MINUTES AND ACTION AGENDA

CITY OF MODESTO
AGENDA FOR COUNCIL MEETING OF MONDAY, JANUARY 4, 1971 AT 4:00 P.M.

Roll Call Present: Dixon, Mitchell, Newton, Simon, Smith, Mayor Davies

Absent: Robinson

Pledge of allegiance to the Flag
Invocation: Rev. Ben Jennings, Prescott Bible Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2, 5, 13, 14, 15, ~~16~~

Item 16 dropped from agenda.
Smith/Simon, unan. - Robinson, absent

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 Unless some councilman or member of the audience has a question concerning a particular item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council.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

APPROVAL OF MINUTES

CONSENT
1. Minutes of December 28, 1970 (adjourned meeting and regular meeting)

ACTION: By motion minutes approved.

PETITIONS, REMONSTRANCES AND CORRESPONDENCE

CONSENT
2. Appeal of Mr. and Mrs. Darrell Ireland from Board of Zoning Adjustment denial of request for H-1 Use Permit to permit outdoor swimming pool display and sales area on east side of McHenry between Bowen Avenue and Sheila Court.
(Resolution setting January 25, 1971 at 7:40 P.M. for hearing needed)

ACTION: Res. 71-1 adopted setting hearing. (Clerk to handle)

3. Letter from San Leandro Councilman Maris Polvorosa requesting support for legislation to require the presence of safety warning flares in all vehicles.

ACTION: By motion (Dixon/Newton, unan.) legislation supported. (Clerk to handle)

4. Request of Tenant's Rights Association and Welfare Rights Organization for discussion of vetoing of C.R.L.A. funds by Governor Reagan.

ACTION: A resolution (Dixon/Newton) in support of the present program of legal representation for the poor failed as Councilmen Simon and Smith and Mayor Davies voted no.

Res. 71-19 adopted (Simon/Newton, unan. - Robinson, absent) endorsing the concept of legal representation to the poor and its continuance; however, a thorough investigation should be made by both O.E.O., the local attorney advisory board and whatever other public agency that would lend itself to the investigation in order to determine whether or not the current legal program known as C.R.L.A. is truly serving the needs of the poor. (C/Atty to handle)

CONSENT

5. Notice that City's month to month tenancy of parking lot on 13th Street is to be terminated as of Feburary 18, 1971. (Motion ordering filed needed)

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

HEARINGS

6. Hearings on cost of installation of sidewalk and/or curb and gutter at the properties listed below: 4:05 P.M.

(a) Curb and gutter at 531 Melrose Avenue, Lots 9 and 10 of Block 584. (Mr. Samuel C. Bailey - $142.50)

ACTION: Res. 71-2 adopted (Mitchell/Smith, unan. - Robinson, absent) confirming report, assessing costs and directing method of collection. (Finance to handle)

(b) Sidewalk at 1442 College Avenue, Lot 15 of Block 6670. (Mr. John A. Carvalho - $160.00) (Payment over a three year period recommended)

ACTION: Res. 71-3 adopted (Mitchell/Smith, unan. - Robinson, absent) confirming report, assessing costs and directing method of collection. (over a three year period) (Finance to handle)

(c) Sidewalk on Crescent Drive at 1402 Oakwood Drive, Lot 1 of Block 6035. (Mr. Howard C. Coffee - $175.00) (Payment over a three year period recommended)

ACTION: Res. 71-4 adopted (Mitchell/Smith, unan. - Robinson, absent) confirming report, assessing costs and directing method of collection. (over a three year period) (Finance to handle)

(d) Sidewalk at 434 Smith Avenue, portion of Lot 62 of Block 704. (Mr. A. Dale Dunkel - $111.75)

ACTION: Res. 71-5 adopted (Mitchell/Smith, unan. - Robinson, absent) confirming report, assessing costs and directing method of collection. (Finance to handle)

(e) Sidewalk on Wildwood Drive and Sansome Court at 2008 Wildwood Drive, Lot 19 of Block 6715. (Mr. Frederick R. Entriken - $268.00) (Payment over a five year period recommended)

ACTION: Res. 71-6 adopted (Mitchell/Smith, unan. - Robinson, absent) confirming report, assessing costs and directing method of collection. (over a five year period) (Finance to handle)

6. (f) Sidewalk at 1429 Pearl Street, Lot 3 of Block 6113. 4:05 P.M.
(Mrs. Torrwayne A. Graf - $89.20)
(Costs paid - hearing can be dropped)

Hearing dropped -- costs paid.

(g) Curb and gutter on Griswold Avenue at 825 Enslen Avenue, Lot 1 of Block 715. (Mr. C. Dexter Hogin - $431.25)

ACTION: Res. 71-7 adopted (Mitchell/Smith, unan. - Robinson, absent) confirming report, assessing costs and directing method of collection. (Finance to handle)

(h) Curb and gutter and sidewalk on "E" Street at 427 7th Street, Lots 1 through 4, inclusive, of Block 29. (Mr. Tony Isola - $1,332.10)

ACTION: Res. 71-8 adopted (Mitchell/Smith, unan. - Robinson, absent) confirming report, assessing costs and directing method of collection. (Finance to handle)

(i) Sidewalk at 1538 Maplewood Drive, Lot 2 of Block 6023. (Mr. John D. Loflin - $114.50)

ACTION: Res. 71-9 adopted (Mitchell/Smith, unan. - Robinson, absent) confirming report, assessing costs and directing method of collection. (Finance to handle)

(j) Curb and gutter on Lucerne Avenue and Ramona Avenue at 601 Ramona Avenue, Lot 4 of Block 608. (Mr. Raymond J. Lucchesi - $500.25)

ACTION: Res. 71-10 adopted (Mitchell/Smith, unan. - Robinson, absent) confirming report, assessing costs and directing method of collection. (Finance to handle)

(k) Sidewalk on Ulrich Avenue at 1125 Ulrich Avenue, Lot 8 of Block 6031. (Mr. Robert W. Pearson - $159.60)

ACTION: Res. 71-11 adopted (Mitchell/Smith, unan. - Robinson, absent) confirming report, assessing costs and directing method of collection. (Finance to handle)

(l) Curb and gutter on Bodem Street at 621 E. Morris Avenue, E. 90 feet of Lots 23 and 24 of Block 592. (Mr. Vernon N. Reed. - $169.50)

ACTION: Res. 71-12 adopted (Mitchell/Smith, unan. - Robinson, absent) confirming report, assessing costs and directing method of collection. (Finance to handle)

(m) Curb and gutter on Melrose Avenue at 519 E. Morris Avenue, E. 100 feet of Lots 23 and 24 of Block 584. (Mr. James Anthony Rocha - $166.75)
(Costs paid - hearing can be dropped)

Hearing dropped -- costs paid.

