 Princeton Ave., Lot 12 of Block 912.
(Vincent B. Jerome)
 - (t) Sidewalk at 1408 Princeton Ave., Lot 11 of Block 912.
(Kenneth D. Rairden)
 - (u) Sidewalk on Princeton Ave. at 1402 Princeton Ave., Lot 10
of Block 912. (Lincoln E. Isaac)
 - (v) Sidewalk on Princeton Avenue at 1334 Princeton Ave., Lot
8 of Block 937. (Martin L. Fletcher)
 - (w) Sidewalk at 1330 Princeton Ave., Lot 7 of Block 937.
(Steven T. Burris)

CONSENT

20. (continued)

- (x) Sidewalk at 1326 Princeton Ave., Lot 6 of Block 937.
(Gladys Gesellchen)
- (y) Sidewalk at 1322 Princeton Ave., Lot 5 of Block 937.
(Donald H. Mekeel)
- (z) Sidewalk at 1318 Princeton Ave., Lot 4 of Block 937.
(Kenneth N. Nelson)
- (aa) Sidewalk at 1312 Princeton Ave., Lot 3 of Block 937.
(Kenneth E. Adams)

ACTION: Res. 72-1073 adopted setting hearings. (P/W to handle)

CONSENT

21. Report of Superintendent of Streets on the cost of installation of curb, gutters and/or sidewalks at the locations listed below. (Resolutions setting 7:55 P.M. October 24, 1972 for hearings needed. Contract costs listed below with properties. Funds budgeted in Account 5302-51-101, Curbs and Gutters, special)

- (a) Sidewalk at 1312 W. Roseburg Ave., Lot 4 of Block 935)
(William E. Burch - \$195.00)

CONSENT

22. (b) Curb and gutter on S. Madison St. and curb, gutter and sidewalk on Vine Street at 605 Vine Street, a portion of Block 403.
(Frank Burger, Jr. - \$745.00)

- (c) Curb and gutter at 617 Madison St., a portion of Block 403.
(George Claxton - \$321.30)

(d) Sidewalk on Coffee Road at 911 Coffee Road, Lot 1 of Block 1048.
(Robert S. George - \$339.00)

- (e) Sidewalk on Coffee Road at 901 Coffee Road, Lot 1 of Block 1047. (Alfred E. Heike - \$351.00)

- (f) Sidewalk at 1607 Albany Ave., a portion of Block 6141.
(Richard Lind - \$214.00)

- (g) Curb, gutter and sidewalk on S. Madison Street and sidewalk on Pine Street at 302 Pine Street, Lots 15 and 16 of Block 414. (Rev. Ben E. Moore - \$1,304.80)

CONSENT

21. (continued)

(h) Curb, gutter and sidewalk on S. Madison Street and curb and gutter on Pine Street at 228 Pine Street, lots 27 and 28 of Block 413 (Ralph H. Stork - \$1321.00)

(i) Curb and gutter at 609 S. Madison St., a portion of Block 402. (Arthur O. Vasquez - \$276.30)

(j) Sidewalk on Kearney Ave. and W. Orangeburg Ave. at 1437 W. Orangeburg Ave., a portion of Block 6078. (Glenn E. Gulmon - \$595.50)

ACTION: Res. 72-1074 adopted setting hearings. (P/W to handle)

CONSENT

22. Consider requests for sewer service to 3 properties outside the City. The property owners have signed agreements to annex when requested to do so. The sewer line either exists or is being constructed by the property owners.

(a) 2324 Morningside Drive - Vito N. and Angela Racanelli;

ACTION: Res. 72-1075 adopted approving agreement with Vito N. Racanelli, et ux.

(b) 2937 Parkview Drive - George A. and Delma A. Shamy;

ACTION: Res. 72-1076 adopted approving agreement with George A. Shamy, et ux.

(c) 2933 Parkview Drive - William R. and Virginia I. Nelson.
(Three resolutions approving agreements needed)

ACTION: Res. 72-1077 adopted approving agreement with William R. Nelson, et ux. (P/W to handle)

23. Resolution that City Council direct the City of Modesto Planning Commission to work with the Stanislaus County Planning Commission concerning problems with A-1 unclassified zoning on the fringe of the City of Modesto's urban area.

(Copies of proposed resolution with agenda. Resolution directing City Planning Commission needed)

ACTION: Res. 72-1078 adopted (Dixon/Dunlap, unan. - Simon, absent) directing City Planning Commission to work with County Planning Commission concerning A-1 zoned lands in Modesto Urban Area. (Planning to handle)

CONSENT

24. A resolution abandoning the small triangular park site located at the southeast corner of the intersection of 16th Street and Needham Street in the City of Modesto, and authorizing the sale of the City's interest in a portion of said park site.
(This matter was considered by the Council at its meeting of October 2, 1972 at which time the City Council indicated by motion its intention to proceed with the abandonment. Mr. and Mrs. Leonard Sward have deposited the sum of \$6750 with the City in payment for the City's interest in a portion of the property to be abandoned. Under the terms of the agreement for the sale of this property, it is now appropriate for the Council to formally abandon the park site and authorize the sale of the City's interest in a portion thereof) (Resolution needed)

ACTION: Res. 1237-S.P. adopted abandoning park site and selling City's interest in a portion of park site to Leonard Sward, et ux.
(Clerk to handle)

REPORTS

CONSENT

25. Presentation of financial statement for September 1972.
(Copies of report will be presented at meeting. Motion accepting report needed)

ACTION: By motion, report accepted.

CONSENT

26. Presentation of annual financial report for 1971-72 fiscal year.
(Report with agenda. Motion accepting report needed)

ACTION: By motion, report accepted.

CONSENT

27. Report on Supreme Court decision in Friends of Mammoth v. Board of Supervisors of Mono County and need for Environmental Impact Reports on Planning and Zoning Matters and issuance of building permits.
(Report with agenda. No action needed at this time)

NO ACTION

REPORTS FROM THE PLANNING COMMISSION

CONSENT

28. Uninhabited annexation to the City of Modesto - Edgebrook No. 1 Addition.
(The IAF Commission has authorized this annexation without notice or public hearing - September 29, 1972. Resolution approving annexation needed)

ACTION: Res. 72-1079 adopted annexing Edgebrook No. 1 Addition to City of Modesto. (Clerk to handle)

MISCELLANEOUS

29. Legislation.

NONE

30. Appointments.

ACTION: Mayor Davies reminded the Council that a vacancy existed on the Citizens' Crime Stop Committee.

31. Matters too late for the agenda.

NONE

Adjournment at 8:25 P.M.

ATTEST:

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

Page 10

10/10/72

City of Modesto

ADJOURNMENT OF COUNCIL MEETING

Due to the lack of a quorum, the regular council meeting scheduled for Monday, October 16, 1972 at 4:00 P.M. was adjourned to Thursday, October 19, 1972 at 4:00 P.M.

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

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF OCTOBER 16, 1972 AT 4:00 P.M.

NOTE: THIS MEETING WILL BE ADJOURNED TO THURSDAY, OCTOBER 19, 1972 AND
ALL MATTERS WILL BE CONSIDERED STARTING AT 4:00 P.M.

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

Absent: None

Councilman Dixon arrived at 4:20 P.M.

Pledge of allegiance to the Flag.

Invocation: Reverend Ruth Esdras Holden, Unity Church of Modesto

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: 1, 2, 3, 4, 5, 6, 11, 13, 14, ~~15~~,
Item 15 removed from consent 16, 20
Dunlap/Smith, unan. - Dixon, absent

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

APPROVAL OF MINUTES

CONSENT

1. Minutes of October 10, 1972.
(Motion approving needed)

ACTION: By motion, minutes approved.

WRITTEN COMMUNICATIONS

CONSENT

2. Letter from City of Lodi urging stronger prosecution and penalties in connection with drug abuse.
(Motion referring to Public Relations Committee needed)

ACTION: By motion, referred to Public Relations Committee. (C/Mgr to handle)

CONSENT

3. Request of League of Women Voters for amendment to lease for office space in Community Center to provide for insurance coverage in the amounts of \$100,000/300,000 personal injury and \$25,000 property damage.
(Memo with agenda. Resolution approving amendment needed)

ACTION: Res. 72-1080 adopted approving amendment to lease agreement.
(Clerk to handle)

CONSENT

4. Proposal of Valley Construction Co. to landscape traffic divider at intersection of Maze Blvd., Fair Oaks Drive and Daisy Lane.
(Motion referring to staff for report needed)

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

BIDS

CONSENT

5. Call for bids for the construction of traffic signals and street lights at Tuolumne and Roselawn. This is a Joint City-Modesto City Schools project. The total cost is estimated at \$11,000 and is to be shared on a 50-50 basis.
(Scheduled completion date is April 5, 1973. Resolution approving plans and specifications and calling for bids to be received on November 21, 1972 at 2:00 P.M.)

ACTION: Res. 72-1081 adopted approving plans and specifications and bid call. (Clerk to handle)

CONSENT

6. Consider acceptance of John Birges Contract for construction of Davis Park Irrigation, Turf and Sandy Clay Infield. Original Contract: \$78,600.
(All work on this project has been completed to the satisfaction of the Parks Department and the Public Works Department. Therefore, it would be in order to accept the work as complete and file the Notice of Completion. Resolution accepting the work as complete needed. Final cost: \$78,600; funds budgeted in Account No. 6315-31-321, Davis Park Development)

ACTION: Res. 72-1082 adopted accepting contract. (Clerk to handle)

HEARINGS

7. Hearing on request to rezone from R-1 to R-2, 4:05 P.M.
property located on east side of Conant north of Eicher. (Morrison)
An Environmental Assessment Sheet was filed concluding that no Environmental Impact Report was needed.

ACTION: Ord. No. 1232-C.S. introduced (Simon/Elliott, unan. - Dixon, absent) amending Section 13-3-8 of zoning map from R-1 to R-2. (Clerk to handle)

8. Hearing on request to rezone from P-D(42) and 4:10 P.M.
P-D(43) to R-1 property located on southwest corner of Blue Gum and Carpenter. (Commission initiated)
An Environmental Assessment Sheet was filed concluding that no Environmental Impact Report was needed.

ACTION: Ord. No. 1233-C.S. introduced (Smith/Newton, unan. - Dixon, absent) amending Section 24-3-8 of zoning map from P-D(42 and 43) (Clerk to handle)

9. Hearing on request to rezone from R-1 and P-D(82) 4:15 P.M.
to a new P-D for development of 92 single-family attached housing units, property located on east side of N. Riverside between Miller and Haddon extended. (Grant)
An Environmental Assessment Sheet was filed concluding that no Environmental Impact Report was needed.

ACTION: Ord. 1234-C.S. introduced (Newton/Simon, unan. - Dixon, absent) amending Section 26-3-9 of zoning map from R-1 and P-D(82) to P-D(106). (Clerk to handle)

Res. 72-1083 adopted (Newton/Simon, unan. - Dixon, absent) approving development plan. (Planning to handle)

10. Matters for the good of the community. 4:20 P.M.

ACTION: Res. 72-1084 adopted (Simon/Newton, unan. - Dixon, absent) granting encroachment permit to Gerald Schweitzer to permit installation of brine lines under Tully Road between ice plant and skating rink. (P/W to handle)

ACTION: Frank Andrews spoke.

George Arnpriester, 1312 Allen Court, complained that Pound personnel had killed his dog with a tranquilizer gun, and that due to poor communications within the Police Department he had not been able to recover his dog's body. By motion (Newton/Dunlap, unan.) staff directed to make a report to Council. (Police to handle)

It was reported that the Chairman of the Community Action Commission planned to hold a closed meeting with public and press barred from attendance. By motion (Simon/Dixon, unan.) the representatives of the Council were instructed to resist any effort to hold a secret meeting.

NEW BUSINESS

CONSENT

11. Resolution endorsing an application by the Stockton Police Department for federal funds to combat organized and professional crime and authorizing the City of Modesto's participation in a Program to Combat Organized Crime.
(Memo with agenda. Resolution endorsing application by Stockton Police Department and authorizing City Manager to execute an agreement authorizing the City of Modesto's participation in said program)

ACTION: Res. 72-1085 adopted endorsing application and authorizing participation by City in Regional Organized Crime Program.
(Police To handle)

12. Modesto Library Book Conveyor Remodeling.
(Memo with agenda. Motion directing staff needed. Estimated cost: \$2,200)

ACTION: By motion (Dunlap/Smith, unan.) revision of conveyor approved at a cost not to exceed \$2,200 with cost to be shared equally between City and Architect. (C/Mgr to handle)

CONSENT

13. Acquisition of Street Right of Way, East Orangeburg and Lakewood.
(Memo with agenda. Resolution approving agreement needed. Estimated cost: \$8,000, Miscellaneous Right of Way and Improvements)

ACTION: Res. 72-1086 adopted approving agreement with Norman J. Winsor, et ux. (Clerk to handle)

CONSENT

14. Requirement for construction of curbs, gutters and/or sidewalks at the following locations: (Project No. 72/41-42)
(Informal requests were sent to the property owners over 30 days ago. As the work has not been done, it is recommended that a resolution be adopted instructing the Superintendent of Streets to give notices. Resolution setting 4:05 P.M. on November 6, 1972, for hearings needed)

- (a) Curb and gutter on Melrose Avenue at 422 E. Granger Avenue, a portion of Block 1231. (Guy W. Thomas)
- (b) Curb and gutter on Melrose Avenue at 508 E. Granger Avenue, a portion of Block 1230. (Roy E. Huntley)
- (c) Curb and gutter at 1515 Melrose Avenue, a portion of Block 1232. (Roland Mandolesi)
- (d) Curb and gutter on Melrose Avenue at 1503 Melrose Avenue, a portion of Block 1232. (A. Campi)
- (e) Sidewalk at 2800 Edward Avenue, Lot 7 of Block 6993. (James W. Huggins)
- (f) Sidewalk at 2812 Edward Avenue, Lot 5 of Block 6993. (James S. Lynch)
- (g) Sidewalk at 504 E. Rumble Road, Lot 2 of Block 6993. (Louis F. Deled)

CONSENT

14. Sidewalk requirement, (continued)

- (h) Sidewalk on E. Rumble Road and on Edward Avenue at 500 E. Rumble Road, Lot 1 of Block 6993. (Donald K. Stephens and Lawrence K. Stephens)
- (i) Sidewalk at 2900 Edward Avenue, Lot 4 of Block 6993. (Lawrence K. Stephens)
- (j) Sidewalk at 2806 Edward Avenue, Lot 6 of Block 6993. (Melvin K. Stephens)

ACTION: Res. 72-1087 adopted setting hearings. (P/W to handle)

~~CONSENT~~

15. Consider initiating a street surfacing, curb and gutter and alley surfacing Improvement District in the FACE project area. (Financing for this project will include an estimated \$15,000 City Contribution which is the estimated maintenance cost, with the remainder being shared, one-third by property owners, and two-thirds by the Federal Government. The Area of the proposed Improvement District No. 22 includes Maple Street from West City Limits to Washington Street & Oak Street from West City Limits to Franklin Street and adjacent alleys. Motion authorizing City Attorney to arrange for bond counsel and authorizing Public Works to prepare boundary map needed)

ACTION: By motion, City Attorney authorized to arrange for bond counsel and Public Works authorized to prepare boundary map. (C/Atty and Public Works to handle)
(Councilman Newton disqualified himself from consideration of this action)

REPORTS

CONSENT

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

ACTION: By motion, report accepted.

REPORTS FROM PLANNING COMMISSION

18. Tentative Subdivision Map - Sonoma Gardens Subdivision. (By Resolution No. 72-141, adopted on October 3, 1972, the Planning Commission approved the tentative map of the Sonoma Gardens Subdivision, and found that this subdivision, together with the provisions for its design and improvement, is consistent with applicable general and any specific plan of the City. The City Council must also find that the proposed subdivision, together with the provisions for its design and improvement is consistent with applicable general and specific plans of the city. City staff has filed a negative Environmental Impact Statement on this project. A resolution making findings needed)

An Environmental Assessment Sheet was filed concluding that no Environmental Impact Report was needed.

ACTION: Res. 72-1088 adopted (Elliott/Dixon, unan.) making findings. (Clerk to handle)

19. Tentative Subdivision Map - Coffee Villa Subdivision.
(By Resolution No. 72-144, adopted on October 3, 1972, the Planning Commission approved the tentative map of the Coffee Villa Subdivision, and found that this subdivision, together with the provisions for its design and improvement, is consistent with applicable general and any specific plan of the City. The City Council must also find that the proposed subdivision, together with the provisions for its design and improvement is consistent with applicable general and specific plans of the city. City Staff has filed a negative Environmental Impact Statement on this project. A resolution making findings needed)

An Environmental Assessment Sheet was filed concluding that no Environmental Impact Report was needed.

ACTION: Res. 72-1089 adopted (Elliott/Dixon, unan.) making findings.
(Clerk to handle)

APPROPRIATION TRANSFERS

CONSENT

20. Appropriation transfer to provide matching funds in the 1971-72 budget as required by California Council on Criminal Justice for the Head Rest Grant.
(Resolution approving appropriation transfer of \$142 from General Reserve, Head Rest Fund, to Account 315-02-222, Educational Supplies, Head Rest Fund needed)

ACTION: Res. 72-1090 adopted approving appropriation transfer of \$142 from Account 60-222 to Account 315-02-222. (Finance to handle)

MISCELLANEOUS

21. Legislation

NONE

22. Appointments

NONE

23. Matters too late for the agenda.

ACTION: Mayor Davies was congratulated on being elected Second Vice President of the League. In reply, the Mayor announced that he would run for the office again in 1975.

It was announced that Modesto and Turlock were the only California cities in the final 21 chosen for All-America City nominations and that the winners (generally 11 cities) would be chosen near the end of November.

Adjournment at 4:55 P.M.

ATTEST:


W. T. CHYNOWETH, City Clerk

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF TUESDAY, OCTOBER 24, 1972 AT 7:30 P.M.

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

Pledge of allegiance to the Flag
Invocation by Reverend Mark Randy, Church of Jesus Christ

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 3, 5, 7, 8, 9, 17, 18,
Items 5 and 33 removed from consent 19, 20, 21, 22, 23, 25, 26,
Smith/Dunlap, unan. 30, 31, 32, ~~33~~

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

WRITTEN CORRESPONDENCE

1. Letter from Mrs. Ray Barrett, representing a group of home owners, requesting opportunity to discuss problems regarding drainage in their area.

ACTION: Staff directed to meet with the home owners and study methods to solve their problems and to report to Council. (P/W to handle)

2. Request of Thomas S. Starkovich to conduct an "Antique Show and Sale" on old Lincoln School site.

ACTION: By motion (Dixon/Dunlap, unan.) request referred to staff for study with Mr. Starkovich and report to Council; study to include possible fee schedule for this type of use. (P & R to handle)

CONSENT

3. Letter from Fannie Bartholomew regarding Modesto-Stanislaus community center site.
(Motion referring to Community Center Committee needed)

ACTION: By motion, letter referred to Community Center Committee.
(C/Mgr to handle)

4. Letter from W. S. Witzke requesting one-half hour time starting at 8:00 P.M. on November 13, 1972 to discuss quality of Modesto drinking water.

ACTION: By motion (Newton/Simon, unan.) referred to staff to meet with Mr. Witzke. (C/Mgr to handle)

~~CONSENT~~

5. Letter from Principal Lincoln E. Isaac, Roosevelt School, commending the Modesto Fire and Police Departments' response to a fire alarm, and service to the school on October 2, 1972.
(Motion ordering filed needed)

ACTION: By motion (Dixon/Simon, unan.) letter ordered filed.

6. Communications regarding acquisition of new parking lots.

(a) Communication from Bill Hughes, Downtown Merchants Association.

(b) Letter from Walker Halliday, Chairman, Downtown Improvement District.

ACTION: By motion (Smith/Dixon, unan.) staff directed to proceed with negotiations for Tocalino property at northeast corner of 9th and Eye Streets. (P & T to handle)

BIDS

CONSENT

7. Consider acceptance of Lee White's contract for improvement of Rose Avenue - Scenic to Briggsmore.
(Original contract: \$102,045.45. All work on this project has been completed to the satisfaction of the Public Works Department. It would be in order to accept the work as complete and file the notice of completion. Resolution accepting work needed. Final cost \$103,627.42 (Rose \$88,284.62; Sewers, \$5,342.80). Funds budgeted in Account 6664-207, Rose Ave. Scenic to Briggsmore and 6561-212, Briggsmore extend Subtrunk & Perimeter Sewer)

ACTION: Res. 72-1091 adopted accepting contract. (Clerk to handle)

CONSENT

8. Consider acceptance of Charles Cunningham Company's contract for construction of footbridge between Moose and Kewin Parks.
(Original contract \$15,111.00. All work on this project has been completed to the satisfaction of the Public Works Department and the Parks Department. It would be in order to accept the work as complete and file the notice of completion. Final cost \$15,111.00. Funds budgeted in Account 6321-31-321, Moose Park Stage, 2, 3, 4)

ACTION: Res. 72-1092 adopted accepting contract. (Clerk to handle)

CONSENT

9. Consider acceptance of Shield Construction's contract to improve Rumble Road - McHenry to Coffee.
(Original contract: \$44,065.60. All work on this project has been completed to the satisfaction of the Public Works Department. It would be in order to accept the work as complete and file the notice of completion. Resolution accepting work needed. Final cost \$46,372.45. Funds budgeted in Account 6665-207, Rumble-McHenry to Coffee)

ACTION: Res. 72-1093 adopted accepting contract. (Clerk to handle)

HEARINGS

10. Hearing on request to rezone from R-1 to P-D to allow duplex development on property located on n. side of Rumble opposite Davis High School. (Tackett) 7:35 P.M.