6. (n) Curb and gutter on Lucern Avenue at 1011 Lucern Avenue, Lot 11 of Block 607. (Mr. Keary E. Stafford - $142.50) 4:05 P.M.

ACTION: Res. 71-13 adopted (Mitchell/Smith, unan. - Robinson, absent) confirming report, assessing costs and directing method of collection. (Finance to handle)

(o) Sidewalk on Del Vale Avenue at 1537 W. Roseburg Avenue, portion of Block 6018. (Mr. Ottavio Trombetta - $208.00)

ACTION: Res. 71-14 adopted (Mitchell/Smith, unan. - Robinson, absent) confirming report, assessing costs and directing method of collection. (Finance to handle)

7. Hearing of application of Robert C. Wheeler, dba Doctors Ambulance, for license to operate a limited ambulance in Modesto. 4:10 P.M.

ACTION: Res. 71-15 adopted (Simon/Smith, unan. - Robinson, absent) granting license to Robert C. Wheeler, dba Doctors Ambulance, to operate a limited ambulance. (Clerk to handle)

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

ACTION: By motion (Smith/Mitchell, unan.) staff directed to contact League of California Cities or any other available sources of information, including the P.U.C., on the operation of and the proposed changes in the P.U.C. to assist in making a determination as to whether or not the City should be concerned over these changes. (P & T to handle)

The City Attorney reported that Judge Underwood had ruled that the City of Modesto had complied with the terms of the Mancini Will as far as development of Mancini Park is concerned.

Councilman Newton requested information concerning a newly-installed billboard on Maze Blvd. It was agreed that a report would be furnished Councilman Newton. (P/W to handle)

OLD BUSINESS

9. Further Consideration of offer to sell 10th Street (J to K) property. (Memo with agenda. The Council may want to consider this offer in executive session, if it is interested in the property)

ACTION: By motion (Dixon/Newton) to retire for a brief executive session to consider this was amended by motion (Mitchell/Simon, unan.) to schedule the executive session at the conclusion of the regular agenda. The motion as amended then carried. No Council action was taken as a result of the executive session.

10. Further consideration of report on garbage collection.

ACTION: By motion (Smith/Mitchell, unan.) staff directed to prepare specifications to permit Council to receive bids on garbage collection in accordance with recommendations of Public Projects Committee. (C/Mgr and P/W to handle)

11. Further consideration of Russian trial of Jews accused of hijacking a Soviet plane.

ACTION: By motion (Smith/Mitchell, unan.) staff directed to prepare resolution for consideration of Council expressing concern for and condemnation of arbitrary imprisonment of Jews and the massive anti-Jewish purge trials. (C/Atty to handle)

12. Further consideration of Narcept Program.

ACTION: By motion (Dixon/Simon, unan.) Narcept Program referred to Council Crime Study Committee for study and report to Council as soon as possible. (C/Mgr to handle)

CONSENT
13. Resolution setting forth the City's Policy on environmental problems.
(This matter was considered by the City Council at its meeting of December 28, 1970, at which time the Council directed that a resolution setting forth the City's Policy on environmental problems be prepared as requested by the Citizens' Environmental Committee. Copy of resolution with agenda. Adoption of Resolution needed)

ACTION: Res. 71-16 adopted setting forth policy on environmental problems. (Clerk to handle)

NEW BUSINESS

CONSENT
14. 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. Savings in excess of $900 were realized in 1970. Resolution adopting wage rates needed)

ACTION: Res. 71-17 adopted adopting prevailing wage rates. (Clerk to handle)

CONSENT
15. Resolution authorizing Parking Fund petty cash account for validated lots.
(A resolution rescinding Resolution 63-547 is needed to update the current petty cash distribution on the attendant-operated parking lots. Report with agenda. Resolution approving needed)

ACTION: Res. 71-18 adopted rescinding Res. No. 63-547 and establishing Parking Fund petty cash account in the amount of $90.00 ($50.00 for attendant parking lots and $40.00 for Parking & Traffic Office) (Finance to handle)

CONSENT
16. Consider approval of (1) agreement for water service to development in the county on Emerald Avenue and (2) authorization for City forces to construct the water main extension.
(Memo with agenda. Resolution approving agreement and resolution waiving formal bid procedure and authorizing City forces to construct the water main extension. (5 affirmative votes needed) Estimated cost $13,049.96 (Mtl's $5,437.52; Labor & Engineer $7,612.44; funds budgeted in Account No. 6804-50-101, Water Line Extension)

Dropped from agenda.

APPROPRIATION TRANSFERS

None

MISCELLANEOUS

17. Appointments

None

18. Executive Session to confer with City Attorney regarding M.I.D.'s refusal to collect Utility User's tax and to discuss the offer to sell 10th Street property to the City.

ACTION: The Council retired to Executive Session at 6:50 P.M. to discuss these two matters and returned to open meeting at 7:49 P.M.

By motion (Smith/Mitchell, unan.) Mayor and staff directed to appear before the M.I.D. Board on January 5, 1971 to make an offer for the City to pay to the M.I.D. the costs of collecting the Utility Users' Tax. (C/Mgr to handle)

Councilman Simon announced that he would seek reelection to Chair 6 of the Council in the April election.

Adjournment at 7:52 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 11, 1971 AT 7:30 P.M.

Roll Call Present: Dixon, Mitchell, Newton, Simon, Smith, Mayor Davies

Absent: Robinson

Pledge of allegiance to the Flag
Invocation: Rev. Harold Knowles, Central Baptist Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 4, ~~XX~~, 11, 14, 15, 16, ~~XXX~~, 18, ~~XX~~, 20, 21
Item 17A dropped from agenda
Items 10 and 19 removed from consent
Smith/Simon, unan. - Robinson, absent

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

APPROVAL OF MINUTES

CONSENT
1. Minutes of January 4, 1971.

ACTION: By motion minutes approved.

PETITIONS, REMONSTRANCES AND CORRESPONDENCE

2. Request of Frank Sequin for reduced monthly rates at Municipal Golf Course for senior citizens.

ACTION: By motion (Simon/Smith, unan.) request referred to staff for report. (P & R to handle)

3. Request for city participation in special Agriculture, Business and Industry Review edition of Modesto Bee to be published January 29.