An Environmental Assessment Sheet was filed concluding that no Environmental Impact Report was needed.

ACTION: Res. 72-1094 adopted (Smith/Dixon, unan.) denying request for rezoning. (Clerk to handle)

11. Hearing on request to prezone from R-A to R-2, property located at southwest corner of Orangeburg extended and Old Oakdale Road, and hearing on appeal from denial by Planning Commission of request for R-2 zoning for properties on the south side of Orangeburg extended and for R-3 zoning on a portion of the property at the southwest corner of Orangeburg extended and Old Oakdale Road. (Wylie) 7:40 P.M.

An Environmental Assessment Sheet was filed concluding that no Environmental Impact Report was needed.

ACTION: Ord. No. 1235-C.S. introduced (Dixon/Elliott, maj. - Dunlap, Newton and Smith, no)prezoning from R-A to R-2 and granting the appeal for R-2 zoning on the south side of Orangeburg. (Clerk to handle)
(The Planning Director explained that the appeal by Mr. Wylie did not include a request for any R-3 zoning)

12. Hearing on appeal by Deet Eichel from denial by Planning Commission of request to prezone to M-2 property located on the southwesterly side of U.S. 99 Freeway and the SPRR tracks, south from North Avenue to M.I.D. Lateral #3. 7:45 P.M.

ACTION: By motion (Simon/Dixon, unan.) hearing continued to December 11, 1972 at 7:35 P.M. (Clerk to handle)

13. Hearings on requirement of sidewalks at the following locations. (Project No. 72/39-41) 7:50 P.M.

(a) Sidewalk at 1311 Princeton Avenue, Lot 16 of Block 914. (Virginia Keleher)

(b) Sidewalk at 1317 Princeton Ave., Lot 15 of Block 914. (Howard J. Farnstrom)
(Drop from agenda - doing own work)

DROPPED

(c) Sidewalk at 1321 Princeton Ave., Lot 14 of Block 914. (Helen D. Fullerton)

(d) Sidewalk at 1325 Princeton Ave., Lot 13 of Block 914. (Harvey A. Suprenand)

(e) Sidewalk at 1329 Princeton Ave., Lot 12 of Block 914. (Ralph L. Ryan)

(f) Sidewalk at 1333 Princeton Ave., Lot 11 of Block 914. (Nancy B. McMahon)

(g) Sidewalk on Princeton Ave. at 830 Del Rey Ave., Lot 10 of Block 914. (John R. Clark)

(h) Sidewalk on Princeton Ave. at 829 Del Rey Ave., Lot 9 of Block 914. (Robert M. White)

- (i) Sidewalk at 1405 Princeton Ave., Lot 8 of Block 913. (Haig Ignatius)
- (j) Sidewalk at 1411 Princeton Ave., Lot 7 of Block 913. (Delphina A. Williams)
- (k) Sidewalk at 1415 Princeton Ave., Lot 6 of Block 913. (Homer W. Huxtable)
- (l) Sidewalk at 1421 Princeton Ave., Lot 5 of Block 913. (Norman D. Powers)
- (m) Sidewalk at 1425 Princeton Ave., Lot 4 of Block 913. (Robert E. Patch)
- (n) Sidewalk at 1429 Princeton Ave., Lot 3 of Block 913. (Virginia C. Bragno)
- (o) Sidewalk at 1433 Princeton Ave., Lot 2 of Block 913. (Denny M. Curtiss)
- (p) Sidewalk at 1426 Princeton Ave., Lot 15 of Block 912. (Arthur H. Van De Pol)
- (q) Sidewalk at 1422 Princeton Ave., Lot 14 of Block 912. (Edna L. Reid)
- (r) Sidewalk at 1418 Princeton Ave., Lot 13 of Block 912. (Harold G. Rimmel)
- (s) Sidewalk at 1412 Princeton Ave., Lot 12 of Block 912. (Vincent B. Jerome)
- (t) Sidewalk at 1408 Princeton Ave., Lot 11 of Block 912. (Kenneth D. Rairden)
- (u) Sidewalk on Princeton Ave., at 1402 Princeton Ave., Lot 10 of Block 912. (Lincoln E. Isaac)
- (v) Sidewalk on Princeton Ave. at 1334 Princeton Ave., Lot 8 of Block 937. (Martin L. Fletcher)
(Drop from agenda - doing own work)

DROPPED

- (w) Sidewalk at 1330 Princeton Ave., Lot 7 of Block 937. (Steven T. Burris)
- (x) Sidewalk at 1326 Princeton Ave., Lot 6 of Block 937. (Gladys Gesellchen)
- (y) Sidewalk at 1322 Princeton Ave., Lot 5 of Block 937. (Donald H. Mekeel)
- (z) Sidewalk at 1318 Princeton Ave., Lot 4 of Block 937. (Kenneth N. Nelson)
- (aa) Sidewalk at 1312 Princeton Ave., Lot 3 of Block 937. (Kenneth E. Adams)

ACTION: Res. 72-1094-A adopted (Dixon/Elliott, unan.) ordering work done. (P/W to handle)

By motion, staff directed to contact neighbors of Mr. Huxtable, 1415 Princeton, to ascertain their desires as to having their sidewalks colored green and to report to Council. (P/W to handle)

- (a) Sidewalk at 1312 W. Roseburg Ave., Lot 4 of Block 935. (William E. Burch - \$195.00)
(Payment over a 4-year period recommended)

ACTION: Res. 72-1095 adopted (Simon/Smith, unan.) confirming report, assessing costs and directing method of collection (over a 4-year period) (P/W to handle)

- (b) Curb and gutter on S. Madison St. and curb, gutter and sidewalk on Vine Street at 605 Vine Street, a portion of Block 403. (Frank Burger, Jr. - \$745.00)
(Payment over a 10-year period recommended)

ACTION: Res. 72-1096 adopted (Simon/Smith, unan.) confirming report, assessing costs and directing method of collection (over a 10-year period. (P/W to handle)

- (c) Curb and gutter at 617 Madison St., a portion of Block 403. (George Claxton - \$321.30)
(Payment over a 7-year period recommended)

ACTION: Res. 72-1097 adopted (Simon/Smith, unan.) confirming report, assessing costs and directing method of collection (over a 7-year period) (P/W to handle)

- (d) Sidewalk on Coffee Road at 911 Coffee Road, Lot 1 of Block 1048. (Robert S. George - \$339.00)
(Payment over a 7-year period recommended)

ACTION: Res. 72-1098 adopted (Simon/Smith, unan.) confirming report, assessing costs and directing method of collection (over a 7-year period) (P/W to handle)

- (e) Sidewalk on Coffee Road at 901 Coffee Road, Lot 1 of Block 1047. (Alfred E. Heike - \$351.00)
(Payment over an 8-year period recommended)

ACTION: Res. 72-1099 adopted (Simon/Smith, unan.) confirming report, assessing costs and directing method of collection (over an 8-year period) (P/W to handle)

- (f) Sidewalk at 1607 Albany Ave., a portion of Block 6141. (Richard Lind - \$214.00)

ACTION: Res. 72-1100 adopted (Simon/Smith, unan.) confirming report, assessing costs and directing method of collection. (P/W to handle)

- (g) Curb, gutter and sidewalk on S. Madison Street and sidewalk on Pine Street at 302 Pine Street, Lots 15 and 16 of Block 414. (Rev. Ben E. Moore - \$1,304.80)
(Payment over a 10-year period recommended)

ACTION: Res. 72-1101 adopted (Simon/Smith, unan.) confirming report, assessing costs and directing method of collection (over a 10-year period) (P/W to handle)

- (h) Curb, gutter and sidewalk on S. Madison Street and curb and gutter on Pine Street at 228 Pine Street, lots 27 and 28 of Block 413. (Ralph H. Stork - \$1,321.00)
(Payment over a 10-year period recommended)

ACTION: Res. 72-1102 adopted (Simon/Smith, unan.) confirming report, assessing costs and directing method of collection (over a 10-year period.) (P/W to handle)

- (i) Curb and gutter at 609 S. Madison St., a portion of Block 402. (Arthur O. Vasquez - \$276.30)
(Payment over a 6-year period recommended)

ACTION: Res. 72-1103 adopted (Simon/Smith, unan.) confirming report, assessing costs and directing method of collection (over a 6-year period) (P/W to handle)

- (j) Sidewalk on Kearney Ave. and W. Orangeburg Ave. at 1437 W. Orangeburg Ave., a portion of Block 6078.
(Glenn E. Gulmon - \$595.50)
(Payment over a 10-year period recommended)

ACTION: Res. 72-1104 adopted (Simon/Smith, unan.) confirming report, assessing costs and directing method of collection (over a 10-year period) (P/W to handle)

15. Continued hearing on amendment to Section 15-3-9 of the zoning map to rezone from R-1, R-2 and R-3 to P-D, to permit construction of neighborhood shopping center at southwest corner of Oakdale Road and Lancey Drive extended. (Brannan)
Hearing closed. 8:00 P.M.

ACTION: By motion (Smith/Dixon, maj. - Elliott and Davies, no) further consideration continued to November 6 to permit staff to report to Council on 4-corner zoning policy and on the question of whether or not this is a 4-corner situation. (Planning to handle) 8:05 P.M.

16. Matters for the good of the community.
(These may be presented by interested persons in the audience)

NONE

OLD BUSINESS

CONSENT

17. Encroachment permit for the Social Security Administration District office.
(A portion of the building has been constructed in the sidewalk area. Resolution rescinding Resolution 72-954 and granting new encroachment permit needed)

ACTION: Res. 72-1105 adopted granting encroachment permit to General Services Administration and rescinding Resolution No. 72-954.
(Clerk to handle)

NEW BUSINESS

CONSENT

18. Adoption of resolution acknowledging receipt of "Notice of Intention to Circulate Petition to Annex Territory Known as the East Coolidge No. 2 Addition to the City of Modesto" and approving intention of proponents to circulate petitions.
(The notice was published on October 10, 1972 and filed with the City Clerk on October 12, 1972. Adoption of resolution needed)

ACTION: Res. 72-1106 adopted acknowledging receipt of "Notice" and approving circulation of petitions. (Clerk to handle)

CONSENT

19. Resolutions withdrawing 18 annexed areas from 4 fire protection districts.
(Memos of explanation with agenda. Adoption of 18 resolutions needed)

ACTION: Res. Nos. 72-1107 to 72-1124 inclusive withdrawing the following areas from their respective fire districts:

SALIDA

72-1107 - Dale Road No. 1
72-1108 - Prescott No. 4
72-1109 - Conant No. 1

McHENRY-DRY CREEK

72-1110 - Sonoma No. 2
72-1111 - Floyd-Rose
72-1112 - McHenry-Fumble No. 2
72-1113 - Sonoma No. 3
72-1114 - Lakewood No. 1
72-1115 - Rose Acres No. 5

WOODLAND

72-1116 - Carver No. 2
72-1117 - Modesto State Hospital
72-1118 - Carpenter Road No. 2
72-1119 - Maze-Emerald

EMPIRE

72-1120 - Glendale-Miller
72-1121 - Dry Creek Park No. 2
72-1122 - Dry Creek Park No. 1
72-1123 - Lincoln No. 1
72-1124 - Edgebrook No. 1

CONSENT

20. McHenry Avenue Right of Way - Elmo E. Wilson, Sr., et al.
(Memo with agenda. Resolution authorizing execution of right of way agreement and accepting deed)

ACTION: Res. 72-1125 adopted authorizing execution of right of way agreement and accepting grant deed from Elmo E. Wilson, Sr., et al. (Clerk to handle)

CONSENT

21. A resolution determining that public interest and convenience require that Edgebrook No. 1 Addition be annexed to the Modesto Sewer District No. 1 and naming a time and place for hearing.
(It is now necessary to commence proceedings to annex the Edgebrook No. 1 Addition to the Modesto Municipal Sewer District No. 1. Suggested hearing date December 11, 1972 at 7:35 P.M. Resolution setting hearing needed (2/3 affirmative vote)

ACTION: Res. 72-1126 adopted setting hearing. (Clerk to handle)

CONSENT

22. Resolution approving and providing for the execution of a contract for grant to acquire and develop land for open space purposes.
(Approval has been received from the Department of Housing and Urban Development for a grant to develop Marshall Park, J. M. Pike Park, and Mancini Memorial Park. The total grant is \$30,000. Approval is required for the Manager to sign the contract with H.U.D. Resolution approving contract needed)

ACTION: Res. 72-1127 adopted approving grant contract with United States Department of Housing & Urban Development. (Clerk to handle)

CONSENT

23. (a) Consider termination of Dr. Donald LaTourette's lease agreement for the east half of Hangar No. 5 at the Modesto City-County Airport.

(b) Consider termination of E. W. Brush lease agreement for the west half of Hangar No. 5 and approval of a new lease agreement with Mr. Brush for all of Hangar No. 5.

(Late in July, 1972 Dr. LaTourette requested termination of his lease agreement for the east half of Hangar No. 5. A new lease agreement has been negotiated with Mr. Brush for the entire hangar. (1) Resolution terminating LaTourette lease for the east half of Hangar No. 5.

(2) Resolution terminating Elvin W. Brush lease agreement for the west half of Hangar No. 5 and approving lease agreement for the entire hangar needed)

ACTION: Res. 72-1128 adopted terminating Dr. Donald La Tourette's lease agreement for the east half of Hangar No. 5.

Res. 72-1129 adopted terminating Elvin W. Brush's lease agreement for the west half of Hangar No. 5, by mutual agreement, and approving lease agreement with Elvin W. Brush for Hangar No. 5. (Clerk to handle)

24. Resolution approving final map of Ronald Gardens Subdivision and authorizing an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code.
(The subdivision agreement has been signed and all fees paid. Ronald Gardens Subdivision is located on the south side of Ronald Avenue west of Tully Road. It contains 4.907 acres. Resolution approving final map and authorizing execution of agreement needed)

An Environmental Assessment Sheet was filed concluding that no Environmental Impact Report was needed.

ACTION: Res. 72-1130 adopted (Dixon/Dunlap, unan) approving final map of Ronald Gardens. (Clerk to handle)

CONSENT

25. Approve agreement with Modesto City Schools for traffic signals at Tuolumne and Roselawn and appropriate city share of costs. (Agreement has been executed by the Schools and city share is estimated at \$5,500. Resolution approving agreement and resolution estimating \$5,500 revenue from Modesto City Schools and transferring a matching amount from the General Reserve and appropriating the total of \$11,000 in the Special Fund for Capital Outlay needed)

ACTION: Res. 72-1131 adopted approving agreement. (Clerk to handle)

Res. 72-1132 adopted estimating \$5,500 revenue; transferring \$5,500 from General Reserve and appropriating \$11,000 in Special Fund for Capital Outlay. (Finance to handle)

CONSENT

26. Approve TOPICS program agreements for Paradise Avenue and Virginia-Morris projects.
(The agreements are needed for TOPICS participation in these projects. Resolution approving the program agreements and authorizing the City Manager to execute them needed. Estimated cost \$59,689 to the City for both projects. Funds budgeted in Accounts 6648-207, Paradise, Franklin-First; and 6695-207, Virginia-Morris Siphon)

ACTION: Res. 72-1133 adopted approving agreement. (Clerk to handle)

27. Resolutions authorizing deeds from City of Modesto to the County of Stanislaus for property to be used for animal control shelter. (By agreement dated February 28, 1972, the City agreed to deed the City's interest in property located at East Modesto Highway and Finch Road to the County for use for an animal control shelter. Part of the property will also be used for right of way for the roads. The County has now requested the City to execute and deliver the deeds. Resolution authorizing execution of grant deed and execution authorizing execution of road deed needed)

ACTION: Res. 72-1134 adopted (Elliott/Simon, unan.) authorizing execution of grant deed to Stanislaus County. (Clerk to handle)
Res. 72-1135 adopted (Elliott/Simon, unan.) authorizing execution of road deed to Stanislaus County. (Clerk to handle)

28. A resolution approving the final map of the Daisy Park No. 2 Subdivision and authorizing an agreement with subdividers as required by Section 4-4.604 (c) of the Modesto Municipal Code. (The subdivision agreement has been signed and all fees paid. Daisy Park No. 2 Subdivision is located on the northwest corner of Maze Boulevard and Emerald Avenue. It contains 17.16 acres. Adoption of resolution approving final map and authorizing execution of agreement by City needed)

An Environmental Assessment Sheet was filed concluding that no Environmental Impact Report was needed.

ACTION: Res. 72-1136 adopted (Newton/Dixon, unan.) approving final map of Daisy Park No. 2. (Clerk to handle)

REPORTS

29. Report regarding Environmental Impact Reports.
(Oral report will be made at meeting)

ACTION: Res. 72-1137 adopted (Dixon/Elliott, unan.) approving guidelines and authorizing City Manager to appoint a staff review committee to make environmental assessments.
Ord. No. 1236-C.S. introduced and adopted (Dixon/Elliott, unan.) adding Chapter 9 entitled "Environmental Impact" to Title IV of Modesto Municipal Code. (Clerk to handle)

REPORTS FROM THE PLANNING COMMISSION

CONSENT

30. Uninhabited annexation to the City of Modesto - Old Oakdale No. 4 Addition.
(We anticipate approval of this annexation by the LAF Commission on October 20, 1972, without notice or public hearing. Resolution annexing needed)

ACTION: Res. 72-1138 adopted annexing Old Oakdale No. 4 Addition to City. (Clerk to handle)

CONSENT

31. Uninhabited annexation to the City of Modesto - Orangeburg-Sonoma Addition.
(We anticipate approval of this annexation by the LAF Commission on October 20, 1972, without notice or public hearing. Resolution annexing needed)

ACTION: Res. 72-1139 adopted annexing Orangeburg-Sonoma Addition to City. (Clerk to handle).

APPROPRIATION TRANSFERS

CONSENT

32. Appropriation transfer to appropriate the \$1,110 grant which was received for drug abuse training.
(Resolution approving appropriation transfer of \$1,110 from General Reserve, Head Rest Fund, to Account 429-11-22, Other Special Charges, Head Rest Fund needed)

ACTION: Res. 72-1140 adopted approving appropriation transfer of \$1,110 from Account 60-222 to Account 429-11-222. (Finance to handle)

~~CONSENT~~

33. Consider approval of appropriation transfer in the amount of \$1,000 from Code Enforcement Fund General Reserve.
(This amount is needed to cover the purchases of office supplies. Memo with agenda. Resolution approving transfer needed)

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

ACTION: Res. 72-1141 adopted (Dixon/Elliott, unan. - Newton, absent) approving appropriation transfer of \$1,000 from Account 60-223 to Account 301-223. (Finance to handle)

MISCELLANEOUS

34. Legislation.

NONE

35. , Appointments.

ACTION: Res. 72-1142 adopted (Dixon/Smith, unan.) appointing James Forbes as Chairman of the Crime Stop Committee. (Clerk to handle)

36. Matters too late for the agenda.

ACTION: By motion (Dixon/Dunlap, unan.) a letter from Harry Merker suggesting that drop boxes be used for the payment of parking fines was referred to the Public Projects Committee. (C/Mgr to handle)

Staff was directed to ascertain the progress made in the study of a possible trail bike area. (C/Mgr to handle)

By motion (Elliott/Dixon, unan.) support given to proposal to reinstate rail passenger service in San Joaquin Valley. (C/Mgr to handle)

Res. 72-1143 adopted (Simon/Smith, unan.) approving agreement with State of California for population estimate. (Clerk to handle)

Adjournment at 11:00 P.M.

ATTEST:


W. T. CHYNOWETH, City Clerk

CITY OF MODESTO

MINUTES AND ACTION AGENDA

AGENDA FOR COUNCIL MEETING OF MONDAY, NOVEMBER 6, 1972 AT 4:00 P.M.

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

Pledge of allegiance to the Flag.

Invocation: Reverend George Weber, First Methodist Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: 1, 3, 4, 5, 10, 11, ~~12~~, 13, 16,
Drop item 12. Remove item 27 from 17, 18, 21, 22, 23, 24, 25, 26,
consent ~~27~~, 28, 29, 30, 31, 32, 34, 35,
Dixon/Dunlap, unan. - Newton, absent 37, 38, 39, 40, 41, 42

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

APPROVAL OF MINUTES

CONSENT

1. Minutes of October 19, 1972 (adjourned regular) and October 24, 1972 (regular).
(Motion approving needed)

ACTION: By motion, minutes approved.

WRITTEN COMMUNICATIONS

2. Letter from Stella V. Marshall objecting to any P-D zone in area bounded by Needham, Downey, Burney, 9th and D.
(Motion ordering letter filed needed)

ACTION: By motion (Elliott/Simon, unan.) letter ordered filed.
(Clerk to handle)

CONSENT

3. Request of Modesto Affiliated Church Housing Corp. for six months extension of time for start and completion of construction of proposed Ralston Tower at 17th & I.
(Motion referring to Planning Commission needed)

ACTION: By motion, request referred to Planning Commission. (Planning to handle)

CONSENT

4. Request of Nicholas C. Pascoe for permission to harvest black walnuts in Tuolumne River Park area between Airport and Tuolumne River from Conejo Avenue to Mitchell Road bridge. (Motion granting request needed)

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

CONSENT

5. Request of Downtown Improvement District for (1) Use of two High Ranger trucks and personnel to operate, to install Christmas decorations on November 19 and remove them on January 7. (2) Use of first two parking spaces on 10th Street parking lot next to Hughson Hotel to place Santa's House from November 15 to January 7. (3) Use of two parking spaces on southwest corner of 10th and K on November 24 and 25 and December 2, 9, and 16 to park 40 x 8 locomotive.
(Motion granting requests needed)

ACTION: By motion, request granted. (P & R to handle (1) and P & T to handle (2) and (3))

6. Letter from Mary P. Humphrey requesting changes in procedures in connection with delinquent water bills and requesting return of \$4.00 additional charges.

ACTION: No action was taken on the request.

7. Request of Dr. Soelling for clarification of city policies concerning neighborhood shopping center development at Oakdale-Briggsmore.

ACTION: The subject matter of this request was involved with Item 19 but Mr. Ivey made a presentation on behalf of Dr. Soelling. No action was required by Council.

8. Request of E & J Gallo Winery for resolution requesting State to reopen Highway 132 Route Study.
(A representative of Gallo will be present)

ACTION: Res. 72-1144 adopted (Simon/Elliott, unan.) requesting State to re-open Highway 132 Route Study provided the re-study will not cause a delay or additional costs to the City of Modesto.
(P & T to handle)

9. Request of Greater Modesto Council of Churches for change in lease agreement for Firehouse Youth Center to permit change in programs.

ACTION: By motion (Smith/Newton, unan.) request referred to staff.
(P & R to handle)

BIDS

CONSENT

10. Consider award of contract for installation of waterlines in Old Orchard No. 1 and Granada Park No. 3 subdivisions.
(Bids were opened October 24, 1972. The low bid submitted by Shield Construction Co., which is 20% under the Engineer's Estimate, is considered acceptable. It is recommended that the contract be awarded to them. Resolution needed. Estimated cost \$12,990.60 (\$12,490.60 Const. \$500.00 Engr. and Insp.) Funds budgeted in Accounts 6804-50-101, Waterline Extension and 5301-50-101, New Services)

ACTION: Res. 72-1145 adopted awarding contract to Shield Construction Co. (P/W to handle)

CONSENT

11. Consider award of bid for construction of catch basins at various locations.

(The bids were opened October 24, 1972 and the low bid of Shield Construction Company, which is 13.5% over the Engineer's Estimate, is considered acceptable. It is recommended that the bid be awarded to them. Environmental assessment showing no impact statement required with agenda. Resolution awarding bid needed. Estimated cost \$8,780 (Contract \$8,280; Engr. \$500). Funds budgeted in Account 5305-51, Replace Catch Basins)

ACTION: Res. 72-1146 adopted awarding contract to Shield Construction Co. (P/W to handle)

CONSENT

12. Consider acceptance of Joe Martin's contract for installation of waterlines in Wyldewood Estates No. 3.

(Original contract, \$4,162.00. All work on this project has been completed to the satisfaction of the Public Works Department. It would be in order to accept the work as complete and file notice of completion. Resolution needed. Final cost \$4,046 (Main: \$3344; Services: \$702) Funds budgeted in Accounts 6804-50-101, Waterline Extensions and 5301-50-101, New Services)

DROPPED FROM AGENDA

CONSENT

13. Consider award to Nixon-Egli Equipment Co., Inc., Hayward, California to furnish one new mobile 2-TE-3 four wheel twin diesel engined street sweeper.

(Resolution awarding contract; resolution approving appropriation transfer needed. Estimated cost \$24,115.00. Funds budgeted in Account 5424-48-512, Service Division Capital Outlay, p. 138)

ACTION: Res. 72-1147 adopted awarding contract to Nixon-Egli Equipment Co. (Finance to handle)
Res. 72-1148 adopted approving appropriation transfer of \$6,000 from Account 60-48-512 to Account 5424-48-512. (Finance to handle)

HEARINGS

14. Hearings on requirement of sidewalks at the following locations: 4:05 P.M.

(a) Curb and gutter on Melrose Avenue at 422 E. Granger Avenue, a portion of Block 1231 (Guy W. Thomas)

(b) Curb and gutter on Melrose Avenue at 508 E. Granger Avenue, a portion of Block 1230 (Roy E. Huntley)

(c) Curb and gutter at 1515 Melrose Ave., a portion of Block 1232. (Roland Mandolesi)

(d) Curb and gutter on Melrose Avenue at 1503 Melrose Ave., a portion of Block 1232 (A. Campi)

(e) Sidewalk at 2812 Edward Ave., Lot 5 of Block 6993. (James S. Lynch)

(f) Sidewalk at 504 E. Rumble Road, Lot 2 of Block 6993. (Louis F. Deled)

(g) Sidewalk at 2800 Edwards Ave., Lot 7 of Block 6993. (James W. Huggins)

14. Hearings - sidewalk requirements (continued)

4:05 P.M.

(h) Sidewalk on E. Rumble Road and on Edward Avenue at 500 E. Rumble Road, Lot 1 of Block 6993. (Donald K. Stephens and Lawrence K. Stephens)

(i) Sidewalk at 2900 Edward Ave., Lot 4 of Block 6993. (Lawrence K. Stephens)

(j) Sidewalk at 2806 Edward Ave., Lot 6 of Block 6993. (Melvin K. Stephens)

ACTION: Res. 72-1149 adopted (Elliott/Dixon, unan.) ordering work. (P/W to handle)

15. Matters for the good of the community.

4:10 P.M.

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

ACTION: George Kell, on behalf of W. S. Witzke, asked whether or not Mr. Witzke would be listed on the agenda for November 13. It was agreed that Mr. Kell and the City Manager would meet to discuss this. A motion (Elliott/Dunlap) directing the City Manager to obtain a written presentation if possible (to be delivered with the agenda) when it is anticipated that a long or involved presentation will be made was withdrawn. The same motion was then passed (Dunlap/Simon, unan.) but only in regards to this one matter.

Res. 72-1150 adopted (Smith/Simon, unan.) setting November 20, 1972 at 4:05 P.M. for hearing on request of Rudy Bonzi, Inc. for a Limited License to collect Industrial Garbage and Salvageable Waste. (Clerk to handle)

Fonnie Bartholomew made a presentation comparing the Briggsmore/Oakdale area with the way the McHenry/Briggsmore area was twenty years ago. He suggested that a Community Shopping Center might be required in the area.

A request by the Modesto Soccer Club for the use of lights at Del Webb Field on Tuesday and Thursday nights was referred to staff to see what can be done. (P & R to handle)

ORDINANCES

CONSENT

16. Final adoption of the following ordinances:

(a) Ord. No. 1232-C.S. (Amends Sec. 13-3-8 of zoning map (Morrison))

ACTION: By motion, Ord. No. 1232-C.S. adopted. (Clerk to handle)

(b) Ord. No. 1233-C.S. (Amends Sec. 24-3-8 of zoning map - Commission Initiated)

ACTION: By motion, Ord. No. 1233-C.S. adopted. (Clerk to handle)

(c) Ord. No. 1234-C.S. (Amends Sec. 26-3-9 of zoning map - (Grant))

ACTION: By motion, Ord. 1234-C.S. adopted. (Clerk to handle)

(d) Ord. No. 1235-C.S. (Amends Sec. 22-3-9 of zoning map - (Wylie)) (Motions adopting needed)

ACTION: By motion, Ord. No. 1235-C.S. adopted. (Clerk to handle)

UNFINISHED BUSINESS

CONSENT

17. Proposal for landscaping traffic island at Maze Boulevard and Daisy Lane.
(Memo with agenda. Motion accepting report needed)

ACTION: By motion, report accepted. (C/Mgr to handle)

CONSENT

18. Recommendation from Downtown Modesto Association that City consider purchase of Brack-Griffen and Mehegan-Griffen properties with other than parking fund monies.
(Motion ordering filed needed)

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

19. Further consideration of amendment to Section 15-3-9 of zoning map to permit construction of a neighborhood shopping center at south west corner of Oakdale Road and Lancey Drive.

ACTION: Ord. No. 1237-C.S. introduced (Smith/Dunlap, unan.) amending Section 15-3-9 of zoning map. (Clerk to handle)
Res. 72-1151 adopted (Smith/Dunlap, unan.) approving development plan. (Planning to handle)
(It was pointed out that this action did not preclude any other requests for rezoning at this intersection)

NEW BUSINESS

- 20.(a) Consider request for approval to send Mrs. Peggy Mensinger, Rev. Howard Clarke, Robert Gotelli and Mrs. Heidi Warner to the National Conference on Government sponsored by the National Municipal League in Minneapolis, Minn., November 26-29, 1972, during which Modesto's entry in the All-America City Contest will be considered by the jury.
(Mrs. Mensinger will make the presentation on behalf of the City, and Rev. Clarke, Mr. Gotelli, and Mrs. Warner will answer questions from the jury. It is anticipated that approximately \$2,00 will be needed for the four people, and \$200 needed for display materials. Motion approving request needed. Resolution approving appropriation transfer of \$2,200 from the General Reserve to Account 461-61-101, All-America City Competition)

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

Res. 72-1152 adopted approving appropriation transfer of \$2,200 from Account 60-101 to Account 461-61-101. (Finance to handle)

- (b) Request for City Manager to attend the National Conference on Government sponsored by the National Municipal League in Minneapolis, Minn., November 26-29, 1972, during which the All-America City awards jury will consider Modesto's application.
(Funds were budgeted for the City Manager to attend the International City Management Association conference in Minneapolis in Sept. However, the Manager chose not to attend that conference, anticipating that it might be necessary to attend this conference to present Modesto's case before the jury. Motion approving request needed. Funds budgeted in Account 207-8-101, Conference Expense - originally budgeted for ICMA conference)

ACTION: By motion (Elliott/Simon) request approved.

CONSENT

21. Resolutions determining that the public interest and convenience requires that the following Additions to the City of Modesto be annexed to the Modesto Municipal Sewer District No. 1 and naming time and place for hearing.

- (a) Old Oakdale No. 4 Addition to Sewer District - suggested hearing time December 18, 1972 at 4:10 P.M.

ACTION: Res. 72-1153 adopted setting hearing. (Clerk to handle)

- (b) Orangeburg-Sonoma Addition to Sewer District - suggested hearing time December 18, 1972 at 4:15 P.M.
(Resolutions setting hearings needed (two-thirds affirmative vote required))

ACTION: Res. 72-1154 adopted setting hearing. (Clerk to handle)

CONSENT

22. Resolutions withdrawing the following annexed areas from the McHenry-Dry Creek Fire District;

- (a) Orangeburg-Sonoma Addition;

ACTION: Res. 72-1155 adopted withdrawing Orangeburg-Sonoma Addition from McHenry-Dry Creek. (Clerk to handle)

- (b) Old Oakdale No. 4 Addition.
(Two resolutions withdrawing the annexed areas from the fire district needed)

ACTION: Res. 72-1156 adopted withdrawing Old Oakdale No. 4 Addition from McHenry-Dry Creek Fire Protection District. (Clerk to handle)

CONSENT

23. Consider agreement with Jenks and Adamson for preparation of plans and specifications for installation of aerators at the oxidation ponds and high-pressurization system for the vacuators at the treatment plant.

(Agreement provides for engineers to prepare plans and specifications for aerators at the ponds and high-pressurization units for our vacuators. The agreement is similar to those entered into in the past: provides for a fee of 7½% on a project estimated to have a construction cost of \$325,000; also provides credit in the amount of \$3,000 for a project report previously approved by the Council. Completed plans are expected by January 1973 with the award of construction contract in April and the units in operation by August 1973. Resolution approving agreement and authorizing execution needed. Estimated cost \$21,375. Funds budgeted in Accounts 6583 and 6584, Install Aeration Equip at Ponds & Install High Pressure Air/Entrainment of Vacuators (Fund 212)

ACTION: Res. 72-1157 adopted approving agreement. (Clerk to handle)

CONSENT

24. Consider approval of FAA grant application for construction of drainage facilities at Modesto City-County Airport.
(The FAA has made a grant offer covering a number of projects at the airport. We are preparing to move ahead on the drainage portion of the grant offer and have prepared a project application which requires approval by the City Council and County Board of Supervisors. Memo and impact statement with agenda. Resolution approving submission of grant application and authorizing City Manager to sign on behalf of City needed. Estimated cost \$37,596; funds budgeted in Account 6500-230 (\$4,400) Drain, E. Modesto Road. Balance of funds to be requested later from Fund No. 230, General Reserve, at time of award of contract)

ACTION: Res. 72-1158 adopted approving submission of grant application.
(P/W to handle)

CONSENT

25. Consider Airport operating certificate application.
(Federal law requires that airports serving air carriers be certificated. The staff has prepared an Airport Operating Certificate application and requests that the City Council authorize the City Manager to sign the application on behalf of the City. Memo with agenda. Resolution needed)

ACTION: Res. 72-1159 adopted authorizing City Manager to sign application.
(P/W to handle)

CONSENT

26. Presentation of annual inventory of the City of Modesto's fixed assets.
(The City Charter, Section 801 (n) requires that the City Manager shall annually "...inventory and place a value on all real estate, buildings, furniture and fixtures, supplies and movable property ... belonging to the City..." and file one copy of the inventory with the City Council and one with the City Auditor. Memo with agenda. Motion accepting inventory needed)

ACTION: By motion, inventory accepted.

~~CONSENT~~

27. A resolution approving the final map of Bonnie Lee Estates Subdivision of the City of Modesto and authorizing an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code.
(The subdivision agreement has been signed and all fees paid. Bonnie Lee Estates Subdivision is located east of Oakdale Road and North of Surrey Ave. It contains 12.89 acres. Copy of environment assessment showing no impact statement required distributed with agenda)

ACTION: Res. 72-1160 adopted (Dixon/Elliott, unan.) approving final map of Bonnie Lee Estates. (Clerk to handle)

CONSENT

28. A resolution approving final map of Newcastle Estates No. 2 Subdivision of the City of Modesto and authorizing an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code. (The subdivision agreement has been signed and all fees paid. This subdivision is located west of Sonoma Avenue and south of Surrey Avenue. It contains 4.87 acres. Copy of environment assessment showing no impact statement requirement distributed with agenda. Resolution approving final map and authorizing execution of agreement needed)

ACTION: Res. 72-1161 adopted approving final map of Newcastle Estates No. 2. (Clerk to handle)

CONSENT

29. A resolution approving final map of Riedel Estates No. 2 Subdivision of the City of Modesto and authorizing an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code. (The subdivision agreement has been signed and all fees paid. This subdivision is located on the west side of Sonoma Ave. south of Peppermint Drive. It contains 10.27 acres. Copy of environment assessment showing no impact statement requirement distributed with agenda. Resolution approving final map and authorizing execution of agreement needed)

ACTION: Res. 72-1162 adopted approving final map of Riedel Estates No. 2. (Clerk to handle)

CONSENT

30. Consider lease agreement between the City and Hubert W. and Eula B. Scott for a portion of Dry Creek Park site. (Mr. and Mrs. Scott have offered to lease the property located on McClure Road north of the M.I.D. Lateral No. 2 (formerly the Maxwell property) for farming purposes. They have agreed to pay the City one-third of the proceeds from the sale of the crop, or, if the crop is retained for their own use, one-third of the value of the crop. The City is to share one-third the cost of fertilizing the property. The term of the lease is for one year ending November 5, 1973. Liability insurance coverage of \$100,000/300,000 and property damage of \$50,000 is included in the lease agreement)

ACTION: Res. 72-1163 adopted approving lease agreement. (Finance to handle)

CONSENT

31. Accept improvements in North Hampton Park Subdivision and authorize the City Clerk to file notice of completion and release bonds upon expiration of statutory periods. (North Hampton Park Subdivision is located west of Coffee Road and south of Sylvan Avenue. All improvements have been completed to the satisfaction of the Public Works Department and all fees paid. Resolution accepting improvements needed)

ACTION: Res. 72-1164 adopted accepting improvements in North Hampton Park. (Clerk to handle)

CONSENT

32. Consider lease agreements with Arnold C. and Helen J. Dickens for the peach orchards located on the Riverside Park site and the Dry Creek Park site.
(Mr. and Mrs. Dickens have offered to renew their lease agreements for these orchards for the period ending September 30, 1973. The terms of the lease agreements which have been prepared are the same as the previous agreements, including: 10% of the gross receipts from the sale of the crop to be paid to the City; \$100,000/300,000 liability insurance and \$50,000 property damage insurance required. Resolutions approving lease agreements needed)

ACTION: Res. 72-1165 adopted approving lease agreement. (Riverside Park)
Res. 72-1166 adopted approving lease agreement (Dry Creek Park)
(Finance to handle)

REPORTS

33. Report on survey re colored sidewalk on Princeton.

ACTION: By motion, report accepted and recommendation that changes in color or texture of sidewalks be given consideration only where entire residential blocks are involved and not on a property-by-property basis approved. (P/W to handle)

CONSENT

34. Sample inventory of fixed assets.
(Memo and inventory results with agenda. Motion accepting report needed)

ACTION: By motion, report accepted.

CONSENT

35. Report on city hall garage leaking.
(Report with agenda. The leaks may be deteriorating reinforcing steel, and it is recommended that cracks and joints be sandblasted and caulked and the surface treated with liquid-type asphaltic material. Motion accepting report and authorizing preparation of plans and specifications needed. Estimated cost \$4,000. Funds budgeted in Account 224-57-209, Maintenance and Repair/Buildings and Grounds)

ACTION: By motion, report accepted and staff authorized to prepare plans and specifications. (P & T to handle)

36. Report on delinquency of Golden Pacific Airlines.
(Memo with agenda. Resolution authorizing City Manager to give 30-day notice of default and to terminate lease agreement if default not terminated)

ACTION: Res. 72-1167 adopted (Simon/Newton, unan.) authorizing City Manager to give 30-day notice of default and to terminate lease agreement if default is not terminated. (C/Mgr to handle)

REPORTS FROM THE PLANNING COMMISSION

CONSENT

37. Recommend amendment to Section 10-3-9 of the zoning map (Horn Construction Co.)
(By Resolution 72-149 adopted October 25, 1972 the Planning Commission recommends amendment to Section 10-3-9 of the zoning map as requested by Horn Construction Company to prezone to Two-Family Residential Zone R-2, property located on the east side of Coffee Road north of Rumble Road. The staff has made an environmental assessment of this project and determined that it has no significant environmental effect. A copy of the environmental assessment will accompany the council agenda on which the public hearing has been scheduled. Resolution setting November 27, 1972 at 7:35 P. M. for public hearing needed)

ACTION: Res. 72-1168 adopted setting hearing. (Clerk to handle)

CONSENT

38. Recommend amendment to Section 16-3-9 of the zoning map (Ernest Pappas)
(By Resolution No. 72-150 adopted October 25, 1972 the Planning Commission recommends an amendment to Section 16-3-9 of the zoning map as requested by Ernest Pappas to rezone from One-family Residential Zone, R1, to Professional Office Zone, P-O, property located at the southeast corner of Briggsmore Ave. and Sunrise Ave. The staff has made an environmental assessment of this project and determined that it has no significant environmental effect. A copy of the environmental assessment will accompany the council agenda on which the public hearing has been scheduled. Resolution setting November 27, 1972 at 7:40 P.M. for public hearing needed)

ACTION: Res. 72-1169 adopted setting hearing. (Clerk to handle)

APPROPRIATION TRANSFERS

CONSENT

39. Appropriation transfer from the General Reserve to Account 431-65-101, Utility Tax Collection Fees.
(\$15,000 was budgeted to reimburse the M.I.D. for the cost of billing and collection of the utility users tax. Since the District charged \$13,352.47 for the first three months of 1972-73 fiscal year, an additional appropriation of \$10,000 is needed. M.I.D.'s Chief Accountant M. Pederson has estimated costs of \$11,300 for the balance of the fiscal year, taking into consideration reduced costs as their computer is utilized. Resolution approving transfer needed)

ACTION: Res. 72-1170 adopted approving appropriation transfer of \$10,000 from Account 60-101 to Account 431-65-101. (Finance to handle)

CONSENT

40. Request for appropriation transfer of \$5,000.
(This account provides for repair to all city vehicles damaged in accidents. The \$5,000 originally budgeted has been expended, and of this \$2,689 has been billed to other parties. Request for transfer from General Reserve to Account 334-48-512, Damage Repair, for \$5,000 needed. Resolution needed)

ACTION: Res. 72-1171 adopted approving appropriation transfer of \$5,000 from Account 60-512 to Account 334-48-512. (Finance to handle)

CONSENT

41. Appropriation transfer of \$2,200 from General Reserve of the Special Fund for Capital Outlay to Account 7905-41-321, Library Book Conveyor.
(A transfer is necessary to provide an amount for remodeling the Modesto-Stanislaus Library book conveyor as approved by council motion on October 19, 1972. The City has requested reimbursement of \$1,100 from Austin, Field, and Fry, the library architects. Resolution approving transfer needed)

ACTION: Res. 72-1172 adopted approving appropriation transfer of \$2,200 from Account 60-321 to Account 7905-41-321. (Finance to handle)

CONSENT

42. Appropriation transfer from the General Reserve of the Parking Fund to Account 5303-57-209, Parking Lot acquisition.
(A transfer is necessary to provide an amount for appraisal and preliminary costs applicable to the acquisition of the Tocalino parcel on the northeast corner of 9th and I Streets. Resolution approving transfer needed. Estimated cost \$750)

ACTION: Res. 72-1173 adopted approving appropriation transfer of \$750 from Account 60-209 to Account 5303-57-209. (Finance to handle)

MISCELLANEOUS

43. Appointments.

NONE

44. Matters too late for the agenda.

ACTION: Mayor Davies informed the Council that the November 13 agenda will include a discussion of the possibility of Modesto joining a Russian City on a Sister City basis.
The possible loss of the PEP Program was discussed and the question was raised as to whether or not revenue sharing funds could be used for this. The City Manager reported that he is looking into this.