ACTION: By motion (Mitchell/Simon, unan.) indication given that City would like to purchase a 1/2 page advertisement and staff directed to work with the Modesto Bee in preparing a proposed lay-out for submission to Council on January 18. (C/Mgr to handle)

BIDS

CONSENT
4. Consider acceptance of Certified Sewer's Contract for construction Herndon Road sewer to Mancini Park.
(Original contract $5,266.25. All work in conjunction with this project has been completed to the satisfaction of the Public Works Department. Therefore, it is recommended that the work be accepted and the Clerk be authorized to file the notice of completion. Resolution accepting work needed. Actual cost $5,413.75. Funds budgeted in Account 6561-212, Extend Subtrunk & Perimeter Sewers)

ACTION: Res. 71-20 adopted accepting contract. (Clerk to handle)

HEARINGS

5. **Hearing on request to prezone to P-R-2 property located on north side of Orangeburg, east of Coffee Road (Gargotto)** 7:35 P.M.

ACTION: Ord. 1074-C.S. introduced (Simon/Newton, unan. - Robinson, absent) amending Sec. 22-3-9 of zoning map. (Clerk to handle)

6. **Hearing on request to rezone from R-1 to R-2, property located on the west side of Carver between Evergreen and Pearl (Turner)** 7:40 P.M.

ACTION: Ord. 1075-C.S. introduced (Smith/Mitchell, unan. - Robinson, absent) amending Sec. 19-3-9 of zoning map. (Clerk to handle)

7. **Hearing on proposed rezoning from P-D(33) to R-1 property located on the north side of Hatch approximately 1/2 mile west of Crows Landing Road (Commission initiated)** 7:45 P.M.

ACTION: Ord. 1076-C.S. introduced (Smith/Simon, unan. - Robinson, absent) amending Secs. 5-4-9 and 8-4-9 of zoning map. (Clerk to handle)

8. **Hearing on proposed rezoning from P-D(13) to R-1, property located on Byron Lane east of Emerald Ave. (Commission initiated)** 7:50 P.M.

ACTION: Ord. 1077-C.S. introduced (Simon/Smith, unan. - Robinson, absent) amending Sec. 31-3-9 of zoning map. (Clerk to handle)

9. **Matters for the good of the community. (These may be presented by interested people in the audience)** 7:55 P.M.

ACTION: Joe Hart, Chairman of the Farm-City Committee, was introduced and suggested that the people outside of the city had an interest in any advertisement that might be placed in the Special Edition of the Modesto Bee.

Mr. Hart also commented that the Stanislaus County Fair Board was interested in maximum use of the facilities at the Fairgrounds.

The rights and restrictions on political activities by City employees was discussed.

Vice Mayor Mitchell reported that the Public Projects Committee would report to the Council at the January 18th meeting on the request of the Modesto Board of Realtors for a change in the sign ordinance.

OLD BUSINESS

CONSENT

10. **Further consideration of purchase of former Loomis Floral-Canton Grill property on 10th Street for parking.**
(The offering price has been reduced to $30,000 and its purchase is recommended. Resolution accepting the offer and authorizing purchase and resolution transferring $41,336 from Parking Fund Reserve needed)

ACTION: Res. 71-21 adopted (Mitchell/Simon, unan. - Robinson, absent) authorizing purchase of property. (C/Atty to handle)
Res. 71-22 adopted (Mitchell/Simon, unan. - Robinson, absent) approving appropriation transfer of $41,336 from Account 60-57-209 to Account 6150-57-209. (Finance to handle)

CONSENT

11. **Motion authorizing City Attorney to commence legal action against M I D and T I D regarding Utility User's Tax.**

ACTION: By motion City Attorney authorized to commence legal action. (C/Atty to handle)

12. **Adoption of resolution of concern over Russian treatment of Jews.**

ACTION: Res. 71-23 adopted (Dixon/Newton, unan. - Robinson, absent) expressing concern and protest regarding treatment of Jewish People by Soviet Union. (Clerk to handle)

NEW BUSINESS

13. **Request for Council determination as to ballot measures for municipal eelection to be held April 20, 1971.**
(Memo with agenda. Motion directing staff needed)

ACTION: By motion (Smith/Dixon, unan.) staff directed to have the five proposed amendments to the Charter as separate items on the ballot. (C/Atty & Clerk to handle)

CONSENT

14. **A resolution determining that the public interest and convenience requires that the Oakdale-Floyd 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 Oakdale-Floyd Addition to the Modesto Municipal Sewer District No. 1. Suggested hearing date March 1, 1971 at 4:05 P.M. Resolution setting hearing (2/3 affirmative vote needed)

ACTION: Res. 71-24 adopted setting hearing. (Clerk to handle)

CONSENT

15. **Adoption of resolution acknowledging receipt of "Notice of Intention to Circulate Petition to Annex Territory Known as the Norwegian No. 1 Addition to the City of Modesto" and approving intention of proponents to circulate petitions.**
(The notice was published on December 31, 1970 and filed with the City Clerk on January 4, 1971. Resolution needed)

ACTION: Res. 71-25 adopted acknowledging receipt of Notice and approving circulation of petitions. (Clerk to handle)

CONSENT

16. Addition to Municipal Corporation Yard.
(Memo with agenda. Resolution authorizing purchase of property. Estimated cost $47,500. Funds budgeted in Account No. 321-6517, Special Fund for Capital Outlays - Service Yard Expansion)

ACTION: Res. 71-26 adopted authorizing purchase of lots 15 through 28 and the south 30 feet of Lots 1 through 14, Block 435, from Modesto High School District. (C/Atty to handle)

17. Request by Public Projects Committee for instructions regarding amortization of non-conforming signs.

ACTION: By motion (Dixon/Simon, unan.) Public Projects Committee directed to proceed with a study of amortization of non-conforming signs with no deadline for submission of a report to Council. (C/Mgr to handle)

CONSENT

17A. Consider lease agreement between William Mineni and the City of Modesto for rental of 40 acres at the City-County Airport. (The lease agreement is essentially the same as the agreement approved last year with the previous lessee. Exceptions are: Term is January 11, 1971 through June 11, 1971; rental is 15% of the revenue from the crop. The rental last year was 25%. However, this is the only offer we have for this year. Resolution authorizing City Manager to execute lease agreement on behalf of City needed)

DROPPED FROM AGENDA

REPORTS

CONSENT

18. Presentation of financial statement for December, 1970. (Copies of report will be presented at meeting. Motion accepting report needed.)

ACTION: By motion report accepted.

CONSENT

19. Report to City Manager concerning Better Business Bureau. (Motion accepting report needed)

ACTION: By Order of the Chair the staff was instructed to seek information regarding Better Business Bureaus, or any other consumer protection agencies; information to be sought from the League of California Cities or any other available source. (Personnel to handle)

REPORTS FROM THE PLANNING COMMISSION

CONSENT

20. 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 5, 1971 the Planning Commission adopted Resolution No. 17-1, 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, 1972. Resolution approving needed)

ACTION: Res. 71-27 adopted appointing Kenneth Marple to the Board of Zoning Adjustment as the representative of the Planning Commission for a term expiring January 1, 1972. (Clerk to handle)

APPROPRIATION TRANSFERS

CONSENT

21. Provide additional funds for special investigations.
(Additional funds are needed due to the continued narcotics enforcement program reported by the Chief of Police to the City Manager December 24, 1970. The portion of the Other Special Charges appropriation for special investigations was previously established at $1,250, and an additional $1,250 is needed. Resolution approving appropriation transfer from the General Reserve of the General Fund needed)

ACTION: Res. 71-28 adopted approving appropriation transfer of $1,250 from Account 60-101 to Account 429-22-101. (Finance to handle)

MISCELLANEOUS

22. Appointments.

None

at 9:12 P.M.
Adjournment/to 4:00 P.M. on January 12, 1971 in the Work Reference Room for the purpose of meeting with Congressman McFall.

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

ADJOURNED REGULAR MEETING JANUARY 12, 1971

The Council convened at 4:00 P.M. pursuant to adjournment.

Present: Dixon, Mitchell, Simon, Smith, Mayor Davies
Absent: Newton, Robinson

This meeting was for the purpose of discussing matters of mutual interest with Congressman McFall. In addition to Congressman McFall, John Olhasso, his local representative, was present.

Among the items discussed were the following:

Revenue sharing.
The Public Works Acceleration Bill.
The possibility of the Federal Government providing additional funding for welfare and education.
Additional Federal measures in the drug abuse field.
Legislation aimed at greater consumer protection.
The seniority system in Congress.
"Feed-back" from local officials to representatives in Washington.

The meeting adjourned at 5:20 P.M.

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

CITY OF MODESTO
AGENDA FOR COUNCIL MEETING OF MONDAY, JANUARY 18, 1971 AT 4:00 P.M.

Roll Call Present: Dixon, Mitchell, Newton, Simon, Smith, Mayor Davies

Absent: Robinson

Pledge of allegiance to the Flag
Invocation: Reverend George Weber, Hughson Methodist Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2, 3, 4, ~~5~~, 7, 8, 9, 10, 11, 18, 19, 20, 22, 23, 24, 25, 26, 27, 28
Item 5 removed from consent
Dixon/Smith, unan. - Robinson, absent

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

APPROVAL OF MINUTES

CONSENT
1. Minutes of January 11, 1971 (regular meeting) and January 12, 1971 (adjourned meeting.

ACTION: By motion minutes approved.

PETITIONS, REMONSTRANCES AND CORRESPONDENCE

CONSENT
2. Resignation of Mrs. Inez Peterson from the Citizens' Environmental Committee.
(Resolution accepting with regret needed)

ACTION: Res. 71-29 adopted accepting resignation with regret. (Clerk to handle)

CONSENT
3. Request of Modesto Central Seventh Day Adventist Church for extension of time August 1, 1971 to meet conditions imposed in connection with abandonment of alley.
(Motion granting request needed)

ACTION: By motion time for completion of improvements extended to August 1, 1971. (Planning to handle)

CONSENT
4. Proposed resolution from California Council on Criminal Justice endorsing in principle Region VII North Advisory Board as our Criminal Justice Planning Body.
(Adoption of resolution needed)

ACTION: Res. 71-30 adopted endorsing in principle the Region VII North Advisory Board as the recognized criminal justice planning body for this area. (Clerk to handle)

~~CONSENT~~

5. Request of J. S. West & Company for change in street improvements required in connection with building permit.
(Resolution setting January 25, 1971 at 7:45 P.M. for hearing needed)

ACTION: Res. 71-31 adopted (Simon/Newton, unan. - Robinson and Smith, absent) setting hearing. (Councilman Smith disqualified himself on this item) (Clerk to handle)

6. Letter from Citizens' Community Center Committee regarding St. Paul's Episcopal Church site.

ACTION: Following a thorough discussion, it was agreed to accept the report of the Committee.

CONSENT

7. Request of Frank Andrews that April election ballot include question of City taking over electrical power distribution in Modesto.
(Motion ordering filed needed)

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

CONSENT

8. Letter from Rabbi Graudenz expressing appreciation for resolution expressing concern over treatment.
(Motion ordering filed needed)

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

BIDS

CONSENT

9. Consider award of bid for installation of water lines in Applegate No. 1 Subdivision.
(Bids were opened January 12, 1971 and the low bid of Valley Construction which is 22% below the Engineer's Estimate is considered acceptable. Therefore, it is recommended the bid be awarded to them. Resolution awarding bid needed. Contract cost $5,526; funds budgeted in Account 6804-50-101, Water Line Extension)

ACTION: Res. 71-32 adopted awarding contract to Valley Construction. (P/W to handle)

CONSENT

10. Approve specifications and call for bids for carpeting in central library building.
(Memo with agenda. Resolution setting February 16, 1971 at 10:15 A.M. as time for receiving bids needed)

ACTION: Res. 71-33 adopted approving specifications and bid call. (Clerk to handle)

CONSENT

11. Approve specifications and call for bids for furniture, shelving and counters in central library building.
(Memo with agenda. Resolution settingFebruary 16, 1971 at 10:00 A.M. as time for receiving bids)

ACTION: Res. 71-34 adopted approving specifications and bid call. (Clerk to handle)

HEARINGS

12. Annexation of Standiford Addition to Sewer District. 4:05 P.M.

ACTION: Res. 71-35 adopted (Mitchell/Dixon, unan. - Robinson, absent) annexing Standiford Addition to Modesto Municipal Sewer District No. 1. (Clerk to handle)

13. Annexation of East Orangeburg-Coffee Addition to Sewer District. 4:10 P.M.

ACTION: Res. 71-36 adopted (Newton/Smith, unan. - Robinson, absent) annexing East Orangeburg-Coffee Addition to Modesto Municipal Sewer District No. 1. (Clerk to handle)

14. Annexation of McHenry-Rumble Addition to Sewer District. 4:15 P.M.

ACTION: Res. 71-37 adopted (Smith/Dixon, unan. - Robinson, absent) annexing McHenry-Rumble Addition to Modesto Municipal Sewer District No. 1. (Clerk to handle)

15. Annexation of Memorial Hospital North Addition to Sewer District. 4:20 P.M.

ACTION: Res. 71-38 adopted (Simon/Smith, unan. - Robinson, absent) annexing Memorial Hospital North Addition to Modesto Municipal Sewer District No. 1. (Clerk to handle)

16. Matters for the good of the community. 4:35 P.M.
(These may be presented by interested people in the audience)

ACTION: Mayor Davies read a post card from Councilman Robinson who was in Buenos Aires.