45. Executive session to discuss personnel matters. this.

ACTION: The Council retired to executive session at 6:40 P.M. with the announcement that it would not return to open meeting.

Adjournment at 6:40 P.M.

ATTEST:


W. T. CHYNOWETH, City Clerk

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, NOVEMBER 13, 1972 AT 7:30 P.M.

Roll Call Present: Dixon, Dunlap, Elliott, Newton, Simon, Smith,
Mayor Davies
Absent: None
Councilman Newton arrived at 7:50 P.M.

Pledge of allegiance to the Flag.

Invocation by Reverend-Wilson Yost, First Presbyterian Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: 1, 2, 3, 5, 6, 8, 9, 10, 11, 12,
Item 15 dropped from agenda 13, 14, ~~15~~, 16, 18, 19, 21
Smith/Dunlap, unan. - Newton, absent

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

APPROVAL OF MINUTES

CONSENT

- Minutes of November 6, 1972.
(Motion approving needed)

ACTION: By motion, minutes approved.

WRITTEN COMMUNICATIONS

CONSENT

- Appeal of Naraghi Farms to Planning Commission denial of request for rezoning to P-D for the purpose of permitting construction of a neighborhood shopping center on the east side of Oakdale Road between Merle Avenue and M.I.D. Lateral No. 3.
(Resolution setting December 11, 1972 at 7:40 P.M. for hearing needed)

ACTION: Res. 72-1174 adopted setting hearing. (Clerk to handle)

CONSENT

- Appeal of Western Title Co. to denial by Planning Commission of request for rezoning from R-1 to P-D, property located on the north side of East Orangeburg between Sunrise & Brannon.
(Resolution setting December 11, 1972 at 7:45 P.M. for hearing needed)

ACTION: Res. 72-1175 adopted setting hearing. (Clerk to handle)

- Letter from Michael Paradiso requesting discussion concerning street light problems around Paradise Road and Modesto High area.

ACTION: As Mr. Paradiso was not present, this matter was referred to staff by Order of the Chair. (P/W to handle)

BIDS

CONSENT

5. Consider approving plans and specifications and call for bids on replacement of sewer line in Almond Avenue.
(Suggested bid opening November 28, 1972 at 10:00 A.M. This old sewer line is a maintenance problem and funds were budgeted to replace it this year. Environmental assessment with agenda showing no environmental impact report needed. Resolution needed. Estimated cost \$12,000 (Contract \$11,550; Eng. \$450). Funds budgeted in Account 6600-212, Almond Street line replacement, p. 105)

ACTION: Res. 72-1176 adopted approving plans and specifications and bid call. (Clerk to handle)

CONSENT

6. Consider acceptance of Joe Martin's contract for installation of waterlines in Wyldewood Estates No. 3.
(Original contract, \$4,162. All work on this project has been completed to the satisfaction of the Public Works Department. It would be in order to accept the work as complete and file the notice of completion. Resolution accepting work needed. Final cost \$4,046 (Main - \$3,344; Services, \$702). Funds budgeted in Account 6804-50-101, Waterline Extensions and 5301-50-101, New Services)

ACTION: Res. 72-1177 adopted accepting contract. (Clerk to handle)

7. Matters for the good of the community. 7:35 P.M.
(These may be presented by interested people in the audience)

NONE

ORDINANCES

CONSENT

8. Final adoption of Ordinance No. 1237-C.S. (amendment to Section 15-3-9 of zoning map - Brannan.)
(Motion adopting needed)

ACTION: By motion, Ord. No. 1237-C.S. adopted. (Clerk to handle)

UNFINISHED BUSINESS

CONSENT

9. Request from Modesto Soccer Club for the City to provide lights at Del Webb Field for their practice sessions.
(Motion granting request and resolution approving appropriation transfer of \$175.00 needed)

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

Res. 72-1178 adopted approving appropriation transfer of \$175 from Account 60-101 to Account 210-35-101. (Finance to handle)

CONSENT

NEW BUSINESS

10. A resolution withdrawing the Sunrise-Granger Addition from McHenry-Dry Creek Fire District.
(Resolution withdrawing the Sunrise-Granger Addition from McHenry-Dry Creek Fire District needed)

ACTION: Res. 72-1179 adopted withdrawing Sunrise-Granger Addition from McHenry-Dry Creek Fire Protection District. (Clerk to handle)

CONSENT

11. A resolution determining that the public interest and convenience requires that the Sunrise-Granger Addition be annexed to the Modesto Municipal Sewer District No. 1 and naming a time and place for hearing.
(It is now necessary to commence proceedings to annex the Sunrise-Granger Addition to the Modesto Municipal Sewer District No. 1. Suggested hearing date December 18, 1972 at 4:05 P.M. Resolution setting hearing needed (2/3 affirmative vote required).)

ACTION: Res. 72-1180 adopted setting hearing. (Clerk to handle)

CONSENT

12. Consider requests for sewer service to property outside the City at
(a) 1511 Morene Way, Othor & Margie E. Lynch, owners;

ACTION: Res. 72-1181 adopted approving agreement. (P/W to handle)

- (b) 1517 Morene Way, Carl R. and Dorothy M. Briscoe, owners;

ACTION: Res. 72-1182 adopted approving agreement. (P/W to handle)

- (c) 1523 Morene Way, M. Bennideen Lockhart, owner.
(The property owners have all signed agreements to annex when requested to do so. The properties are not contiguous to the City and a sewer line exists to serve them. Three resolutions approving agreements needed)

ACTION: Res. 72-1183 adopted approving agreement. (P/W to handle)

CONSENT

13. Approve contract with Federal Government for \$22,400 grant to purchase a bus.
(The contract is essentially the same as the one executed between the City and the Federal Government for purchase of four buses in 1968. Resolution authorizing City Manager to execute contract needed. Estimated cost \$11,200, City; \$22,400 Federal; total, \$33,600. Funds budgeted in Account 6067-56-321, Bus)

ACTION: Res. 72-1184 adopted approving grant contract. (P & T to handle)

CONSENT

14. Consider approval of right of way certificate for the improvement of Morris Avenue and Virginia Avenue at Modesto Irrigation District Lateral No. 4.

(In order for the State to approve the project it is necessary for the City to certify that it has acquired all necessary right of way and to agree to hold the State of California harmless from any liability which may result in the event the right of way is not clear as certified. Resolution approving right of way certificate needed)

ACTION: Res. 72-1185 adopted approving right of way certificate.
(P/W to handle)

~~CONSENT~~

15. Consider lease agreement between City of Modesto and George Kounias for the city-owned property located on Lincoln Avenue.

(George Kounias has offered to lease the city-owned property previously owned by him for \$1,750 for the period ending October 15, 1973. The crop consists of a variety of trees. The lease agreement includes the usual insurance requirements. Resolution approving lease agreement needed)

DROPPED FROM AGENDA

CONSENT

16. Consider approval of loan of \$10,100 to Head Rest, Inc. to enable them to carry on their programs until funds which have been approved by G. C. C. J. are received.

(Memo with agenda. The loan will cover expenses from October 1 to December 15, 1972. Resolution approving loan from the General Fund to the Head Rest Fund.needed)

ACTION: Res. 72-1186 adopted approving loan of \$10,100 from General Fund to Head Rest Fund. (Finance to handle)

17. Discussion of the possibility of Modesto joining a Russian city on a Sister City basis, as requested by the Modesto Sister City Committee.

ACTION: William Mitchell, representing the Town Affiliation Association, requested that the Council express its approval of the concept of Modesto joining a Russian City on a Sister City basis and that the TAA be informed of the City's interest in the program. By motion (Dunlap/Smith, unan.) the request was granted. (C/Mgr to handle)

CONSENT

18. Consider formation of sewer Improvement District No. 21.
(Memo and environmental assessment with agenda showing no environmental impact report needed. Motion authorizing City Attorney to arrange for bond counsel, motion authorizing preparation of boundary map and other documents, and resolution approving appropriation transfer of \$8,000 from Account 60-212 for engineering. Costs to City for Parks and County areas will be reported when plans and specifications are approved)

ACTION: By motion, City Attorney authorized to arrange for bond counsel. (C/Atty to handle)
By motion, staff authorized to prepare boundary map and other necessary documents. (P/W to handle)
Res. 72-1187 adopted approving appropriation transfer of \$8,000 from Account 60-212 to Account 6594-212. (Finance to handle)

REPORTS

CONSENT

19. Report on trains blocking 9th Street.
(Memo with agenda. Conditions causing the blockages hopefully have been eliminated. Motion accepting report needed)

ACTION: By motion, report accepted.

20. Report to council concerning nitrates and nitrites in city water supplies.

ACTION: Following a lengthy presentation, by motion (Dixon/Elliott, unan.) report referred to City Manager and County Health Officer for study and a full report to Council as to what the next step in this matter might be. (C/Mgr to handle)

CONSENT

21. Presentation of financial statement for October 1972.

ACTION: By motion, report accepted.

MISCELLANEOUS

22. Legislation.

ACTION: By motion (Elliott/Dixon, unan.) action of Mayor Davies in requesting Senator Teale to oppose an amendment to AB 69 was supported. It was pointed out that the amendment would force Cities and Counties to finance a new State Dept. of Transportation.

23. Appointments.

NONE

24. Matters too late for the agenda.

NONE

Adjournment at 9:20 P.M.

ATTEST:


W. T. CHYNOWETH, City Clerk

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, NOVEMBER 20, 1972 AT 4:00 P.M.

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

Absent: None
Councilman Newton arrived at 4:10 P.M.

Pledge of allegiance to the Flag.

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: 2, 3, 5, 6, 9, 10, 11, 13, 14,
Smith/Elliott, unan. - Newton, absent 15, 16, 17, 18, 19, 21, 22

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

SUGGESTION AWARDS

1. Suggestion Awards: (a) \$15 to Jim Young (Finance) for suggestion to install metal shields on freight elevator for safety; (b) \$100 to Mel Everett (P.W.) for suggestion to revise footage counter on City's closed circuit TV to prevent costly miscalculations in checking sewer pipelines for problem areas; (c) \$100 to Mel Everett (P.W.) for suggestion to revise coaxial and return cable on closed circuit TV to increase footage televised in sewer pipelines and minimize repairs.
(Mayor to present awards. Estimated cost: \$215. Funds budgeted in Account 236-17-101, Suggestion System)

ACTION: The awards were presented by Mayor Davies.

APPROVAL OF MINUTES

CONSENT

2. Minutes of November 13, 1972.
(Motion approving needed)

ACTION: By motion, minutes approved.

WRITTEN COMMUNICATIONS

CONSENT

3. Request of Housing Authority of Stanislaus County for contribution of \$1,250 from City of Modesto as part of costs of a recreational program for children.
(Motion referring to staff for report needed)

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

4. Request of Dr. Soelling that Council intercede with Planning Commission to assure consideration of his P-D application without delay.

ACTION: By motion (Smith/Dunlap, maj. - Dixon, Newton and Simon, no) it was agreed that normal procedures be followed. (Planning to handle)

BIDS

CONSENT

5. Call for bids for repair of leaks at City Hall garage. (Bids to be received December 12 at 2:00 P.M. and work to be completed January 18, 1973. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$4,000; funds budgeted in Account No. 224-57-209, M/R Buildings & Grounds)

ACTION: Res. 72-1188 adopted approving plans and specifications and bid call. (Clerk to handle)

CONSENT

6. Consider approval of plans and specifications and call for bids for construction of New Facilities at Pump Station #32. (Bid opening - December 5, 1972 at 10:00 A.M. This project was budgeted in order to increase the amount of water available in this area of town. Copy of environmental assessment showing no impact statement required with agenda. Resolution approving plans and specs needed. Estimated cost: \$27,000 (\$25,000 Const. \$2,000 Engr.) Funds budgeted in Account No. 6845-50-101, Increase CAP Pump Station #32)

ACTION: Res. 72-1189 adopted approving plans and specifications and bid call. (Clerk to handle)

HEARINGS

7. Hearing on request of Rudy Bonzi, Inc., for Limited Licenses for the collection of industrial garbage and salvageable waste. 4:05 P.M.

ACTION: By motion (Elliott/Smith, unan.) hearing postponed to end of meeting as Councilman Dixon requested an executive session to discuss a personnel matter prior to the hearing. The Council retired to executive session at 5:15 P.M. and returned to open meeting at 6:00 P.M.

By motion (Dixon/Simon, unan.) hearing continued to December 4, 1972, at 4:05 P.M. to permit staff to make a report to Council on this matter. (Finance to handle)

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

NONE

ORDINANCES

CONSENT

9. Introduction of four ordinances amending four ordinances granting garbage collection licenses.

(Memo with agenda. Motions introducing four ordinances needed)

ACTION: By motion, Ord. No. 1238-C.S. introduced amending Ord. No. 1205-C.S. to provide for financial reporting on a fiscal year basis.

By motion, Ord. No. 1239-C.S. introduced amending Ord. No. 1206-C.S. to provide for financial reporting on a fiscal year basis.

By motion, Ord. No. 1240-C.S. introduced amending Ord. 1207-C.S. to provide for financial reporting on a fiscal year basis.

By motion, Ord. No. 1241-C.S. introduced amending Ord. No. 1208-C.S. to provide for financial reporting on a fiscal year basis.

NEW BUSINESS

CONSENT

10. Request by City Attorney for one day's vacation on Friday, November 24, 1972.

(Motion authorizing vacation needed)

ACTION: By motion, request granted.

CONSENT

11. Consider adoption of the following resolutions relating to Improvement District No. 20 - Street Lighting in Various Areas of City. Copy of environmental assessment showing no impact statement required with agenda.

(Adoption of 6 resolutions needed)

(a) Resolution of preliminary determination relative to 1931 Act and fixing time and place of hearing thereon (M20-1)

ACTION: Res. 1238-S.P. adopted setting hearing. (Clerk to handle)

(b) Resolution directing Engineer to prepare plans, specifications and cost estimate (M20-2)

ACTION: Res. 1239-S.P. adopted directing preparation of plans, specifications and cost estimate. (P/W to handle)

(c) Resolution approving contract documents and specifications, map, plans and profiles and cost estimate (M20-3)

ACTION: Res. 1240-S.P. adopted approving contract documents and specifications, map, plans and profiles and cost estimate. (P/W to handle)

(d) Resolution of Intention (M20-4)

ACTION: Res. of Intention 339 (1241-S.P.) adopted. (Clerk to handle)

(e) Resolution designating newspaper for publication of notices (M20-5)

ACTION: Res. 1242-S.P. adopted designating Modesto Bee. (Clerk to handle)

(f) Resolution fixing compensation for attorneys (M20-6)

ACTION: Res. 1243-S.P. adopted fixing compensation for attorneys. (C/Atty to handle)

12. Review of Department Heads' salaries.
(Memo being distributed with the agenda. Motion directing staff needed)

ACTION: By motion (Elliott/Simon, unan.) referred to Council Committee for review. Mayor Davies then appointed Councilmen Dixon (Chairman), Elliott and Smith as the Council Committee. (C/Mgr to handle)

CONSENT

13. Accept improvements in Eastridge Subdivision and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods.
(Eastridge Subdivision is located east of Sonoma Avenue and North of Scenic Drive. All improvements have been completed to the satisfaction of the Public Works Department and all fees have been paid. Resolution accepting improvements needed)

ACTION: Res. 72-1190 adopted accepting improvements in Eastridge No. 1 Subdivision. (Clerk to handle)

CONSENT

14. Accept improvements in Riedel Estates Subdivision and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods.
(Riedel Estates Subdivision is located north of Scenic Drive and west of Sonoma Avenue. All improvements have been completed to the satisfaction of the Public Works Department and all fees have been paid. Resolution accepting improvements needed)

ACTION: Res. 72-1191 adopted accepting improvements in Riedel Estates No. 1 Subdivision. (Clerk to handle)

CONSENT

15. A resolution approving the final map of the Zeigler Estates Subdivision of the City of Modesto and authorizing an agreement with subdividers as required by Section 4-4.604 (c) of the City of Modesto Municipal Code.
(The subdivision agreement has been signed and all fees are paid. Zeigler Estates Subdivision is located at the southwest corner of Tully Road and Levon Avenue. It contains 1.87 Acres. Copy of environmental assessment showing no impact statement required with agenda. Adoption of resolution approving final map needed)

ACTION: Res. 72-1192 adopted approving final map of Zeigler Estates. (Clerk to handle)

CONSENT

16. A resolution approving the final map of the Coffee Plaza No. 7 Subdivision of the City of Modesto and authorizing an agreement with subdividers as required by Section 4-4.604 (c) of the Modesto Municipal Code.
(The subdivision agreement has been signed and all fees paid. Coffee Plaza No. 7 Subdivision is located at the southwest corner of Rose Avenue and Celeste Drive. It contains 25.959 Acres. Copy of environmental assessment showing no impact statement required with agenda. Adoption of resolution approving final map needed)

ACTION: Res. 72-1193 adopted approving final map of Coffee Plaza No. 7. (Clerk to handle)

CONSENT

17. Use of seat belts in buses.
(This item placed on agenda at request of Councilman Dunlap for referral to staff. Motion referring to staff needed)

ACTION: By motion, referred to staff. (P & T to handle)

CONSENT

18. Adoption of a resolution rescinding Resolution No. 72-1030 which accepted the offer of Save Mart of Modesto, Inc., to purchase from the City property on Briggsmore Avenue near Prescott Road and authorized the sale thereof to Save Mart.
(Memo with agenda. Adoption of resolution needed)

ACTION: Res. 72-1194 adopted rescinding Res. 72-1030. (Clerk to handle)

REPORTS

CONSENT

19. Report on sidewalk, curb and gutter policy and proposed modification of sidewalk width standards in developed areas.
(Memo attached. Motion approving report and referring proposed standards to Planning Commission needed)

ACTION: By motion, report approved and proposed sidewalk width standards referred to Planning Commission. (Planning to handle)

20. Report of Ribera and Sue concerning downtown sidewalks.
(Motion referring to staff for review and report to Council needed)

ACTION: By motion (Elliott/Dixon, unan.) referred to staff for review and report. (P/W to handle)

By motion (Elliott/Dixon, unan.) payment of \$2,000 to Ribera and Sue authorized. (Finance to handle)

- 20A. Report from Dr. Watson regarding nitrates in City water supply.

ACTION: By motion (Simon/Newton, unan.) recommendation that matter be turned over to the State Department of Public Health approved.
(C/Mgr to handle)

REPORTS FROM PLANNING COMMISSION

CONSENT

21. County Referral of Open Space Contracts: Application No. 73-1283, Paul W. McManis, Blue Gum Avenue near Morse Road; Application No. 73-1284, John J. Kelley, North Avenue near Dakota Avenue.
(Memorandum with agenda. Two resolutions expressing recommendation of no opposition to the County Board of Supervisors needed)

ACTION: Res. 72-1195 adopted expressing recommendation of no opposition.
(Application No. 73-1283 - McManis)

Res. 72-1196 adopted expressing recommendation of no opposition
(Application No. 73-1284 - Kelley) (Clerk to handle)

APPROPRIATION TRANSFERS

CONSENT

22. Request for appropriation transfer, \$15,000.
(Funds in account 5302-51-101 have been expended at an accelerated rate because of the increased activity in the sidewalk program, the greater number of property owners who desire the City to act as a contracting agency, and because of the increased percentage of property owners who requested extended time for payments. We request for transfer from General Reserve to Account 5302-51-101, Curbs and Gutters, Special. Resolution authorizing transfer needed)

ACTION: Res. 72-1197 adopted approving appropriation transfer of \$15,000 from Account 60-101 to Account 5302-51-101. (Finance to handle)

MISCELLANEOUS

23. Legislation

NONE

24. Appointments

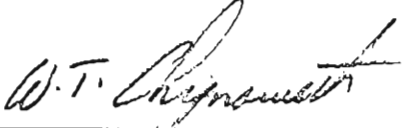
NONE

25. Matters too late for the agenda.

NONE

Adjournment at 6:05 P.M.

ATTEST:


W. T. CHYNOWETH, City Clerk

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, NOVEMBER 27, 1972 AT 7:30 P.M.

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

Pledge of allegiance to the Flag

Invocation: Reverend Lawrence Duncan, Memorial Baptist Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2, 3, 4, 5, ~~6~~, 10, 12,
Item 6 removed from Consent 13, 14, 15, 16, 17, 18, 20,
Elliott/Smith, unan. - Dunlap, absent 23

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

INTRODUCTION OF SPECIAL GUESTS:

Angus Ahanotu	Nigeria
Mohammed Al-Damer	Saudi Arabia
Erlinda Cortes	Philippines
Bod-ja Moon	Korea (Japan)
Dennis Raymond	Caroline Island

APPROVAL OF MINUTES

CONSENT

1. Minutes of November 20, 1972.
(Motion approving needed)

ACTION: By motion, minutes approved.