A petition from persons over 65 years of age requesting a lower rate for unlimited monthly golf tickets was presented by Oscar M. Poore. By motion (Simon/Dixon, unan.) petition referred to staff for study and recommendation. (P & R to handle)

Mayor Davies was excused at 5:10 P.M. and Vice Mayor Mitchell presided.

Councilman Dixon commented on the Comprehensive Health Planning Council of Stanislaus County and also on the improvement in the local C.A.C.

Frank Andrews commented on a variety of subjects.

Councilman Newton reported on the improvement in the C.A.C. and stated that there was a good possibility of the local program being refunded.

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

By motion (Smith/Newton, unan.) action tabled for one week on motion (Simon/Dixon) to require any groups receiving city funds or other support to furnish Council with agendas and minutes, and staff directed to furnish Council with information as to what groups this might apply to. (Finance to handle)

Res. 71-39 adopted (Mitchell/Dixon, unan. - Robinson and Mayor Davies, absent) thanking Regional Director of O.E.O. (Roger Betts), Mrs. Oliver of O.E.O. and the local board members of C.A.C. for efforts made to get C.A.C. operating in a better manner. (City/Atty to handle)

OLD BUSINESS

17. Submission of proposed lay-out for advertisement in special edition of Modesto Bee.

ACTION: By motion (Dixon/Newton, unan.) staff authorized to proceed with advertisement. (C/Mgr to handle)

NEW BUSINESS

CONSENT

18. Consider declaring a 100 H.P. electric pump motor surplus and authorize sale to Lopez Electric Company of Modesto for $100.00. (Memo with agenda. Resolution needed)

ACTION: Res. 71-40 adopted declaring used General Electric 100 H.P. pump motor, serial number 4520255, as surplus to needs of City and authorizing sale of same. (Finance to handle)

CONSENT

19. Accept improvements in Greenfield Village No. 1 Subdivision and authorize City Clerk to file notice of completion and release bond upon expiration of the statutory lien period.
(This subdivision is located on Rose Avenue between Kienitz Avenue and Rose Avenue School on the east side. 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. 71-41 adopted accepting improvements. (Clerk to handle)

CONSENT

20. Request of City of Riverbank for approval of annexation situated within three miles of Modesto city limits.
(This is required in certain annexations. All concerned City departments have been contacted and have no objections. Resolution approving needed)

ACTION: Res. 71-42 adopted approving annexation. (Clerk to handle)

CONSENT

22. Application for California Airport Aid Program Funds for the fiscal year 1972-73, for acquisition of land for clear zone required in conjunction with proposed instrument landing system (ILS) on Runway 28R.
(Memo with agenda. Resolution approving submission of application and authorizing City Manager to sign application on behalf of City needed)

ACTION: Res. 71-43 adopted authorizing submission of application. (P/W to handle)

REPORTS

CONSENT

23. Report by Public Projects Committee to the City Council regarding an amendment to the City's sign regulations to allow temporary signs for directional purposes.
(This matter was referred to the Public Projects Committee on December 14, 1970 for study and recommendation. Motion directing staff to implement recommendations needed)

ACTION: By motion staff directed to prepare an ordinance to allow three unlighted "Open House" directional signs, not to exceed three (3) square feet in size, subject to certain conditions. (C/Atty to handle)

CONSENT

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

ACTION: By motion report accepted.

CONSENT

25. Annual accounting of convention fund of Greater Modesto Chamber of Commerce.
(Motion accepting needed)

ACTION: By motion annual accounting accepted.

REPORTS FROM THE PLANNING COMMISSION

CONSENT

26. Uninhabited annexation to the City of Modesto - Celeste No. 3 Addition.
(The LAFC Commission has authorized this annexation without notice or public hearing - November 20, 1970. Resolution annexing to City needed)

ACTION: Res. 71-44 adopted annexing Celeste No. 3 Addition to City of Modesto. (Clerk to handle)

APPROPRIATION TRANSFER

CONSENT

27. Consider appropriation transfer to provide funds for curb and gutter program for the remainder of fiscal year.
(An amount of $15,000 was originally budgeted in this account to cover the cost of the City's curb, gutter and drainage work in conjunction with new curb and gutter constructed by property owners. To date we have expended $12,000 from this account and we anticipate that if construction by the private property owners continues at the pace it has, an additional $8,000 will be required in this account. Resolution needed)

ACTION: Res. 71-45 adopted approving appropriation transfer of $8,000 from Account 60-101 to Account 5301-51-101. (Finance to handle)

CONSENT

28. Consider appropriation transfer to provide additional funds to complete work at Pump Station No. 37.
(Memo with agenda. Resolution approving appropriation transfer of $4,000 needed)

ACTION: Res. 71-46 adopted approving appropriation transfer of $4,000 from Account 60-101 to Account 6809-50-101. (Finance to handle)

MISCELLANEOUS

29. Appointments.

None

30. Executive session to discuss land acquisition - Dry Creek Park.

ACTION: The Council retired to executive session at 6:05 P.M. with the announcement that they would not return to open session.

Adjournment at 7:00 P.M.

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

CITY OF MODESTO
AGENDA FOR COUNCIL MEETING OF MONDAY, JANUARY 25, 1971 AT 7:30 P.M.

Roll Call Present: Dixon, Mitchell, Newton, Simon, Smith, Mayor Davies
Absent: Robinson
Pledge of allegiance to the Flag
Invocation: Reverend Lawrence Duncan, Memorial Baptist Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2, 3, ~~5~~, 6A, 7, 12, 13, 18, 19, 20, 21, 23, 25, 26, 27, 28, 30
Item 6 removed from consent
Smith/Simon, unan. - Robinson, absent

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

APPROVAL OF MINUTES

CONSENT
1. Minutes of January 18, 1971.

ACTION: By motion minutes approved.

PETITIONS, REMONSTRANCES AND CORRESPONDENCE

CONSENT
2. Request of Stanislaus County Superintendent of Schools for consolidation of school district elections with Modesto Municipal election on April 20, 1971.
(Resolution granting request needed)

ACTION: By motion referred to staff for preparation of resolution. (C/Atty to handle)

CONSENT
3. Request of Downtown Improvement District for council approval of continuation of downtown clean-up program and for transfer of funds for this purpose.
(Motion approving continuation of program and resolution approving appropriation transfer of $500 needed)

ACTION: By motion continuance of program approved.
Res. 71-47 adopted approving appropriation transfer of $500 from Account 5399-218 to Account 120-218 ($200) and Account 304-218 ($300) (Finance to handle)

4. Request of Modesto Centennial Committee for refund of fees paid to City of Modesto in connection with centennial celebration.

ACTION: By motion (Smith/Dixon, unan.) request referred to staff for preparation of documents for the granting of this request. (Finance to handle)

5. Request of Ceres High School for free use of golf courses by Ceres High golf team for interschool matches.

ACTION: By motion (Dixon/Mitchell, unan.) referred to staff for study with a view toward establishment of an agreement between Cities of Ceres and Modesto to help the golfers at no reduction in fees. (P & R to handle)

CONSENT

6. Request of Housing Authority of the County of Stanislaus for adoption by City Council of resolution approving application of Housing Authority for preliminary loan for low-rent public housing. (Resolution needed)

ACTION: Res. 71-48 adopted (Newton/Dixon, unan. - Robinson, absent) approving application for preliminary loan for low-rent public housing. (Clerk to handle)

CONSENT

6A. Request for extension of Transadtise Co. franchise for benches at bus stops.
(Staff recommends that this be referred to Public Projects Committee for review in light of new sign regulations. Motion referring to Committee needed)

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

BIDS

CONSENT

7. Consider acceptance of Fremont Pipe Line Contract for construction of Improvement District No. 15 facilities.
(All work in conjunction with this project has been completed to the satisfaction of the Public Works Department. Original contract cost: $644,660.00. Funds budgeted in Account 6592 for the city contribution, which will be determined after the assessment spread has been made for report to the Council at a later date. Resolution accepting work as complete needed. Final cost: Contract $628,508.65; Incidentals, $52,644.60)

ACTION: Res. 1157-S.P. adopted accepting contract. (Clerk to handle)

HEARINGS

7:35 P.M.

8. Hearing on request of Modesto Affiliated Church Housing Corporation for rezoning from R-3 to P-D, property bounded by Downey, 17th and Eye, to permit construction of an 11-story apartment housing complex.

ACTION: By motion (Smith/Simon, unan.) staff directed to prepare ordinace and resolution granting request subject to all conditions and uses listed in Planning Commission Res. No. 70-161 subject to the following additions and/or changes:

(1) Plans illustrating relationship of the parking deck and subterranean parking to adjacent streets and alley to be approved by the Public Works Department.

(2) Elevators to provide access to the roof and 100% landscaping of the roof as a roof garden be required.

(3) Any plans for improvement of the triangular parks are to be made a part of the agreement between the Corporation and the City.

(4) An automatic fire extinguishing system shall be installed throughout the building.

The Council took a recess at 9:50 P.M. and reconvened at 10:00 P.M.

9. Hearing on appeal by Mr. and Mrs. Darrell Ireland from denial by Board of Zoning Adjustment of H-1 Use Permit to permit an outdoor swimming pool display and sales area on east side of McHenry between Bowen and Sheila Court. 7:40 P.M.

ACTION: By motion (Simon/Mitchell, unan.) hearing continued to February 1, at 4:05 P.M. to permit staff, applicant and property owner to attempt to reach agreement on requirements for dedication and screening. (Planning to handle)

10. Hearing on request of J. S. West & Co. for change in street improvements required in connection with building permit. 7:45 P.M.

ACTION: Councilman Smith disqualified himself from consideration of this item.

Res. 71-49 adopted (Simon/Dixon, unan. - Robinson and Smith, absent) granting a variance to permit a full width driveway across the frontage of the existing store. (P/W to handle)

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

ACTION: Frank Andrews requested that the City take over the distribution of electrical power.

Councilman Dixon suggested spot checks on the quality of garbage collection and also suggested that consideration be given to phasing out private garbage collection. The staff was directed to report on cities which have done this. (C/Mgr to handle)

It was suggested by Councilman Smith that staff make a study of possible revisions to the agenda to permit items that are of interest to people in the audience to be scheduled on the first part of the agenda. (Clerk to handle)

ORDINANCES

CONSENT
12. Final adoption of the following ordinances:
(Motion adopting needed)

(a) Ordinance No. 1074-C.S. amending Sec. 22-3-9 (Gargotto)

ACTION: By motion Ord. No. 1074-C.S. adopted. (Clerk to handle)

(b) Ordinance No. 1075-C.S. amending Sec. 19-3-9 (Turner)

ACTION: By motion Ord. No. 1075-C.S. adopted. (Clerk to handle)

(c) Ordinance No. 1076-C.S. amending Sec. 5-4-9 and 8-4-9 (Commission)

ACTION: By motion Ord. No. 1076-C.S. adopted. (Clerk to handle)

(d) Ordinance No. 1077-C.S. amending Sec. 31-3-9 (Commission)

ACTION: By motion Ord. No. 1077-C.S. adopted. (Clerk to handle)

CONSENT
13. Two ordinances amending sign provisions of municipal code relating to open house signs.
(Memo and copies of proposed ordinances with agenda. Motion introducing ordinance amending sign regulations and motion referring ordinance amending zoning regulations to Planning Commission)

ACTION: Ord. No. 1078-C.S. introduced amending sign regulations. (Clerk to handle)

By motion ordinance amending zoning regulations referred to P/C. (Planning to handle)

OLD BUSINESS

14. Vote on motion (Simon/Dixon) to require any groups receiving city funds or other support from City to furnish Council with agendas and minutes.

ACTION: The motion was not voted on but it was decided to request agendas and minutes from: (1) California Council on Criminal Justice, (2) Chamber of Commerce, (3) Housing Committee of Comprehensive Health Planning Council, (4) Stanislaus Drug Abuse Council and (5) Comprehensive Health Planning Council. (C/Mgr to handle)

NEW BUSINESS

15. Request for direction from Council re charter amendments.

(a) Form of ballot pamphlet.
(Motion directing staff needed)

ACTION: By motion (Davies/Simon, unan.) form of ballot pamphlet approved. (Clerk to handle)

(b) Form in which ballot measures shall be placed on ballot.
(Motion directing staff needed. Memo with agenda)

ACTION: By motion (Davies/Simon, unan.) Alternates 2 (Proposition A), 2 (Proposition B), 2 (Proposition C), 1 (Proposition D) and 1 (Proposition E) chosen. (Clerk to handle)

16. City's obligation to share costs of street improvements adjacent to city park sites.
(A letter from Bomberger Brothers, Inc., raised the question "Should the City share in the cost of sewer lines constructed in streets abutting city park sites"? Whatever decision the Council makes will establish a policy to be followed by the staff on a number of other park sites as adjacent properties develop. Memo and copy of letter with agenda. Resolution directing staff needed)

ACTION: By motion (Simon/Dixon, unan.) sewer lines declared not to be considered as part of improvements. (P/W to handle)