WRITTEN COMMUNICATIONS

CONSENT

2. Request of Robert Bomberger for abandonment of 5-foot public utility easement in Coffee Plaza No. 4.
(Resolution referring to Planning Commission for report needed)

ACTION: Res. 72-1198 adopted referring request to Planning Commission for report. (Planning to handle)

BIDS

CONSENT

3. Consider acceptance of Lloyd E. Tull's contract for installation of waterlines in Coffee Plaza #5 and Erin Estates. (Original contract \$22,092). All work on this project has been completed to the satisfaction of the Public Works Department. It would be in order to accept the work as complete and authorize recordation of notice of completion. Resolution accepting work needed. Final cost \$21,626. Funds budgeted in Account 6804-50-101, Waterline Extension and 5301-50-101, New Services)

ACTION: Res. 72-1199 adopted accepting contract. (Clerk to handle)

CONSENT

4. Consider acceptance of Rutan Construction Company's contract for installation of waterlines in Poppypatch No. 1, Applegate No. 3, Greenfield Village No. 3 and McHenry north of Leveland. (Original contract \$18,402.50. All work on this project has been completed to the satisfaction of the Public Works Department. It would be in order to accept the work as complete and authorize recordation of notice of completion. Resolution needed. Final cost \$18,810.13 (Main Ext. \$15,929.13; Serv. \$2,881) Funds budgeted in Account 6804-50-101, Water Main Extensions and 5301-50-101, New Services)

ACTION: Res. 72-1200 adopted accepting contract. (Clerk to handle)

CONSENT

5. Consider acceptance of Hal Tuller's contract for construction and repair of curbs, gutters and sidewalks at various locations - No. 2. (Original contract \$28,629.74. All work on this project has been completed to the satisfaction of the Public Works Department. It would be in order to accept the work as complete and authorize recordation of notice of completion. Resolution needed. Final cost \$27,924.04. Funds budgeted in Account 321-51, Construction Material, 5301-51, Curbs & Gutters, and 5302-51, Curbs & Gutters, Special)

ACTION: Res. 72-1201 adopted accepting contract. (Clerk to handle)

~~CONSENT~~

6. Award contract for the construction of traffic signals and street lights at Tuolumne and Roselawn and approve appropriation transfer of \$1,000. (The low bidder for the City-Modesto City Schools project was Steiny and Company, Inc., at \$10,554. The bid exceeded the estimate by about \$1,000. We and the City Schools feel that the bid is acceptable and recommend awarding the contract. An appropriation transfer of \$1,000 will be necessary. Resolution awarding contract and resolution approving appropriation transfer of \$1,000 needed. Estimated cost \$12,000 (\$11,000 is already budgeted and \$1,000 will be needed per above. Funds budgeted in Account 6073-56-321, Traffic Signal Construction - Tuolumne Roselawn)

ACTION: Res. 72-1202 adopted (Newton/Elliott, unan. - Dixon and Dunlap, absent) awarding contract to Steiny and Company, Inc. (P & T to handle)

Res. 72-1203 adopted (Newton/Elliott, unan. - Dixon and Dunlap, absent) approving appropriation transfer of \$1,000 from Account 60-321 to Account 6073-56-321. (Finance to handle)

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

HEARINGS

7. Hearing, proposed amendment of Section 10-3-9 of zoning map to prezone property to R-2. (Horn Construction Co. 7:35 P.M.

ACTION: Ord. No. 1242-C.S. introduced (Simon/Dixon, unan. - Dunlap, absent) amending Section 10-3-9 of zoning map. (Clerk to handle)

8. Hearing, proposed amendment of Section 16-3-9 of zoning map from R-1 to P-0. (Ernest Pappas) 7:40 P.M.

ACTION: By motion (Smith/Newton, unan.) hearing continued to December 11, 1972 at 7:50 P.M. to permit applicant to deed right of access to Briggsmore Avenue to City before final action on rezoning. (Clerk to handle)

9. Matters for the good of the community. 7:45 P.M.
(These may be presented by interested people in the audience)

ACTION: Mayor Davies reported that Jess Willets had requested permission to use the small auditorium at the Community Center on Morris Avenue. The Director of Parks & Recreation was directed to work with Mr. Willet on this and, if necessary, return to Council with a report. (P & R to handle)

ORDINANCES

CONSENT

10. Final adoption of the following:

Ordinance No. 1238-C.S. - Airport Garbage Co.

ACTION: By motion, Ord. No. 1238-C.S. adopted.

Ordinance No. 1239-C.S. - Modesto Garbage Co.

ACTION: By motion, Ord. No. 1239-C.S. adopted.

Ordinance No. 1240-C.S. - Orange Line Sanitation Co.

ACTION: By motion, Ord. No. 1240-C.S. adopted.

Ordinance No. 1241-C.S. - Sanders Garbage Co.

(Motions adopting needed)

ACTION: By motion, Ord. No. 1241-C.S. adopted. (Clerk to handle)

UNFINISHED BUSINESS

11. Further consideration of request to close Bartoni Arcade at night. (Letter and report with agenda. Motion denying the request or directing staff to prepare lease modifications needed)

ACTION: By motion (Smith/Dixon, unan.) staff directed to prepare amendment to lease to eliminate provision that Arcade be kept open at all times. (C/Atty to handle)

NEW BUSINESS

CONSENT

12. Consider letter agreement from Edward E. Mitchell of Orrick, Herrington, Rowley & Sutcliffe whereby they agree to act as bond counsel for the City of Modesto for assessment proceedings for improvement District No. 21. (Sewers in various areas of City) (Resolution approving letter agreement needed) Copy of letter agreement with agenda.

ACTION: Res. 72-1204 adopted approving letter agreement. (Clerk to handle)

CONSENT

13. Consider rescinding Resolutions No.s 69-940, 69-1159 and 69-1223 and adopting new resolution providing for payment in installments of sewer fees.
(All three resolutions provide for the spreading of sewer fees over a two-year period and payment of \$12 to cover the costs of handling. The filing fee has increased from \$2 to \$3; therefore, the handling fee should be increased to \$13. All applicable provisions can be combined in one resolution. Resolution rescinding three resolutions and combining and updating their provisions needed)

ACTION: Res. 72-1205 adopted rescinding Res. Nos. 69-940, 69-1159 and 69-1223 and updating and combining their provisions re payment of sewer fees in installments. (P/W to handle)

CONSENT

14. Consider lease agreement between City of Modesto and George Kounias for a portion of the Dry Creek Park site property located on Lincoln Avenue.
(George Kounias has offered to lease the city-owned property previously owned by him for \$1,750 for the period ending October 15, 1973. The crop consists of a variety of trees. The lease agreement includes the usual insurance requirements. Resolution approving agreement needed)

ACTION: Res. 72-1206 adopted approving lease agreement with George Kounias. (Finance to handle)

CONSENT

15. Consider accepting an easement across Modesto Irrigation Lateral No. 7.
(The easement is necessary for the construction of a waterline to serve Sunset County Estates subdivision. Resolution accepting the easement, authorizing the City Manager to sign the easement agreement, and approving payment of Modesto Irrigation District of \$10.00. Funds budgeted in Account 6804-50-101, Waterline Extension)

ACTION: Res. 72-1207 adopted accepting easement, approving easement agreement and authorizing payment to M.I.D. (Clerk to handle)

CONSENT

16. Consider request for sewer service to property outside the City at 1600 East Coolidge Ave. (Property Owners Ralph R. and Dorothy M. Hudson)
(Property owners have signed an agreement to annex when requested to do so by City. The property is not contiguous to the City but a sewer line exists to serve it. Resolution approving agreement needed)

ACTION: Res. 72-1208 adopted approving agreement. (P/W to handle)

CONSENT

17. Consider offer of settlement by Woodland Avenue Fire District.
(Memo with agenda. Motion accepting offer of settlement needed)

ACTION: By motion, offer of settlement accepted. (C/Atty to handle)

CONSENT

18. Proposed changes to clean water grant program regulations.
(Memo and proposed letter with agenda. Motion authorizing Mayor to write to the State Water Resources Control Board needed)

ACTION: By motion, Mayor authorized to write to State Water Resources Control Board protesting proposed revisions to Section 2144 of Clean Water Grant Program Regulations. (C/Mgr to handle)

REPORTS

19. Report of Community Center Site Review Committee.
(Memo with agenda)

ACTION: By motion (Dixon/Smith, unan.) staff directed to take necessary steps to define boundaries of possible project; prepare cost estimate (including maintenance); request Board of Supervisors to approve formation of a district; retain Lincoln School site and negotiate for Nazarene Church property; request First Church of Christ Scientist to hold up on plans for construction on Downey; place bond issue before the voters as soon as possible. (C/Mgr to handle)

CONSENT

20. Report on acquisition of right of way for Kansas-Needham connection. (It is recommended that the City Manager be authorized to retain the State to prepare right of way acquisition plans and, after approval, obtain the right of way. Report with agenda. Motion accepting report and resolution authorizing City Manager to issue purchase order to State for \$5,000 needed. Estimated cost \$5,000. Funds budgeted in Account 6647-207, Miscellaneous R/W and Improvements)

ACTION: By motion, report accepted.

Res. 72-1209 adopted authorizing City Manager to issue purchase order to the State for the preparation of right of way acquisition plans and acquisition of right of way. (P & T to handle)

21. Progress report on the collection of fire damages occurring at the Community Service Center in the area rented to the Community Action Commission.
(Memo with agenda. Motion accepting report and recommendation needed)

ACTION: Councilman Simon was excused from consideration of this item due to a conflict of interest.

It was pointed out that Councilman Elliott and Newton were on the CAC Board but should only consider this matter as Councilmen, not members of that Board. By motion (Dixon/Smith, unan.) staff directed to refer City's \$1,000 loss to Freese & Gianelli.
(Finance to handle)

REPORTS FROM THE PLANNING COMMISSION

22. CCIR policy on substate districting and areawide planning organizations. (The CCIR policy and memo from the Planning Director critiquing the policy are attached. Motion directing staff needed)

ACTION: By motion (Smith/Dixon, unan.) staff directed to prepare a proposal for consideration by Council on December 5, 1972.
(Planning to handle)

APPROPRIATION TRANSFERS

CONSENT

23. Appropriation transfer from General Reserve of the Working Capital Fund to Account 412, Automobile Insurance.
(The actual premium for automobile insurance coverage was more than estimated because of the increase in our fleet and because our loss experience was lowered from 49% to 42%. Resolution approving transfer of \$1,683 needed)

ACTION: Res. 72-1210 adopted approving appropriation transfer of \$1,683 from Account 60-512 to Account 412-48-512. (Finance to handle)

MISCELLANEOUS

24. Legislation.

NONE

25. Appointments.

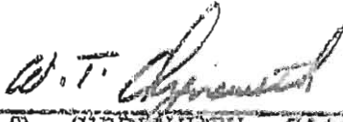
NONE

26. Matters too late for the agenda.

ACTION: The offer of Mr. Burchell to donate \$20,000 to the M.I.D. for the construction of a fountain at McHenry/Briggsmore was discussed. By motion (Simon/Dixon, unan.) staff directed to prepare letter for Mayor's signature expressing gratitude of Council for the offer. Staff was also directed to contact the M.I.D. and offer the services of the Modesto Community Foundation to accept this offer in the event the M.I.D. cannot accept it due to legal problems. (C/Mgr to handle)

Adjournment at 9:05 P.M.

ATTEST:


W. T. CHYNOWETH, City Clerk

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, DECEMBER 4, 1972 AT 4:00 P.M.

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

Absent: None

Councilmen Dixon and Newton arrived at 4:05 P.M.

Pledge of allegiance to the Flag.

Invocation: Reverend Lawrence Jaffa, Unity Church of Modesto

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 3, 4, 5, 6, 9, 10, ~~11~~,
Items 12 and 19 removed from Consent. 13, 15, ~~16~~, 20, ~~21~~, 22, 23, 24, 26
Item 21 dropped from agenda.
Smith/Simon, unan. - Dixon and Newton, absent

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

1. Presentation of annual financial audit.

ACTION: By motion (Elliott/Dunlap, unan.) report accepted and payment to Mr. Larimer authorized. (Finance to handle)
Mr. Larimer stated that he was putting some suggestions in writing to the City Manager and the Manager stated that he would see that they are acted upon.

APPROVAL OF MINUTES

CONSENT

2. Minutes of November 27, 1972.
(Motion approving needed)

ACTION: By motion, minutes approved.

WRITTEN COMMUNICATIONS

CONSENT

3. Appeal by A. G. Spanos Construction, Inc. to denial by Board of Zoning Adjustment of request for variance to permit grape stake fence.
(Resolution setting December 26, 1972 at 7:35 P.M. for hearing needed)

ACTION: Res. 72-1211 adopted setting hearing. (Clerk to handle)

CONSENT

4. Appeal by Sign Designs to denial by Board of Zoning Adjustment of request for illuminated shopping sign adjacent to Briggsmore for McHenry Village.
(Resolution setting January 8, 1973 at 7:35 P.M. needed)

ACTION: Res. 72-1212 adopted setting hearing. (Clerk to handle)

BIDS

CONSENT

5. Consider approval of plans and specifications and call for bids for construction of wading pool at Sherwood Park.
(Bid opening December 19, 1972 at 10:00 A.M. This project has been planned as part of the Sherwood Park Development. Copy of Environment assessment showing no impact statement required distributed with agenda. Resolution needed. Estimated cost \$22,950 (Const. \$22,000, Eng. \$950. Funds budgeted in Account 321-6301-31, Sherwood Park Stage 3 & 4 and 324-6301, Sherwood Park, Stage 2)

ACTION: Res. 72-1213 adopted approving plans and specifications and bid call. (Clerk to handle)

CONSENT

6. Consider award of bid for replacement of sewer lines in Almond Avenue.
(The bids were opened November 28, 1972 and the low bid of B. G. Engineering Contractors, which is 39% below the Engineer's Estimate, is considered acceptable. It is recommended that the bid be awarded to them. Resolution awarding bid needed. Estimated cost \$8,000. (Contract \$6,985; Engr. \$1,015). Funds budgeted in Account 6600-212, Almond St. Line Replacement)

ACTION: Res. 72-1214 adopted awarding contract to B. G. Engineering. (P/W to handle)

HEARINGS

7. Continued hearing on application of Rudy Bonzi, Inc. for licenses for the collection of industrial garbage and salvageable waste. 4:05 P.M.

ACTION: A request on behalf of the other garbage collectors for a continuance of the hearing was denied by motion (Elliott/Smith, unan.). A motion (Smith/Dunlap) to adopt an emergency ordinance granting licenses to Rudy Bonzi, Inc. failed to carry as Dixon, Newton and Simon voted no and an emergency ordinance requires 5 affirmative votes.

By motion, Ord. No. 1243-C.S. introduced (Smith/Dunlap, maj. - Dixon, Newton and Simon, no) granting licenses to Rudy Bonzi, Inc. (This is not an emergency ordinance) (Clerk to handle)

By motion, Ord. No. 1244-C.S. adopted (Dunlap/Smith, maj. - Dixon, no) granting licenses to Rudy Bonzi, Inc. for the period January 1 - 10, 1973, inclusive, allowing the same collections as during 1972 as an emergency ordinance. (Clerk to handle)

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

ACTION: Sister Nancy and several of her students from the 8th grade at St. Stanislaus School were introduced.

ORDINANCES

CONSENT

9. Final adoption of Ordinance No. 1242-C.S. amending Section 10-3-9 of zoning map, rezoning property to Two-family Residential (R-2), Horn Construction Co.
(Motion adopting needed)

ACTION: By motion, Ord. No. 1242-C.S. adopted. (Clerk to handle)

CONSENT

10. Fire prevention code changes.
(Amendment to the Municipal Code to delete restrictions on bonfires and outdoor rubbish fires, residential and apartment house incinerators and commercial, industrial, educational and institutional incinerators. These restrictions have been superseded by the regulations of the Stanislaus Air Pollution Control District. Introduction of ordinance needed)

ACTION: By motion, Ord. No. 1245-C.S. introduced. (Clerk to handle)

UNFINISHED BUSINESS

11. CCIR policy on substate districting and area-wide planning organizations.
(Draft letter to SAAG attached. Review, modification as necessary, and motion approving draft letter and authorizing Mayor to sign letter and transmit to SAAG needed)

ACTION: Action on this item was delayed for one week to permit Councilman Smith to provide the City Manager with some suggested changes in wording of the letter.

NEW BUSINESS

CONSENT

12. Purchase of third land parcel for sanitary landfill.
(Memo with agenda. Resolution authorizing acquisition of property needed. Estimated cost \$36,490.50. (Funds to be used from Geer Road Sanitary Landfill Enterprise Fund.)

ACTION: Res. 72-1215 adopted (Elliott/Simon, unan.) authorizing property acquisition from Harold L. Goodman, et al. (C/Mgr to handle)

CONSENT

13. Land acquisition project - Lakewood Neighborhood Park.
(Memo with agenda. Resolution approving agreement and resolution appropriating necessary funds needed. Estimated cost \$35,000)

ACTION: Res. 72-1216 adopted approving agreement with Empire Union School District. (Clerk to handle)

Res. 72-1217 adopted appropriating \$35,000 in Special Fund for Capital Outlay. (Finance to handle)

14. Consider recommendation that a portion of the City's revenue sharing funds be allocated for Fire Station No. 5 expansion and purchase of property for additional parking space near city hall.
(Memo with agenda. Motion approving recommendation needed. Estimated cost \$347,000, of which \$98,000 is already budgeted for Fire Station #5.)

ACTION: By motion (Simon/Dixon, unan.) recommendation approved.
(P/W to handle Fire Station) (P & T to handle land acquisition)

CONSENT

15. Report of Superintendent of Streets on the cost of installation of curbs and gutters and/or sidewalks at the locations listed below. (Resolutions setting December 18, 1972 at 4:20 P.M. for hearing needed. Contract costs listed below with properties. Funds budgeted in Account 5302-51-101, Curbs and gutters, special)
- (a) Sidewalk along Ashwood Drive and Westland Drive at 1310 Westland Drive, Lot 14 of Block 6022. (Lowell W. Coey - \$575.40)
 - (b) Curb and gutter along W. Morris Avenue at 501 N. Orange Avenue, Lots 23 and 24 of Block 468. (George W. LaVigne - \$426.85)
 - (c) Curb and gutter at 913 W. Morris Avenue, the east 37½ of Lots 25 and 26 of Block 468. (Elizabeth E. Powell - \$84.10)
 - (d) Curb and gutter along W. Morris Avenue at 502 N. Olive Ave., a portion of Block 468. (Audley P. Gregory - \$171.02)
 - (e) Curb, gutter and sidewalk at 125 Calaveras Avenue, Lots 20 and 21 of Block 305 (Lupe Gusman - \$376.85)
 - (f) Curb, gutter and sidewalk at 129 Calaveras Ave., Lots 22 and 23 of Block 305. (Ethel E. Huggins - \$752.54)
 - (g) Sidewalk along "L" Street at 1309 "L" Street, Lots 17 and 18 of Block 109. (Wilbur E. Grant - \$385.00)
 - (h) Curb, gutter and sidewalk at 624 El Terino Ave., a portion of Block 1037. (Marion W. Clark - \$276.13)
 - (i) Curb, gutter and sidewalk at 628 El Terino Ave., a portion of Block 1037. (Maude E. Young - \$302.25)
 - (j) Curb, gutter and sidewalk along El Terino Ave. and Lucern Ave. at 1201 Lucern Ave., a portion of Block 1037. (Marion W. Clark - \$959.31)
 - (k) Curb, gutter and sidewalk at 1213 Lucern Ave., a portion of Block 1637. (Roger A. Williams - \$147.62)
 - (l) Curb, gutter and sidewalk at 617 El Terino Ave., a portion of Block 1038. (Stella Marshall - \$307.15)
 - (m) Curb, gutter and sidewalk at 718 El Terino Ave., a portion of Block 1037. (Charles J. Welch - \$346.45)
 - (n) Curb, gutter and sidewalk at 720 El Terino Ave., a portion of Block 1037. (Amos A. Hartman - \$302.25)
 - (o) Curb, gutter and sidewalk at 822-24 El Terino Ave., a portion of Block 1045. (Martin L. Ayala - \$496.60)
 - (p) Curb, gutter and sidewalk at 930 El Terino Avenue, a portion of Block 1045. (Everett L. Costa - \$438.45)
 - (q) Sidewalk along El Terino Ave. at 959 El Terino Ave., lot 5 of Block 1044. (Frank J. Seno - \$293.20)
 - (r) Curb, gutter and sidewalk at 823-29 El Terino Ave., a portion of Block 1042. (William Coates - \$769.10)
 - (s) Sidewalk along W. Orangeburg Ave. at 1728 W. Orangeburg Ave., Lot 14 of Block 6255. (Ernest Whitescorn - \$253.60)
 - (t) Sidewalk at 1429 W. Orangeburg Ave., Lot 3 of Block 6078. (Haron G. Wright - \$133.10)

CONSENT

15. Hearings set - cost of installation of sidewalks, curbs & gutters.
(continued)
- (u) Sidewalk at 1433 W. Orangeburg Ave., Lot 2 of Block 6078.
(Emily Azevedo - \$130.35)
 - (v) Sidewalk along Carver Road and W. Orangeburg Ave. at 1649 W. Orangeburg Ave., the west 100' of Lots 4 and 5 of Block 6082.
(Leonard J. Soranno - \$866.80)
 - (w) Sidewalk at 1645 W. Orangeburg Ave., a portion of Lots 4 and 5 of Block 6082. (Wally DeVe - \$136.00)
 - (x) Sidewalk along W. Orangeburg Ave. at 1601 W. Orangeburg Ave., Lot 16 of Block 6082. (Michael P. Merritt - \$184.60)
 - (y) Sidewalk along W. Orangeburg Ave. and Tully Road at 1400 Tully Road, Lots 10 and 11 of Block 6074. (Dolores L. Kirkpatrick) (\$581.20)
 - (z) Sidewalk along W. Orangeburg Ave. at 1403 Stetson Ave., Lot 9 of Block 6074. (Gerald M. Lillie - \$283.00)
 - (aa) Sidewalk along W. Orangeburg Ave., Lot 10 of Block 6254. (Stanley W. Lust - \$197.80)
 - (bb) Sidewalk at 1819 W. Orangeburg Ave., Lot 4 of Block 6254.
(Bert D. Anderson - \$162.40)

ACTION: Res. 72-1218 adopted setting hearings. (P/W to handle)

16. Consider letter agreement from Edward E. Mitchell of Orrick, Herrington, Rowley & Sutcliffe whereby they agree to act as bond counsel for the City of Modesto for assessment proceedings for Improvement District No. 22 - (Street surfacing, sidewalk, curb and gutter and alley surfacing improvements in a federally assisted code enforcement area of the City. Letter agreement with agenda. Resolution approving letter agreement needed)

ACTION: Councilman Newton disqualified himself from consideration of this item.
Res. 72-1219 adopted (Elliott/Simon, unan. - Newton, absent) approving letter agreement. (Clerk to handle)

REPORTS

17. Report on National Municipal League Conference in Minneapolis.
(Oral report will be made at the meeting)

ACTION: Mrs. Peggy Mensinger reported on the presentation made on behalf of Modesto for the All-American City competition.

18. Reports concerning Community Center.
(Memos with agenda)

ACTION: By motion (Simon/Elliott, unan.) staff directed to have legislation introduced in Sacramento to permit formation of a district in Stanislaus County under the Community Facilities Law of 1911.
(C/Atty to handle)

REPORTS FROM THE PLANNING COMMISSION

~~CONSENT~~

19. Set date for public hearing for annexation to the City of uninhabited territory. (Old Oakdale No. 2 Addition)
(Approved by LAFC on October 20, 1972. Resolution setting January 15, 1973 at 4:05 P.M. for public hearing needed)

ACTION: By motion (Smith/Dunlap, unan.) staff directed to proceed under "Schedule 3" as presented to Council, a copy of which is on file with the records of this meeting. (Clerk to handle)
Res. 72-1220 adopted (Smith/Dunlap, unan.) setting hearing.
(Clerk to handle)

CONSENT

20. County referral of open space contract application No. 73-1303, Cy C. Young, Jr., Grimes Ave. between California Ave. and Maze Blvd.
(Memo attached. Resolution expressing recommendation of no opposition to the County Board of Supervisors needed)

ACTION: Res. 72-1221 adopted expressing no opposition. (Clerk to handle)

~~CONSENT~~

21. Environmental Impact Reports, Naraghi and Eichel rezoning applications.
(Memo with agenda. Motion of approval of procedures whereby December 11, 1972 public hearings on these two projects will be continued until January 8, 1973)

DROPPED FROM AGENDA

CONSENT

22. Recommend amendments to Chapter 2 of Title X of the Modesto Municipal Code.
(By Resolution No. 72-161, adopted November 21, 1972 the Planning Commission recommends amendments to Chapter 2 of Title X of the Municipal Code (zoning regulations relating to the definition of "Start of construction" and to the procedure for time extensions in Planned Development Zone). Resolution setting December 18, 1972 at 4:25 P.M. for public hearing needed)

ACTION: Res. 72-1222 adopted setting hearing. (Clerk to handle)

CONSENT

23. Recommend an amendment to Chapter 2 of Title X of the Modesto Municipal Code.
(By Resolution 72-160 adopted November 21, 1972 the Planning Commission recommends an amendment to Chapter 2 of Title X of the Municipal Code - zoning regulations relating to landscaping standards. Resolution setting December 18, 1972 at 4:30 P.M. for public hearing needed)

ACTION: Res. 72-1223 adopted setting hearing. (Clerk to handle)

APPROPRIATION TRANSFERS

CONSENT

24. Appropriation transfer from the General Reserve of the Head Rest Fund to provide funds for the additional Head Rest insurance premium. (The annual liability and automobile insurance costs were underestimated by \$151.00 for 1972-73 fiscal year. Money is available in the General Reserve of the Head Rest Fund and an appropriation transfer is needed. Resolution approving transfer needed)

ACTION: Res. 72-1224 adopted approving appropriation transfer of \$151 from Account 60-222 to Account 415-11-222. (Finance to handle)

MISCELLANEOUS

24A. Authorization for City Manager to issue purchase order to State for \$10,000 for right of way acquisition, etc. and rescinding Resolution No. 72-1209. (The State had informed the City that the cost for the Kansas-Needham connection would be \$5,000 but has now informed the City that the cost will be \$10,000. Resolution authorizing City Manager to issue purchase order for \$10,000 and rescinding Resolution No. 72-1209 needed)

ACTION: Res. 72-1225 adopted (Dixon/Smith, unan.) authorizing issuance of purchase order in the amount of \$10,000 and rescinding Res. No. 72-1209. (P & T to handle)

25. Legislation.

NONE

26. Appointments.

CONSENT

(a) Appointments to Modesto Youth Commission.

ACTION: Res. 72-1226-1232 adopted appointing the following to the Modesto Youth Commission: (Clerk to handle)

- (a) Res. 72-1226 appointing Theresa Hubert, Central Catholic.
- (b) Res. 72-1227 appointing Susan Mensinger, Davis High School.
- (c) Res. 72-1228 appointing Anne Bekedam, Davis High School.
- (d) Res. 72-1229 appointing Kim Dooley, Downey High School.
- (e) Res. 72-1230 appointing Roger Sinclear, Downey High School.
- (f) Res. 72-1231 appointing Jeanne Rhodes, Modesto High School.
- (g) Res. 72-1232 appointing Mark Baptista, Beyer High School.

(b) Other.

NONE

27. Matters too late for the agenda.

NONE

28. Executive session to discuss meet and confer session with Fire Department representatives regarding salaries and wages.

ACTION: The Council announced that it would not return to open meeting.

Adjournment at 6:05 P.M. to 12:00 o'clock noon, on December 7, 1972, in the Essie Room of the Hotel Covell, for the purpose of meeting with Congressman McFall)

ATTEST: 
W. T. CHYNOWETH, City Clerk

Adjourned Regular Meeting
December 7, 1972

The Council of the City of Modesto met in the Essie Room of the Hotel Covell at 12:00 o'clock noon pursuant to adjournment and there were:

PRESENT: Councilmen Dunlap, Elliott, Simon, Smith, Mayor Davies

ABSENT: Councilmen Dixon and Newton

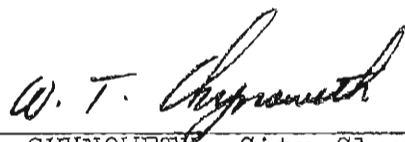
Also present were: Congressman John McFall; Ken Wing, local representative of the Congressman; City Manager Keefe; City Attorney Johnson; City Clerk Chynoweth; and Bill Phillips, Modesto Bee.

Among the matters which were discussed were railroad passenger service in the San Joaquin Valley, revenue sharing and the Community Action Commission.

Most of the discussion dealt with the problems of the CAC. Congressman McFall and the Council members expressed the hope that funding for CAC programs would continue and they all indicated that the Stanislaus County Board of Supervisors should take over the program. It was agreed that the City of Modesto would continue to provide support but, as this is a County-wide program, it could not be run by the City Council.

The meeting adjourned at 1:30 P.M.

ATTEST:



W. T. CHYNOWETH, City Clerk

12/7/72

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, DECEMBER 11, 1972 AT 7:30 P.M.

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

Absent: None (Mayor Davies was excused at 7:50 P.M.)
Councilman Simon arrived at 7:55 P.M. but did not participate until item 9 was completed.

Pledge of allegiance to the Flag

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2, 3, 4, 5, 6, 7, 14,
Dunlap/Elliott, unan. - Simon, absent 15, 17, 18, 19, 20, 21, 22, 23,
24, 25, 26, 28, 29, 30

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

INTRODUCTION OF SPECIAL GUESTS:

Melensong Anwel - Marshall Islands Sachiko Mori - Japan

Mariko Ohara - Japan

Nelson Doy - Guyana

Johnsay Riklon - Marshall Islands

Viphapon Techavanvekhin- Thailand

Rohsy Johnson - Caroline Islands

APPROVAL OF MINUTES

CONSENT

- 1. Minutes of December 4, 1972.
(Motion approving needed)

ACTION: By motion, minutes approved.

WRITTEN COMMUNICATIONS

CONSENT

- 2. Report regarding moratorium on requirement for Environmental Impact Reports.
(Memo with agenda. Motion approving report needed)

ACTION: By motion, report approved.

BIDS

CONSENT

3. Consider award of contract for construction of new facilities at Pump Station #32 and approval of appropriation transfer. (Bids were opened December 5, 1972. The low bid submitted by Stanislaus Pump, which is 4% over the Engineer's Estimate, is considered acceptable. The cost of constructing the new facilities at Pump Station #32 is greater than the amount budgeted due to increased costs in materials and labor since the time the funds were budgeted in this account. It is therefore recommended that the contract be awarded to low bidder. Resolution awarding bid and resolution approving appropriation transfer of \$3,500 from the General Reserve needed. Estimated cost \$28,500 (\$25,900 Const., \$2,000 Eng., \$600, contingency). Funds budgeted in Account 6845, Increase CAP, P.S. #32)

ACTION: Res. 72-1233 adopted awarding contract to Stanislaus Pump. (P/W to handle)
Res. 72-1234 adopted approving appropriation transfer of \$3,500 from Account 60-101 to Account 6845-50-101). (Finance to handle)

CONSENT

4. Consider acceptance of George Reed's contract for improvement of Maud Kump Terrace and Celeste Drive. (Original contract \$16,835.55. All work on this project has been completed to the satisfaction of the Public Works Department. It would be in order to accept the work as complete and record the notice of completion. Resolution needed. Final cost \$16,790.15. Funds budgeted in Account 6708-41-321, Misc. Street Improvement and 6647-207, Park Development, Misc. Right of Way and Improvements)

ACTION: Res. 72-1235 adopted accepting contract. (Clerk to handle)

CONSENT

5. Consider acceptance of George Reed's contract for improvement of Sylvan Ave. at Beyer High and City Park. Original contract, \$36,346.25. (All work on this project has been completed to the satisfaction of the Public Works Department. It would be in order to accept the work as complete and to record the notice of completion. Resolution accepting work needed. Final cost, Contract \$34,694.30. Funds budgeted in Account 6647-207, Misc. Right of Way and Improvements)

ACTION: Res. 72-1236 adopted accepting contract. (Clerk to handle)

CONSENT

6. Consider approval of specifications and authorize call for bids to be opened December 27, 1972 at 2:00 P.M. for furnishing and installing new doors for Hangar No. 1 at the Modesto City-County Airport. (Resolution needed. Estimated cost \$3,000. Funds budgeted in Account 5201-46-230, Capital Outlay - Airport, p. 125)

ACTION: Res. 72-1237 adopted approving specifications and bid call. (Clerk to handle)

CONSENT

7. Consider approval of specifications and authorize call for bids to be opened December 27, 1972 at 2:15 P.M. for furnishing microfilm equipment.
(Resolution needed. Estimated cost \$12,000. Funds budgeted in Account 6905-41-321, Special Fund for Capital Outlays, p. 128)

ACTION: Res. 72-1238 adopted approving specifications and bid call.
(Clerk to handle)

HEARINGS

8. Annexation of Edgebrook No. 1 to Sewer District. 7:35 P.M.

ACTION: Res. 72-1239 adopted (Smith/Newton, unan. - Simon, absent) annexing Edgebrook No. 1 to Modesto Municipal Sewer Dist. No. 1.
(Clerk to handle)

9. Continued hearing on appeal by Deet Eichel from denial of Planning Commission of request to rezone to M-2, property located on the southwesterly side of U. S. 99 Freeway and the SPRR tracks, south from North Avenue to M.I.D. Lateral No. 3. 7:35 P.M.

ACTION: Mayor Davies was excused at 7:50 P.M. and Vice Mayor Smith presided for the balance of the meeting.
A motion (Dixon) to grant the rezoning died for want of a second. Res. 72-1240 adopted (Newton/Elliott, maj. - Dixon, no - Mayor Davies and Simon, absent) denying appeal. By motion (Dunlap/Smith, unan.) Planning Commission requested to give top priority to a study of the northwest area on both sides of 99 Highway from Blue Gum to Beckwith area. (Planning to handle)

Mr. Eichel was advised that he could apply to the Planning Commission for a waiver of the one-year limitation in applying for another rezoning of this property.

10. Hearing on appeal by Naraghi Farms to denial by Planning Commission of request for rezoning to P-D to allow construction of a neighborhood shopping center on east side of Oakdale Road between Merle Avenue and M.I.D. Lateral No. 3. 7:40 P.M.

ACTION: By motion (Simon/Newton, unan.) hearing continued to January 8 at 7:35 P.M. at the request of the applicant. (Clerk to handle)

11. Hearing on appeal by Western Title Co. to denial by Planning Commission of request for rezoning from R-1 to P-D property located on the north side of East Orangeburg between Sunrise and Brannon. 7:45 P.M.

ACTION: Res. 72-1241 adopted (Dunlap/Dixon, maj. - Davies, absent) denying appeal.
By motion (Dixon/Elliott, unan.) recommendation made that Planning Commission accept a petition to rezone this property to P-D at R-2 density. (Planning to handle)

12. Continued hearing on request to rezone from R-1 to P-0, property located at southeast corner of Briggsmore and Sunrise. 7:50 P.M.
(Note: This matter was continued from November 27 to allow Mr. Pappas to deed right-of-access to City)

ACTION: Councilman Dunlap was excused from consideration of this item as he was not present at the November 27 hearing.
Ord. No. 1246-C.S. introduced (Elliott/Simon, unan. - Dunlap and Davies, absent) amending Section 16-3-9 of zoning map.

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

NONE

ORDINANCES

CONSENT

14.a Final adoption of Ord. No. 1243 (Rudy Bonzi, Inc.)

(b) Final adoption of Ord. No. 1245-C.S. (fire prevention)
(Motion adopting needed)

ACTION: By motion, Ord. No. 1243-C.S. adopted.
By motion, Ord. No. 1245-C.S. adopted. (Clerk to handle)

UNFINISHED BUSINESS

CONSENT

15. Further consideration of draft letter to S.A.A.G. concerning C.C.I.R. policy on substate districting and area-wide planning organizations.
(Redraft of a letter to S.A.A.G. with agenda. Motion approving redrafted letter and authorizing Mayor to sign letter and transmit to S.A.A.G. needed)

ACTION: By motion, redrafted letter approved and transmittal to S.A.A.G. authorized. (Clerk to handle)

NEW BUSINESS

16.

Creation of a position and addition of a position in the City Manager's office.

(Four resolutions needed: (1) Resolution adding new classification of Community Development and Human Affairs Coordinator to the position classification plan of the City. (2) Resolution adding new position of Community Development & Human Affairs Coordinator to the resolution which establishes salary schedules and fixes compensation for positions in the city service. (3) Resolution approving appropriation transfer of \$534 from General Fund Reserve to the Salaries and Wages, Regular Account, in the City Manager's budget. (4) Resolution approving appropriation transfer of \$3,690 from General Fund Reserve to the Salaries and Wages, Regular Account in the Typing Pool and Records' budget. Memo with agenda. Estimated cost \$534 and \$3,690 (\$4,224)

ACTION: Res. 72-1242 adopted (Newton/Dixon, unan. - Davies, absent) adding classification to City's classification plan.

Res. 72-1243 adopted (Newton/Dixon, unan. - Davies, absent) adding position to salary schedules. (Personnel to handle)

Res. 72-1244 adopted (Newton/Dixon, unan. - Davies, absent) approving appropriation transfer of \$534 from Account 60-101 to Account 110-8-101)

Res. 72-1245 adopted (Newton/Dixon, unan. - Davies, absent) approving appropriation transfer of \$3,690 from Account 60-101 to Account 110-9-101. (Finance to handle)

CONSENT

17. Consider request of City Manager for five days vacation - December 22, 26-29, 1972.
(Motion approving request needed)

ACTION: By motion, request granted.

CONSENT

18. 701 Comprehensive Planning Program application.
(Memo with agenda. Motion approving recommendation needed)

ACTION: By motion, City Manager authorized to make a preliminary application for a Federal Grant in connection with a 701 Comprehensive Planning Program with the understanding that this does constitute final approval of the project by Council. (C/Mgr to handle)

CONSENT

19. Withdrawals of annexed areas from fire districts.
(Memo with agenda. Resolution withdrawing Modesto State Hospital Addition from Salida Fire Protection District and resolution withdrawing Dry Creek Park No. 1 Addition from McHenry-Dry Creek Fire Protection District)

ACTION: Res. 72-1246 adopted withdrawing Modesto State Hospital Addition from Salida Fire Protection District.
Res. 72-1247 adopted withdrawing Dry Creek Park No. 1 Addition from McHenry-Dry Creek Fire Protection District. (Clerk to handle)

CONSENT

20. Letter from Salvation Army.
(The Salvation Army has requested permission to pick the oranges from trees located in city parks. They plan to use the oranges in their Christmas baskets. The Council approved this request last year. Motion approving request needed)

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

CONSENT

21. Consider approval of staff interviewing engineering firms to do design of airport projects.
(Engineering work load will not permit design of streets, parks, sewers, water lines, street lighting and airport projects and have all of these projects out to bid in the current budget year. Airport projects are of a type best suited to be done by a consultant. Memo with agenda. Motion authorizing staff to interview engineering firms and recommend employment of one of them.)

ACTION: By motion, staff authorized to proceed. (P/W to handle)

CONSENT

22. Consider requests for sewer service to property outside the City at three locations.
(The property owners have signed agreements to annex when requested to do so by the City. The properties are not contiguous to the City.)
- (1) 3719 Tully Road - Lance E. and Carol L. Ellis and Norris L. L. and Doris M. Klink.
 - (2) 1106A Herndon Rd.-James R. and Beulah Garner.
 - (3) 706 Lombardo Ave. - Roy M. and Victoria V. Rosales.
(Resolutions approving agreements needed)

ACTION: Res. 72-1248 adopted approving agreement with Lance E. Ellis, et al.
Res. 72-1249 adopted approving agreement with James R. Garner, et ux.
Res. 72-1250 adopted approving agreement with Roy M. Rosales, et ux.
(P/W to handle)

CONSENT

23. Consider approving application for Federal Air Urban System funding for the improvement of Scenic Drive to four-lane facility between Downey Ave. and County Hospital.
(Memo with agenda. Resolution approving submission of application for allocation of \$97,000 from FAUSF for Scenic Drive project. Estimated cost \$138,600. Funds budgeted in Account 738-207, Scenic, Burney to County Hospital)

ACTION: Res. 72-1251 adopted approving submission of application.
(P/W to handle)

CONSENT

24. FACE program transmittal of loan and grant packages to HUD for review and approval.
(Memo with agenda. No action needed - information only)

NO ACTION

CONSENT

25. Consider increasing amount paid to Paul's Rexall Drugs for pay station service at their drug stores from 5¢ to 7¢ per collection.
(Memo with agenda. Two Resolutions approving new agreements and resolution approving appropriation transfer of \$250 from General Reserve needed)

ACTION: Res. 72-1252 adopted approving agreement with Paul's Drugs No. 1.
Res. 72-1253 adopted approving agreement with Paul's Drugs No. 2.
Res. 72-1254 adopted approving appropriation transfer of \$250 from Account 60-101 to Account 235-15-101. (Finance to handle)

CONSENT

26. Agreement for settlement of condemnation action - Dr. and Mrs. Benjamin S. Taylor (Needham Avenue)
(Memo with agenda. Resolution approving agreement authorizing acceptance of deed and dismissal of condemnation action)

ACTION: Res. 72-1255 adopted approving agreement, authorizing acceptance of deed and authorizing dismissal of condemnation action.
(City Clerk and C/Atty to handle)

REPORTS

27. Report on park master plans.
(Report on preliminary master plans for Chrysler, East LaLoma, and Woodrow Neighborhood Parks. Oral report will be made at the meeting. Motion approving preliminary master plans needed)

ACTION: By motion (Dunlap/Elliott, unan.) preliminary master plans for Chrysler and Woodrow Parks approved and action on East LaLoma Park delayed until Council has toured the area. (P & R to handle)

CONSENT

28. Presentation of financial statement for November 1972.
(Copies of report will be presented at meeting. Motion accepting report needed)

ACTION: By motion, report accepted.

REPORTS FROM THE PLANNING COMMISSION

CONSENT

29. Recommend an amendment to the standard specifications for subdivision improvements pertaining to the width of sidewalks for residential and two-lane collector streets in developed areas. (By Resolution No. 72-166 adopted December 5, 1972 the Planning Commission recommends an amendment to the sidewalk standards to establish the width of sidewalk on residential and two-lane collector streets in developed areas at 4 feet. Resolution setting December 26, 1972 at 7:40 P.M. for hearing needed)

ACTION: Res. 72-1256 adopted setting hearing. (Clerk to handle)

APPROPRIATION TRANSFERS

CONSENT

30. Request for appropriation transfer. (Several parcels have been purchased for the Dry Creek Park, and it will be necessary to transfer funds to pay the taxes on the newly acquired property. Resolution approving appropriation transfer of \$1,724 from General Reserve needed)

ACTION: Res. 72-1257 adopted approving appropriation transfer of \$1,724 from Account 60-101 to Account 430-35-101. (Finance to handle)

MISCELLANEOUS

31. Legislation.

None

32. Appointments.

NONE

33. Matters too late for the agenda.

None

Adjournment at 10:15/^{P.M.}to 12:00 o'clock noon on December 18, 1972 in the Essie Room of the Hotel Covell for the purpose of meeting with Senator-elect Clare Berryhill.