17. Proposed storm drainage improvement district in Tokay Avenue area.
(Memo with agenda. Motion authorizing City Attorney to arrange for bond counsel and authorizing Public Works staff to arrange for engineering services. Cost to be reported later when agreement for engineering services has been finalized)

ACTION: By motion (Smith/Newton, maj. - Davies, no) staff directed to study methods of polling residents and to report to Council in two weeks. (C/Mgr to handle)

CONSENT

18. Ground water study for Modesto area.
(Memo with agenda. Water Resources Division, U. S. Geological survey, has proposed a two-phase study of ground water in this area. They have forwarded a cooperative agreement for investigation of water resources for the Phase I study, the cost of which would be shared equally between City and U.S.G.S. City's share of the cost would be $3,000, to be budgeted in 1971-72 budget. Resolution authorizing City Manager to execute cooperative agreement needed. Estimated cost $3,000 to be budgeted in 1971-72)

ACTION: Res. 71-50 adopted authorizing City Manager to execute agreement. (P/W to handle)

CONSENT

19. Water service to P & G property, Whitmore and Crows Landing Roads.
(An agreement with P & G has been negotiated which grants the City fee title to a 30' x 50' parcel of land on which to develop a water well, grants an easement for construction of a water line from the well site to Whitmore Road, grants access to the well site over P & G property, and confirms that P & G will pay the cost of the water main installed in the easement across their property. Memo with agenda. Council action needed: Resolution authorizing City Manager to execute agreement)

ACTION: Res. 71-51 adopted authorizing City Manager to execute agreement. (P/W to handle)

CONSENT

20. Consider recommendation that qualifications for four professional planning positions be upgraded.
(Copies of report and proposed job specifications being distributed with agenda. Resolution approving revised job specifications needed)

ACTION: Res. 71-52 adopted approving revised job specifications for Director of Planning, Senior Planner, Associate Planner and Assistant Planner and for Parks and Recreation Superintendent. (See item No. 22) (Personnel to handle)

CONSENT

21. Consider request by Drug Abuse Coordinating Council for office space at Police Department.
(Copy of request being distributed with agenda. The Police Chief has indicated he would have no objection to the use of this office space. Motion approving request needed)

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

22. Create new classification for Parks & Recreation Superintendent, delete obsolete classifications of Parks Superintendent and Recreation Supervisor II, and establish salary range. (Memo of explanation and job specification attached. Resolution revising position classification plan and resolution amending alphabetical list of classifications in Modesto city service needed. No costs involved)

ACTION: Res. 71-53 adopted (Simon/Mitchell, unan. - Robinson, absent) amending alphabetical list of classifications in city service. (See item No. 20) (Personnel to handle)

CONSENT

23. Authorization to negotiate contract with landscape architect to develop master plan for Phase II Dry Creek Park. (Report with agenda. Motion authorizing negotiations needed)

ACTION: By motion negotiations with landscape architect authorized. (P & R to handle)

REPORTS

24. Report on proposed PUC changes - staff and procedural. (Memo sent with agenda. Council opposition to the changes is recommended. Resolution opposing changes and notifying appropriate officials, and motion authorizing letter notifying League of California Cities. No cost to City)

ACTION: By motion (Smith/Dixon, unan.) recommendation accepted and staff directed to notify appropriate officials of Council opposition to proposed changes. (P & T to handle)

CONSENT

25. Further report on downtown beautifcation. (Memo has been sent with the agenda to bring matter up to date. The D. I. D. is reexamining its proposal. Motion accepting report needed)

ACTION: By motion report accepted.

REPORTS FROM THE PLANNING COMMISSION

CONSENT

26. Vacation and abandonment of a 10-foot public utility easement across property located at the northeast corner of Coffee Road and Celeste Drive. (By Resolution No. 70-139 adopted October 20, 1970, the Modesto Planning Commission recommended to the Council the vacation and abandonment of the 10-foot public utility easement across property located at the northeast corner of Coffee Road and Celeste Drive. Resolution of Intention to vacate and abandon and setting a date for public hearing February 16, 1971 at 4:05 P.M. needed)

ACTION: Res. of Int. 326 (1158-S.P) adopted setting hearing. (Clerk to handle)

CONSENT

27. Recommend amendment to Section 7-3-9 of the zoning map (Wally DeVe) (By resolution No. 71-9 adopted January 19, 1971 the Planning Commission recommends an amendment to Section 7-3-9 of the zoning map as requested by Wally DeVe to prezone to Two-Family Residential Zone, R-2, property located on the west side of Tully Road south of Modesto Irrigation District Lat. No. 6 and north of the Hetch Hetchy Aqueduct right of way. Resolution setting February 16, 1971 at 4:10 P.M. for public hearing needed)

ACTION: Res. 71-54 adopted setting hearing. (Clerk to handle)

CONSENT

28. Recommend amendment to P-D(45) (Modesto Swim and Racquet Club) (By Resolution No. 71-7, adopted on January 19, 1971 the Planning Commission recommends an amendment to P-D(45) to clarify and define the uses and functions permitted the Modesto Swim and Racquet Club on its premises located on the south side of Norwegian Avenue approximately 1000 feet east of McHenry Ave. Resolution setting Feb. 16, 1971 at 4:15 P.M. for public nearing needed)

ACTION: Res. 71-55 adopted setting hearing. (Clerk to handle)

29. County referral of Open Space Contract applications within one mile of the city limits.
(Memo attached. Resolution expressing Council recommendation to the County Board of Supervisors needed)

ACTION: Res. 71-56 adopted (Newton/Mitchell, unan. - Robinson, absent) opposing contracts proposed for parcels within the existing sewer service area with the provision that an annual review be made of those contracts that are not opposed at the time. (Planning to handle)

CONSENT

30. Recommend amendment to Section 7-3-9 of the zoning map (Harley D. Brannan).
(By Resolution No. 71-8 adopted January 19, 1971 the Planning Commissior recommends an amendment to Section 7-3-9 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, property located on the north side of Rumble Road and west side of Carver Road. Resolution setting February 16, 1971 at 4:20 P.M. for public hearing needed)

ACTION: Res. 71-57 adopted setting hearing. (Clerk to handle)

MISCELLANEOUS

31. Appointments.

ACTION: Res. 71-58 adopted (Simon/Mitchell, unan. - Robinson, absent) reappointing Dr. Merrill Alexander to the Planning Commission for a term ending January 1, 1975. (Planning to handle)

Adjournment at 12:10 A.M. to executive session to discuss litigation with the announcement that the Council would not return to open meeting.

Adjournment at 12:45 A.M.

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

MINUTES AND ACTION AGENDA

CITY OF MODESTO
AGENDA FOR COUNCIL MEETING OF FEBRUARY 1, 1971 AT 4:00 P.M.