ATTEST:

W. T. Chynoweth

W. T. CHYNOWETH, City Clerk

Adjourned Regular Meeting
December 18, 1972

The Council of the City of Modesto met in the Essie Room of the Hotel Covell at 12:00 o'clock noon pursuant to adjournment and there were:

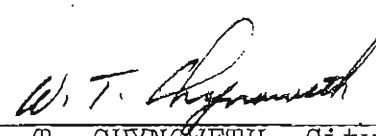
PRESENT: Councilmen Newton and Smith and Mayor Davies

ABSENT: Councilmen Dixon, Dunlap, Elliott and Simon

Also present were State Senator-elect Clare Berryhill; Rae Codoni, staff assistant to Mr. Berryhill; City Manager Keefe; City Attorney Johnson; City Clerk Chynoweth; Modesto Bee Reporter Phillips.

Due to lack of a quorum, the meeting was adjourned. An informal discussion was held on various matters of mutual interest, including methods by which the City could assist Mr. Berryhill and vice versa.

ATTEST:


W. T. CHYNOWETH, City Clerk

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, DECEMBER 18, 1972 AT 4:00 P.M.

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

Absent: Simon

Pledge of allegiance to the Flag

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2, 3, ~~4~~, 5, 6, 7, 16, 17, 19, 20, 21, 22, 26, 28, 29
Item 4 dropped from agenda.
Elliott/Dunlap, unan. - Simon, absent

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

APPROVAL OF MINUTES

CONSENT

1. Minutes of December 7, 1972 (adjourned regular meeting) and December 11, 1972 (regular meeting.)
(Motion approving needed)

ACTION: By motion, minutes approved.

WRITTEN COMMUNICATIONS

CONSENT

2. Request of Ecology Action Educational Institute for permission to continue and expand program of neighborhood curbside pickup of recyclable materials.
(Motion referring to staff needed)

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

BIDS

CONSENT

3. Consider acceptance of Joe Martin contract for installation of waterlines in Daisy Park No. 1, Pleasant View No. 3 and McHenry Estates No. 2.
(Original contract \$10,642. All work on this project has been completed to the satisfaction of the Public Works Department. It would be in order to accept the work as complete and to file notice of completion. Resolution needed. Final cost \$10,738.90 (Ext. 9,226.90; Ser. \$1,512.00. Funds budgeted in Accounts 6804-50-101, Waterline Extensions and 5301-50-101, New Services)

ACTION: Res. 72-1258 adopted accepting contract. (Clerk to handle)

CONSENT

4. Consider approval of plans and specifications and call for bids for construction of an arbor in Mancini Park.
(Suggested bid opening date January 2, 1973 at 10:10 A.M. This project is part of the planned development of Mancini Park. Copy of environmental assessment showing no impact statement required distributed with agenda. Resolution needed. Estimated cost \$8,000 (7,500 Const., \$500 Engr.) Funds budgeted in Account 6331-324, Mancini Park Develop.)

DROPPED FROM AGENDA

CONSENT

5. Award contract for repair of leaks in the city hall garage.
(George Reed, Inc. is low bidder at \$4,305. The bid is \$305 more than estimated, and a transfer is needed to cover the overage and for replacement marking buttons. A \$500 transfer is needed. Resolution awarding contract and resolution approving appropriation transfer of \$500 from Account 60-57-209 needed. Funds budgeted in Account 224-57-209 M/R Buildings and Grounds)

ACTION: Res. 72-1259 adopted awarding contract to George Reed, Inc.
(P & T to handle)
Res. 72-1260 adopted approving appropriation transfer of \$500 from Account 60-57-209 to Account 224-57-209. (Finance to handle)

CONSENT

6. Consider approval of specifications and authorize call for bids to be opened January 9, 1973 at 2:00 P.M. for furnishing our annual requirements of pipe for water line extensions. Resolution needed. Estimated cost \$175,000. Funds budgeted in Account 438-512, Revolving Fund. Not shown in budget)

ACTION: Res. 72-1261 adopted approving specifications and bid call.
(Clerk to handle)

CONSENT

7. Consider approval of plans and specifications and call for bids for the installation of waterlines in W. Rumble Road and Sunset Country Estates.
(Suggested bid opening January 2, 1973 at 10:00 A.M. Costs and Revenues: Construction \$44,937.42; Conn. charges, \$5,750.00; net revenue, \$736.00. Resolution needed. Estimated cost \$44,937.42 (\$20,513.92, Matl. \$24,423.50, Labor). Funds budgeted in Account 6804-50-101, Waterlines Extensions and 5301-50-101, New Services)

ACTION: Res. 72-1262 adopted approving plans and specifications and bid call. (Clerk to handle)

HEARINGS

8. Hearing, annexation of Sunrise-Granger Addition to Modesto Sewer District No. 1. 4:05 P.M.
- ACTION: Res. 72-1263 adopted (Dunlap/Smith, unan. - Simon, absent) annexing Sunrise-Granger Addition to Modesto Municipal Sewer District No. 1. (Clerk to handle)
9. Hearing, annexation of Old Oakdale No. 4 Addition to Modesto Sewer District No. 1. 4:10 P.M.
- ACTION: Res. 72-1264 adopted (Smith/Dunlap, unan. - Simon, absent) annexing Old Oakdale No. 4 Addition to Modesto Municipal Sewer District No. 1. (Clerk to handle)
10. Hearing, annexation of Orangeburg-Sonoma Addition to Modesto Sewer District No. 1. 4:15 P.M.
- ACTION: Res. 72-1265 adopted (Dunlap/Dixon, unan. - Simon, absent) annexing Orangeburg-Sonoma Addition to Modesto Municipal Sewer District No. 1. (Clerk to handle)
11. Hearings on the cost of installation of sidewalks and/or curbs and gutters at the following locations: 4:20 P.M.
- (a) Sidewalk along Ashwood Drive and Westland Drive at 1310 Westland Drive, Lot 14 of Block 6022. (Lowell W. Coey - \$575.40)
(Payment over a 10-year period recommended)
- ACTION: Res. 72-1266 adopted (Dixon/Elliott, unan. - Simon, absent) approving report, assessing costs and directing method of collection (over a 10-year period) (Finance to handle)
- (b) Curb and gutter along W. Morris Avenue at 501 N. Orange Avenue, Lots 23 and 24 of Block 468. (George W. LaVigne - \$426.85)
- ACTION: Res. 72-1267 adopted (Dixon/Elliott, unan. - Simon, absent) approving report, assessing costs and directing method of collection. (Finance to handle)
- (c) Curb and gutter at 913 W. Morris Avenue, the east 37½ feet of Lots 25 and 26 of Block 468. (Elizabeth E. Powell - \$84.10)
- ACTION: Res. 72-1268 adopted (Dixon/Elliott, unan. - Simon, absent) approving report, assessing costs and directing method of collection. (Finance to handle)
- (d) Curb and gutter along W. Morris Avenue at 502 N. Olive Ave., a portion of Block 468. (Audley P. Gregory - \$171.02)
(Paid - Drop from agenda)
DROPPED FROM AGENDA
- (e) Curb, gutter and sidewalk at 125 Calaveras Avenue, Lots 20 and 21 of Block 305 (Lupe Gusman - \$376.85)
- ACTION: Res. 72-1269 adopted (Dixon/Elliott, unan. - Simon, absent) approving report, assessing costs and directing method of collection. (Finance to handle)
- (f) Curb, gutter and sidewalk at 129 Calaveras Ave., Lots 22 and 23 of Block 305. (Ethel E. Huggins - \$752.54)
(Payment over a 10-year period recommended)
- ACTION: Res. 72-1270 adopted (Dixon/Elliott, unan. - Simon, absent) approving report, assessing costs and directing method of collection (over a 10-year period) (Finance to handle)

(g) Sidewalk along "L" Street at 1309 "L" Street, Lots 17 and 18 of Block 109. (Wilbur E. Grant - \$385.00)
(Paid - Drop from agenda)
DROPPED FROM AGENDA

(h) Curb, gutter and sidewalk at 624 El Terino Ave., a portion of Block 1037. (Marion W. Clark - \$276.13)
(Payment over a 6-year period recommended)

ACTION: Res. 72-1271 adopted (Dixon/Elliott, unan. - Simon, absent) approving report, assessing costs and directing method of collection (over a 6-year period) (Finance to handle)

(i) Curb, gutter and sidewalk at 628 El Terino Ave., a portion of Block 1037. (Maude E. Young - \$302.25)

ACTION: Res. 72-1272 adopted (Dixon/Elliott, unan. - Simon, absent) approving report, assessing costs and directing method of collection. (Finance to handle)

(j) Curb, gutter and sidewalk along El Terino Ave. and Lucern Ave. at 1201 Lucern Ave., a portion of Block 1037. (Marion W. Clark - \$959.31)
(Payment over a 10-year period recommended)

ACTION: Res. 72-1273 adopted (Dixon/Elliott, unan. - Simon, absent) approving report, assessing costs and directing method of collection (over a 10-year period) (Finance to handle)

(k) Curb, gutter and sidewalk at 1213 Lucern Ave., a portion of Block 1637. (Roger A. Williams - \$147.62)
(Payment over a 3-year period recommended)

ACTION: Res. 72-1274 adopted (Dixon/Elliott, unan. - Simon, absent) approving report, assessing costs and directing method of collection (over a 3-year period) (Finance to handle)

(l) Curb, gutter and sidewalk at 617 El Terino Ave., a portion of Block 1038. (Stella Marshall - \$307.15)

ACTION: Res. 72-1275 adopted (Dixon/Elliott, unan. - Simon, absent) approving report, assessing costs and directing method of collection. (Finance to handle)

(m) Curb, gutter and sidewalk at 718 El Terino Ave., a portion of Block 1037. (Charles J. Welch - \$346.45)

ACTION: Res. 72-1276 adopted (Dixon/Elliott, unan. - Simon, absent) approving report, assessing costs and directing method of collection. (Finance to handle)

(n) Curb, gutter and sidewalk at 720 El Terino Ave., a portion of Block 1037. (Amos A. Hartman - \$302.25)

ACTION: Res. 72-1277 adopted (Dixon/Elliott, unan. - Simon, absent) approving report, assessing costs and directing method of collection. (Finance to handle)

(o) Curb, gutter and sidewalk at 822-24 El Terino Ave., a portion of Block 1045. (Martin L. Ayala - \$496.60)

ACTION: Res. 72-1278 adopted (Dixon/Elliott, unan. - Simon, absent) approving report, assessing costs and directing method of collection. (Finance to handle)

(p) Curb, gutter and sidewalk at 930 El Terino Avenue, a portion of Block 1045. (Everett L. Costa - \$438.45)

ACTION: Res. 72-1279 adopted (Dixon/Elliott, unan. - Simon, absent) approving report, assessing costs and directing method of collection. (Finance to handle)

- (q) Sidewalk along El Terino Ave. at 959 El Terino Ave., Lot 5 of Block 1044. (Frank J. Seno - \$293.20)

ACTION: Res. 72-1280 adopted (Dixon/Elliott, unan. - Simon, absent) approving report, assessing costs and directing method of collection. (Finance to handle)

- (r) Curb, gutter and sidewalk at 823-29 El Terino Ave., a portion of Block 1042. (William Coates - \$769.10) (Payment over a 10-year period recommended)

ACTION: Res. 72-1281 adopted (Dixon/Elliott, unan. - Simon, absent) approving report, assessing costs and directing method of collection (over a 10-year period) (Finance to handle)

- (s) Sidewalk along W. Orangeburg Ave. at 1728 W. Orangeburg Ave., Lot 14 of Block 6255. (Ernest Whitescorn - \$253.60)

ACTION: Res. 72-1282 adopted (Dixon/Elliott, unan. - Simon, absent) approving report, assessing costs and directing method of collection. (Finance to handle)

- (t) Sidewalk at 1429 W. Orangeburg Ave., Lot 3 of Block 6078. (Haron G. Wright - \$133.10)

ACTION: Res. 72-1283 adopted (Dixon/Elliott, unan. - Simon, absent) approving report, assessing costs and directing method of collection. (Finance to handle)

- (u) Sidewalk at 1433 W. Orangeburg Ave., Lot 2 of Block 6078. (Emily Azevedo - \$130.35)

ACTION: Res. 72-1284 adopted (Dixon/Elliott, unan. - Simon, absent) approving report, assessing costs and directing method of collection. (Finance to handle)

- (v) Sidewalk along Carver Road and W. Orangeburg Ave. at 1649 W. Orangeburg Ave., the west 100 feet of Lots 4 and 5 of Block 6082. (Leonard J. Soranno - \$866.80)

ACTION: Res. 72-1285 adopted (Dixon/Elliott, unan. - Simon, absent) approving report, assessing costs and directing method of collection. (Finance to handle)

- (w) Sidewalk at 1645 W. Orangeburg Ave., a portion of Lots 4 and 5 of Block 6082. (Wally DeVe - \$136.00) (Paid - Drop from agenda)

DROPPED FROM AGENDA

- (x) Sidewalk along W. Orangeburg Ave. at 1601 W. Orangeburg Ave., Lot 16 of Block 6082. (Michael P. Merritt - \$184.60)

ACTION: Res. 72-1286 adopted (Dixon/Elliott, unan. - Simon, absent) approving report, assessing costs and directing method of collection. (Finance to handle)

- (y) Sidewalk along W. Orangeburg Ave. and Tully Road at 1400 Tully Road, Lots 10 and 11 of Block 6074. (Dolores L. Kirkpatrick -, \$581.20)

ACTION: Res. 72-1287 adopted (Dixon/Elliott, unan. - Simon, absent) approving report, assessing costs and directing method of collection. (Finance to handle)

- (z) Sidewalk along W. Orangeburg Ave. at 1403 Stetson Ave., Lot 9 of Block 6074. (Gerald M. Lillie - \$283.00) (Payment over a 6-year period recommended)

ACTION: Res. 72-1288 adopted (Dixon/Elliott, unan. - Simon, absent) approving report, assessing costs and directing method of collection (over a 6-year period) (Finance to handle)

11. Cost hearings on sidewalks, etc. (continued) 4:20 P.M.
- (aa) Sidewalk along W. Orangeburg Ave., Lot 10 of Block 6254. (Stanley W. Lust - \$197.80)
(Paid - Drop from agenda)
DROPPED FROM AGENDA
- (bb) Sidewalk at 1819 W. Orangeburg Ave., Lot 4 of Block 6254. (Bert D. Anderson - \$162.40)
(Paid - Drop from agenda)
DROPPED FROM AGENDA
12. Hearing on amendments to Chapter 2 of Title X of Code relating to definition of "start of construction" and to time extensions in P-D Zones. 4:25 P.M.
- ACTION: Ord. No. 1247-C.S. introduced (Smith/Dunlap, unan. - Simon, absent)
(Clerk to handle)
13. Hearing on amendment to Chapter 2 of Title X of Code relating to landscaping standards. 4:30 P.M.
- ACTION: Ord. No. 1248-C.S. introduced (Elliott/Newton, unan. - Simon, absent)
(Clerk to handle)
14. Matters for the good of the community. 4:35 P.M.
(These may be presented by interested persons in the audience)
- ACTION: Mayor Davies introduced Jerry Ferrera, leader of Cub Scout Pack 177 which is sponsored by the Fremont School Dad's Club. Mr. Ferrera then introduced four members of the Pack.

ORDINANCES

15. Final adoption of Ordinance No. 1246-C.S. - amendment to Section 16-3-9 of zoning map (Pappas)
(Motion adopting needed. NOTE: As Mayor Davies and Councilman Dunlap were not present for the entire hearing on this matter, they cannot vote on the final adoption)
- ACTION: Mayor Davies and Councilman Dunlap disqualified themselves from consideration of this item and Vice Mayor Smith presided. By motion (Dixon/Newton, unan. - Dunlap, Simon and Mayor Davies, absent) Ord. No. 1246-C.S. adopted. (Clerk to handle)

UNFINISHED BUSINESS

CONSENT

16. Further consideration of Blue Gum Crossing of S.P. Tracks.
(Memo with agenda. Because of the pressure from the County and P.U.C., it looks like the City may have to agree to closing this crossing. It is suggested that an informal public hearing be held on December 26, 1972 at 7:45 P.M. to allow the public to be heard. An alternative would be to refer the matter back to the Planning Commission. Resolution setting informal hearing needed)
- ACTION: Res. 72-1289 adopted setting time for informal hearing. (Clerk to handle)

NEW BUSINESS

CONSENT

17. Right of way agreement - Mr. and Mrs. Lawrence C. Krepela. (Memo with agenda. Acceptance of easement deed and approval of easement contract for utility easement. Resolution accepting easement deed and authorizing execution of an easement contract. needed. Estimated cost \$600. Funds budgeted in Account 6647-41, Misc. R/W & Improvements)

ACTION: Res. 72-1290 adopted accepting easement deed and approving easement contract. (Clerk to handle)

18. Request for permission for Jim Antoniono to attend Municipal Finance Officers Association Seminar on Management Development for Governmental Finance Officers in Miami, Florida, January 11-13, 1973. Memo with agenda. Motion approving request needed. Estimated cost \$600. Funds budgeted in Account 207-65+101, Conference Expense)

ACTION: By motion (Dixon/Elliott, unan.) request granted. (Finance to handle)

CONSENT

19. Consider establishing \$2.00 per copy as the cost to the general public for purchasing copies of the 1000 scale map of Modesto and Urban Area which is maintained by the Planning Department and the elimination of Paste-on map service presently provided. (City growth has made it necessary to replace the 600 scale Modesto and Urban Area Map with a new map at a smaller scale of 1" = 1000'. It is proposed that the 600 scale map no longer be maintained and that map service for the 600 scale map as previously established by Resolution No. 64-52 be eliminated. Memo with agenda. Resolution establishing charges for the 1000 scale maps and rescinding Resolution No. 64-52 needed)

ACTION: Res. 72-1291 adopted establishing \$2.00 charge for the 1000 scale maps and rescinding Resolution No. 64-52. (Planning to handle)

CONSENT

20. Notification by Department of Transportation that by February 6, 1973 the City must provide for the presence of armed law enforcement personnel prior to boarding at the airport. (Request for permission of City Council to protest to the proper authorities that the cities pay for this service. Motion approving request needed)

ACTION: By motion, staff authorized to protest to proper authorities the requirement that cities must pay. (C/Mgr to handle)

CONSENT

21. Project hearing for Needham Street and Kansas Avenue connection. (In conjunction with the application for TOPICS funds for the Needham-Kansas connection project, it is necessary that a public hearing be held to reaffirm the right of way alignment and the need to acquire specific properties for the project. There are established procedures for advertisement and posting prior to the public hearing; it is recommended hearing be set at 7:35 P.M. January 22, 1973. At the conclusion of hearing, the following council actions are needed: (1) Reaffirm right of way alignment of subject project; (2) Authorization for negotiations to acquire needed right of way. Resolution setting hearing needed)

ACTION: Res. 72-1292 adopted setting hearing. (Clerk to handle)

CONSENT

22. Consider acceptance of revocable permit from City and County of San Francisco to cross Hetch Hetchy Aqueduct with waterlines on extension of Conant Ave. A
(A proposed subdivision north of Hetch Hetchy Aqueduct requires the extension of waterlines across the Hetch Hetchy right of way. Resolution authorizing City Manager and City Clerk to sign permit needed)

ACTION: Res. 72-1293 adopted authorizing City Manager and City Clerk to sign permit. (Clerk to handle)

REPORTS

23. Report concerning revenue sharing.
(Memo with agenda. Motion approving report needed)

ACTION: By motion (Dixon/Elliott, unan.) report approved. (C/Mgr to handle)

24. Report on request of Housing Authority for contribution to recreation project.
(Memo with agenda. Motion directing staff needed. Estimated cost \$1,000 to \$1,250)

ACTION: By motion (Dixon/Newton, unan.) staff directed to urge residents of the Housing Authority's Robertson Road Project to participate in the City's recreation programs at Marshall Park. (P & R to handle)

25. Computer.
(Report by Public Projects Committee with agenda. Motion accepting report and resolution waiving formal bid procedure and authorizing staff to negotiate for purchase of Burroughs computer needed)

ACTION: By motion, (Dunlap/Smith, unan. - Simon, absent) report accepted. Res. 72-1294 adopted (Dunlap/Smith, unan. - Simon, absent) waiving formal bid procedure and authorizing staff to negotiate for purchase of a Burroughs 1712 24K 2 Disk 300 line a minute printer equipped computer. (Finance to handle)

CONSENT

26. Report on seat belts in buses.
(Report with agenda. Seat belts for passengers don't seem too practical for our operation now. A belt for the driver will be provided with our new bus. Motion accepting report and taking no other action needed)

ACTION: By motion, report accepted.

27. Review of E. R. M. E. Report.
(Memo with agenda. No council action needed at this time)

ACTION: It was agreed that this would be on the December 26 agenda for discussion and on the January 2 agenda for action.

CONSENT

28. Report on status of environmental impact legislation.
(Memo with agenda. Motion approving report and adoption of resolution exempting certain private projects from environmental impact guidelines and procedures needed)

ACTION: By motion, report approved.

Res. 72-1295 adopted exempting certain private projects from environmental impact guidelines and procedures. (C/Atty to handle)

APPROPRIATION TRANSFERS

CONSENT

29. Increase the transfer to the Tuolumne River Park Fund by \$1,966.
(A transfer is budgeted to provide the City's share of financing for the Tuolumne River Regional Park. The amount is based on an equivalent of a 2¢ levy applied to the total gross assessment roll for 1972-73. The gross assessed value for the City of Modesto exceeded the estimate used for budgeting purposes to establish the transfer from the Special Fund for Capital Outlays to the Tuolumne River Park Fund. An additional transfer of \$1,966 is needed. Resolution increasing the transfer from the Special Fund for Capital Outlays to the Tuolumne River Park Fund from \$30,155 to \$32,121 needed)

ACTION: Res. 72-1296 adopted increasing the transfer from Special Fund for Capital Outlays to the Tuolumne River Park Fund from \$30,155 to \$32,121. (Finance to handle)

MISCELLANEOUS

30. Legislation.

NONE

31. Appointments.

NONE

32. Matters too late for the agenda.

ACTION: Res. 72-1297 adopted (Dixon/Elliott, unan. - Simon, absent) awarding contract for construction of Wet Well at 1000 Oaks Park to Shield Construction Co., Inc. in the amount of \$7,250. It was announced that an environmental impact statement was not required. (P/W to handle)

The Council was informed that the City had been informed that no loans for the FACE Program would be approved but that the public improvements would be completed. Councilman Newton, who had disqualified himself from consideration of this item, spoke as a private citizen and offered to refuse the loan he had been granted. It was pointed out that his loan had not been granted because he was a Councilman but because he was one of the first applicants. The City Manager stated he would attempt to arrange for local financial institutions to loan money for this project and would contact Congressman McFall again to see what he can do.

33. Executive sessions. (a) To discuss appointments to the Airport Advisory Committee. (b) To consider acquisition of Tocalino property at 9th and I Streets.
(Memo with agenda)

ACTION: The Council returned to executive session at 4:55 P.M. and returned to open meeting at 5:30 P.M.

Adjournment at 5:30 P.M. to 12:00 o'clock noon on December 20, 1972 in the Mirror Room of the Hotel Covell for the purpose of meeting with Assemblyman-elect John Thurman.

ATTEST:

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

Adjourned Regular Meeting
December 20, 1972

The Council of the City of Modesto met in the Essie Room of the Hotel Covell at 12:00 o'clock noon pursuant to adjournment and there were:

PRESENT: Councilmen Dunlap, Elliott, Smith and Mayor Davies

ABSENT: Councilmen Dixon, Newton and Simon

Also present were: Assemblyman-elect John Thurman, City Manager Keefe, City Attorney Johnson, City Clerk Chynoweth and Modesto Bee Reporter Phillips.

Mr. Thurman informed the Council that Tom Sweet would be his administrative assistant and that the local office would be at 930 - 15th Street. He stated that he planned to have local advisory committees to assist him. Various areas where City Government may be of help to Mr. Thurman and vice-versa were discussed. It was agreed that it was essential to keep the lines of communication open.

The meeting was adjourned at 1:30 P.M.

ATTEST:



W. T. CHYNOWETH, City Clerk

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF TUESDAY, DECEMBER 26, 1972 AT 7:30 P.M.

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

Absent: Dixon

Pledge of allegiance to the Flag

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2, 4, 5, 10, 11, 12, 13,
Smith/Dunlap, unan. - Dixon, absent 14, 15, 16, 18, 19, 20, 22, 23,
24

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

APPROVAL OF MINUTES

CONSENT

1. Minutes of December 18 (adjourned regular meeting) and December 18, 1972 (regular meeting) (Motion approving needed)

ACTION: By motion, minutes approved.

WRITTEN COMMUNICATIONS

CONSENT

2. Request of Tasia Thomas for ten-year period in which to pay costs of sidewalk at 1012 College. (Resolution needed)

ACTION: Res. 72-1298 adopted approving payment over a ten-year period. (Finance to handle)

3. Request of Cliff Humphrey to appear before Council for presentation of an ordinance.

ACTION: By motion (Smith/Newton, unan.) proposed ordinance referred to staff for study and consideration by Council at time of final discussion of ERME on January 8, 1973. (C/Mgr to handle)

BIDS

CONSENT

4. Consider approval of specifications to be opened January 16, 1973 at 2:00 P.M. for furnishing annual requirements of fire hydrants and allied material beginning February 1, 1973. (Resolution needed. Estimated cost \$37,700; funds budgeted in Account 438-512, Revolving Fund. Not shown in budget)

ACTION: Res. 72-1299 adopted approving specifications and bid call. (Clerk to handle)

CONSENT

5. Consider award of contract for construction of wading pool in Sherwood Park.
(Bids were opened December 19, 1972. The low bid submitted by Wolverine Building Service which is 0.5% over the Engineer's estimate, is considered acceptable. It is recommended that the contract be awarded to them. Resolution needed. Estimated cost \$22,120.00. Funds budgeted in Account 321-6301-31, Sherwood Park Stage 3 & 4 and 324-6301-31, Sherwood Park Stage 2)

ACTION: Res. 72-1300 adopted awarding contract to Wolverine Building Service. (P/W to handle)

HEARINGS

6. Hearing on appeal by A. G. Spanos Construction, Inc. to Board of Adjustment denial of request for variance to allow a grape stake and adobe pilaster fence rather than a masonry wall at the southwest corner of Norwegian and Coffee Roads. 7:35 P.M.

ACTION: Res. 72-1301 adopted (Simon/Elliott, unan. - Dixon, absent) denying appeal. (Planning to handle)

7. Hearing on amendment to standard specifications relating to sidewalk width. 7:40 P.M.

ACTION: Res. 72-1302 adopted (Elliott/Simon, unan. - Dixon, absent) amending the standard specifications relating to sidewalk widths on residential and two-lane collector streets in developed areas. (P/W to handle)

8. Informal hearing on possible closure of Blue Gum railroad crossing. 7:45 P.M.

ACTION: Res. 72-1303 adopted (Smith/Newton, unan. - Dixon, absent) consenting to closure of Blue Gum railroad crossing at a time no earlier than the opening of the new overpass. (P & T to handle)

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

ACTION: William Ulm, member of the Farm-City Advisory Committee was introduced.

CONSENT

ORDINANCES

10. Final adoption of the following ordinances:
(a) Ord. No. 1247-C.S. amending zoning text-start of construction.
(b) Ord. No. 1248-C.S. - amending zoning text-landscaping)
(Motions adopting needed)

ACTION: By motion, Ord. Nos. 1247-C.S. and 1248-C.S. adopted. (Clerk to handle)

CONSENT

NEW BUSINESS

11. Permission for Director of Parking and Traffic to assist City of Watsonville.
(Watsonville would like our Director of Parking and Traffic to draw plans for three traffic signals so a TOPICS allocation expiring on February 3, 1973 will not be lost. It's a two or three weekend job on his own time. Motion giving permission needed)

ACTION: By motion, permission granted.

CONSENT

12. Report of Superintendent of Streets on the cost of installation of curbs and gutters and/or sidewalks at the locations listed below: (Resolution setting 4:10 P.M. January 15, 1973 for hearings. Contract costs listed below with properties; funds budgeted in Account 5302-51-101, Curbs and gutters, special)
- (a) Sidewalk at 1536 College Avenue, Lot 17 of Block 6121. (Randall K. Anderson - \$150.00)
 - (b) Sidewalk at 1505 Del Monte Avenue, Lot 19 of Block 931. (David A. Azevedo - \$327.80)
 - (c) Sidewalk along W. Roseburg Avenue at 1130 Amherst Avenue, a portion of Block 830. (Phillip B. Berry - \$298.40)
 - (d) Sidewalk along Westland Drive and Oakwood Drive at 1626 Oakwood Drive, Lot 1 of Block 6022. (Edward A. Borba - \$407.60)
 - (e) Sidewalk along Tully Road at 1326 Del Rey Avenue, Lot 1 of Block 6027. (Joseph Carota - \$290.00)
 - (f) Sidewalk at 1612 Tully Road, Lot 16 of Block 6142. (Mario Cannizzaro - \$490.00)
 - (g) Curb and gutter along Bodem Street at 128 Bodem Street, Lot 6 of Block 596. (Manuel S. Cardoza, Jr. - \$438.00)
 - (h) Sidewalk at 1542 Glenwood Drive, Lot 26 of Block 6112. (Avril C. Chandler - \$123.00)
 - (i) Sidewalk at 1528 Glenwood Drive, Lot 21 of Block 6112. (James R. Cooper - \$118.00)
 - (j) Sidewalk along W. Granger Avenue at 1601 Stetson Avenue, Lot 12 of Block 6121. (John C. Cooper - \$469.00)
 - (k) Sidewalk along Griswold Avenue and Hackberry Avenue at 904 Hackberry Avenue, the South 67' of Lot 11 of Block 719. (Leo Ermpian - \$668.00)
 - (l) Sidewalk along Floyd Avenue at 800 Floyd Avenue, a portion of Block 12921. (Henry Esau - \$360.00)
 - (m) Sidewalk at 1530 Glenwood Drive, Lot 22 of Block 6112. (Muriel M. Farris - \$123.00)
 - (n) Sidewalk at 1532 Glenwood Drive, Lot 23 of Block 6112. (Goldie B. Fischer - \$123.00)
 - (o) Sidewalk at 1705 College Avenue, a portion of Block 6139. (Gerard N. Follettie - \$178.00)
 - (p) Sidewalk along W. Granger Avenue and Tully Road at 1562 Tully Road, Lots 18, 19 and 20 of Block 6117. (Frank J. Francek - \$1,554.00)
 - (q) Sidewalk at 815 Coldwell Avenue, Lot 12 of Block 800. (Henry D. Garaventa - \$491.50)

CONSENT

12. (r) Sidewalk along Kearney Avenue at 1429 Del Vista Avenue, Lot 9 of Block 918. (Iva MaeGause - \$301.00)
- (s) Sidewalk at 1625-27 Tully Road, a portion of Block 6116. (Kenneth C. Geist - \$185.00)
- (t) Sidewalk along College Avenue at 1105 Yale Avenue, Lot 8 of Block 808. (Hazel I. Gotshall - \$326.00)
- (u) Sidewalk along W. Roseburg Avenue at 1021 W. Roseburg Avenue, Lot 11 of Block 6010. (Harry W. Hall - \$353.00)
- (v) Sidewalk along College Avenue at 1045 Princeton Avenue, Lot 8 of Block 820. (Gladys Hansen - \$669.80)
- (w) Sidewalk along W. Roseburg Avenue at 1536 W. Roseburg Avenue, Lot 10 of Block 931. (Charles E. Harnden - \$253.00)
- (x) Sidewalk at 1525 Carver Road, Lot 3 of Block 6108. (Edwin G. Hartley - \$139.50)
- (y) Sidewalk at 1521 Carver Road, Lot 4 of Block 6108. (Reginald Hartley - \$122.00)
- (z) Sidewalk at 1319 Carver Road, a portion of Block 6252. (Kenneth L. Hill, Jr. - \$430.00)
- (aa) Sidewalk along Kearney Avenue at 1417 Cherrywood Drive, Lot 6 of Block 6025. (Milan G. Koetting - \$342.50)
- (ab) Sidewalk along College Avenue and Princeton Avenue at 1046 Princeton Avenue, Lot 10 of Block 813. (George S. Kounias - \$764.40)
- (ac) Sidewalk at 1513 W. Orangeburg Avenue, Lot 11 of Block 6079. (Larry R. Lee - \$143.00)
- (ad) Sidewalk at 715 Hackberry Avenue, a portion of Block 717A. (James Lillie - \$151.60)
- (ae) Sidewalk at 1540 College Avenue, Lot 18 of Block 6121. (Bill W. Love - \$150.00)
- (af) Sidewalk along Kearney Avenue at 1428 Del Vista Avenue, Lot 8 of Block 917. (Kenneth Madderra - \$402.00)
- (ag) Sidewalk along College Avenue at 1025 Pearl Street, Lot 11 of Block 6121. (Donald E. Nelson - \$124.80)
- (ah) Sidewalk at 1536 Glenwood Drive, Lot 24 of Block 6112. (Leo F. Nowak - \$123.00)
- (ai) Sidewalk along College Avenue and Princeton Avenue at 1106 Princeton Avenue, Lot 7 of Block 808. (Florence H. Peters - \$385.20)
- (aj) Sidewalk along Tully Road at 1317 Greenwood Drive, Lot 12 of Block 6027. (Aurelia P. Pigeon - \$300.50)
- (ak) Sidewalk at 1413 Del Vista Avenue, Lot 13 of Block 918. (David Ramczyk, Sr. - \$224.00)
- (al) Sidewalk at 921 College Avenue, a portion of Block 824. (Marion L. Randall - \$269.50)
- (am) Sidewalk at 1504 Glenwood Drive, Lot 16 of Block 6112. (Joseph R. Randy - \$123.00)

CONSENT

12. (an) Sidewalk along W. Granger Avenue at 1550 Ardmore Avenue, Lot 20 of Block 6122. (Darrell Reid - \$360.00)
- (ao) Sidewalk along College Avenue at 1030 Stanford Avenue, Lot 10 of Block 820. (Robert W. Rolfe - \$367.00)
- (ap) Sidewalk at 1430 Tully Road, a portion of Block 6074. (Walter H. Sanford - \$342.50)
- (aq) Sidewalk along Myron Avenue and Virginia Avenue at 616 Virginia Avenue, a portion of Block 916. (Kathryne V. Smith - \$476.20)
- (ar) Sidewalk along Kearney Avenue and Princeton Avenue at 1437 Princeton Avenue, Lot 1 of Block 913. (Charles B. Toledo - \$461.50)
- (as) Sidewalk along Carver Road at 1533 Carver Road, Lot 1 Block 6108. (L. R. Van Horn, Jr. - \$356.50)
- (at) Sidewalk at 1540 Glenwood Drive, Lot 25 of Block 6112. (John F. Webber - \$123.00)
- (au) Sidewalk along Glenwood Drive at 1516 Del Vale Avenue, Lot 28 of Block 6112. (Donald A. Wells - \$150.00)
- (av) Sidewalk along W. Granger Avenue at 1549 Ardmore Avenue, Lot 11 of Block 6121. (Lee Wetter - \$545.50)
- (aw) Sidewalk at 1439 Kearney Avenue, a portion of Block 6080. (Teresa Wilen - \$167.50)
- (ax) Sidewalk at 1520 Glenwood Drive, Lot 20 of Block 6112. (Billy Willis - \$104.00)
- (ay) Sidewalk at 1604 Tully Road, Lot 14 of Block 6142. (Alma E. Woodman - \$490.00)
- (az) Sidewalk at 1608 Tully Road, Lot 15 of Block 6142. (Alma E. Woodman - \$490.00)

ACTION: Res. 72-1304 adopted setting hearings. (P/W to handle)

CONSENT

13. Designate alley between 1st and 2nd and G and H Streets one-way southbound.
(Residents have requested this action due to extensive use of alley by Modesto High students. Making the alley one-way southbound will eliminate most of the traffic. Resolution adding this to the one-way alleys by amending Section 1(b) of Resolution 62-29 needed. Estimated cost \$30.00 for signs. Funds budgeted in Account 5301-56-101, Traffic Signs)

ACTION: Res. 72-1305 adopted amending Section 1(b) of Resolution No. 62-29 to make alley between 1st and 2nd and G and H Streets one-way southbound. (P & T to handle)

CONSENT

14. Approval of agreement for burglar alarm system at McHenry Museum of Art and History.
(Memo with agenda. Resolution approving agreement needed. Estimated cost \$978.55 installation and \$84.00 quarterly maintenance fee. Funds budgeted in Account 6546-31-321, Remodel Cultural Center, \$1,232.00)

ACTION: Res. 72-1306 adopted approving agreement with Bonded Security Services, Inc. (P & R to handle)

CONSENT

15. Approve participation by City of Modesto in appeal of decision by District Court of Appeals regarding the uninhabited annexation act to the Supreme Court.
(Memo with agenda. Motion authorizing the City of Modesto's participation in the appeal.)

ACTION: By motion, participation by City of Modesto in Amicus Curiae Brief to the Supreme Court in "Weber vs. City of Thousand Oaks" approved. (C/Atty to handle)

REPORTS

CONSENT

16. Report on Trailways Bus request to raise fares and express charges.
(Memo with agenda on this request for an 11% increase to reach parity with Greyhound Bus. Motion ordering filed needed)

ACTION: By motion, report ordered filed.

17. Discussion of E.R.M.E. report.

ACTION: It was agreed that this would be discussed again and action taken on January 8, 1973.

CONSENT

18. Annual report of Human Rights Commission.
(Motion accepting needed)

ACTION: By motion, report accepted.

REPORTS FROM THE PLANNING COMMISSION

CONSENT

19. Tentative Subdivision Maps:

(a) Capistrano Park No. 1, 2, 3, 4, 5. (b) Lincoln Manor No. 1 and 2. (c) Lincoln Square.
(On December 19, 1972 the Planning Commission approved the tentative maps of the above subdivisions and found that said subdivisions, together with their designs and improvements, are consistent with applicable general and specific plans of the City. The City Council is required to make the same findings. Copies of environmental assessment showing no significant environmental effects with agenda. Three resolutions making findings needed)

ACTION: Res. 72-1307 adopted making findings as to Capistrano Park No. 1, 2, 3, 4 and 5.
Res. 72-1308 adopted making findings as to Lincoln Manor No. 1 & 2.
Res. 72-1309 adopted making findings as to Lincoln Square.
(Clerk to handle)

CONSENT

20. Vacation and abandonment of a five-foot public utility easement across Lot 4, Block 12879, Coffee Plaza No. 4 Subdivision. By Resolution No. 72-164 adopted at its meeting of December 5, 1972 the Planning Commission recommended to the City Council the abandonment of a five-foot public utility easement across Lot 4, Block 12879, Coffee Plaza No. 4 Subdivision. Resolution of Intention to vacate and abandon and setting January 15, 1973 at 4:12 P.M. public hearing needed)

ACTION: Resolution of Intention 340 (1244-S.P.) adopted setting hearing. (Clerk to handle)

21. Consideration of preparation of Environmental Impact Reports on two private projects:

(a) P-D(83) Modesto Affiliated Church Housing Corporation - 180 unit, 11-story retirement center on both the north and south sides of Downey Avenue between 17th Street and Johnson Street.

(b) P-D(26) - Caskey - 29-unit condominium project between Scenic Drive and Dry Creek, east of Coffee Road.
(Memo from the Environmental Assessment Committee with agenda.)

((a). P-D(83) 1. Motion that no environmental impact report is required, or 2. Resolution requiring an EIR and setting a public hearing to consider it.

(b) P-D(26) 1. Motion that no EIR is required; or 2. Resolution requiring an EIR)

ACTION: Res. 72-1310 adopted (Dunlap/Simon, unan. - Dixon, absent) declaring that an EIR is required and setting January 22, 1973 at 7:40 P.M. for hearing (P-D(83)). (Clerk to handle)
Res. 72-1311 adopted (Dunlap/Simon, unan. - Dixon, absent) declaring that an EIR is required. (Planning to handle)

CONSENT

22. Recommend amendment to Planned Development Zone (P-D (83)- Modesto Affiliated Church Housing Corporation)
(By Resolution No. 72-171, adopted December 19, 1972 the Planning Commission recommends an amendment to P-D(83), located on both the north and south sides of Downey Avenue between 17th Street and Johnson Avenue, for the approval of a revised plot plan. Resolution setting January 22, 1973 at 7:40 P.M. for public hearing needed)

ACTION: Res. 72-1312 adopted setting hearing. (Clerk to handle)

CONSENT

23. Uninhabited annexation to the City of Modesto - Sylvan School No. 2 Addition.
(The IAF Commission has authorized this annexation without notice or public hearing - November 29, 1972. Resolution approving annexation needed)

ACTION: Res. 72-1313 adopted annexing Sylvan School No. 2 Addition to the City of Modesto. (Clerk to handle)

APPROPRIATION TRANSFERS

CONSENT

24. Adjustments to the budget.

(Memo with agenda. Five resolutions needed)

ACTION: Res. 72-1314 adopted establishing a Revenue Sharing Fund.

Res. 72-1315 adopted establishing a Local Transportation Fund.

Res. 72-1316 adopted adjusting appropriations in the Special Gas Tax Street Improvement Fund.

Res. 72-1317 adopted transferring \$90,000 from the fund balance in the General Fund to the Service Division Working Capital Fund.

Res. 72-1318 adopted appropriating fund balance in the Special Fund for Capital Outlay. (Finance to handle)

MISCELLANEOUS

25. Appointments.

NONE

26. Matters too late for the agenda.

ACTION: Res. 72-1319 adopted (Dunlap/Smith, unan. - Dixon, absent) declaring December 28, 1972 as a day of mourning in respect to the memory of President Truman.

Res. 72-1320 adopted (Simon/Newton, unan. - Dixon, absent) approving amendment to agreement with California Council on Criminal Justice for Metropolitan Police Study to extend time for termination from November 30, 1972 to April 1, 1973.
(C/Mgr to handle)

Adjournment at 9:00 P.M.

ATTEST:

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