Roll Call Present: Dixon, Mitchell, Newton, Simon, Smith, Mayor Davies

Absent: Robinson

Pledge of allegiance to the Flag
Invocation: Reverend Mark Randy, Church of Jesus Christ

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2, 4, 5, 6, 9, 11, 12, 13, 15, 16, 17, 18, 20, 21
Smith/Newton, unan. - Robinson, absent

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

APPROVAL OF MINUTES

CONSENT
1. Minutes of January 25, 1971.

ACTION: By motion minutes approved.

PETITIONS, REMONSTRANCES AND CORRESPONDENCE

CONSENT
2. Notice from Title Insurance and Trust Co. of intention to terminate lease for parking lot at northeast corner of 13th and Eye Sts. (Resolution waiving 120-day notice needed)

ACTION: Res. 71-59 adopted waiving 120-day notice of termination. (P & T to handle)

3. Request that permission be given to allocate balance of appropriation for Pop Warner Football (approximately $700) to the Modesto City School Board to be applied against the charge for rental of the Downey High Stadium.

ACTION: Councilman Dixon disqualified himself from consideration of this item. By motion (Mitchell/Smith, unan.) consideration delayed until Mr. Jennings is present. Later in the meeting Mr. Jennings appeared, and by motion (Simon/Newton, unan.) staff directed to assist in contacting the schools in an effort to reduce the amount owed for use of the Downey Stadium with the understanding that payment of City funds to the School District is not to be considered. (C/Mgr to handle)

CONSENT
4. Request for abandonment of alley in Bernard Tract. (Resolution referring to Planning Commission needed)

ACTION: Res. 71-60 adopted referring request to P/C. (Planning to handle)

BIDS

CONSENT

5. Call for bids for demolition of new Canton Grill and Loomis Floral building on east side of 10th Street between J and K Streets and construction of a parking lot.
(It is recommended that bids be received February 23, 1971 at 2:00 P.M., with work to commence on March 15, 1971 and the parking lot completed on April 26, 1971. Resolution approving plans and specifications and authorizing call for bids needed. Estimated cost $10,000; funds budgeted in Account 6150-57-209, Parking Lot #32)

ACTION: Res. 71-61 adopted approving plans and specifications and bid call. (Clerk to handle)

CONSENT

6. Award contract for construction of traffic signals and street lighting at Carver and Briggsmore.
(Ferrero Electric, Inc. is low bidder at $7,845. Resolution awarding contract to Ferrero Electric, Inc. needed)

ACTION: Res. 71-62 adopted awarding contract to Ferrero Electric, Inc. (P & T to handle)

HEARINGS

7. Continued hearing on appeal by Mr. and Mrs. Darrell Ireland from denial by Board of Zoning Adjustment of H-1 use permit. 4:05 P.M.

ACTION: By motion (Mitchell/Smith, unan.) staff directed to prepare documents to grant H-1 use permit subject to conditions set forth by Council. (C/Atty to handle)

8. Matters for the good of the community. 4:10 P.M.
(These may be presented by interested people in the audience)

ACTION: Cards from Councilman Robinson, who is now in South America, were read.

Frank Andrews announced that this was his 89th birthday.

Councilman Dixon reported that the reorganization of the C.A.C. was almost complete, but that C.A.C. needs police protection at meetings as certain agitators are at work. Paul Clark, Chairman of the C.A.C., requested that the City furnish police. By motion (Dixon/Mitchell, unan.) Staff was directed to study this request and report to Council on February 8, 1971. (Police to handle)

Tom DeVine of the C.A.C. requested that the C.A.C. be permitted to rent 7 rooms in the Community Center on Morris at lower rent than is charged at this time. By motion (Simon/Dixon, unan.) staff directed to negotiate for this rental on the basis of lower rates for this year, but regular rates after that. (P & R to handle) Staff was directed to look into the charge that election assistance requested by the C.A.C. was not given. (C/Mgr to handle)

Res. 1159-S.P.; 1160-S.P.; 1161-S.P.; 1162-S.P. (Res. of Int. 327);/ 1163-S.P. and 1164-S.P. adopted (Smith/Simon, unan. - Robinson, absent) concerning Improvement District No. 18 and setting March 8, 1971 at 8:00 P.M. as time for hearing. (Clerk to handle)

ORDINANCES

CONSENT

9. Final adoption of Ord. 1078-C.S. (sign regulations)
(Motion adopting needed)

ACTION: By motion Ord. 1078-C.S. adopted. (Clerk to handle)

OLD BUSINESS

10. Further consideration of bicyclists' requests.
(Staff recommends use of decal licenses, sale of licenses by retail outlets, and free bicycle parking on attendant lots. Motion directing staff to prepare the necessary documents and a resolution transferring $130 for signs telling of the free parking needed)

ACTION: By motion (Simon/Smith, unan. - Robinson, absent) staff directed to prepare necessary documents. (P & T to handle)
Res. 71-63 adopted (Simon/Smith, unan. - Robinson, absent) approving appropriation transfer of $130 from Account 60-57-209 to Account 322-57-209. (Finance to handle)

CONSENT

11. Resolution consolidating school district elections with Modesto Municipal Election to be held April 20, 1971 (Adoption of resolution needed)

ACTION: Res. 71-64 adopted consenting to consolidation of the following elections with Modesto Municipal Election: Yosemite Junior College District; Stanislaus County Bd. of Education; Empire Union; Hart Ransom Union; Paradise; Salida Union; Shiloh; Stanislaus Union and Sylvan Union. (Clerk to handle)

CONSENT

12. Resolution setting April 20, 1971 as date of special election concerning amendments to charter of the City of Modesto.
(Adoption of resolution needed)

ACTION: Res. 71-65 adopted setting April 20, 1971 as date of special election re Charter Amendments. (Clerk to handle)

CONSENT

13. Further consideration of request of Modesto Affiliated Church Housing Corporation for rezoning from R-3 to P-D, property bounded by Downey, 17th and Eye, to permit construction of an 11-story apartment housing complex.
(Memo with agenda. Motion delaying action for one week needed)

ACTION: By motion action delayed for one week.

14. Recommendation by the Mayor that a "Committee of the Future" be formed.
(This committee is to study and make recommendations concerning land use, transportation, zoning, building codes, housing, employment, industry, pollution and our social environment)

ACTION: By motion (Davies/Smith, maj. - Dixon, no) formation of committee approved with 20 members to be selected by present Council and 10 members to be selected after the April 20 election. (C/Mgr to handle)

CONSENT

15. Consider request for sewer service to properties outside the City located between Ericksen & Lombardo south of the Tuolumne River.
(Property owners: Jesse Iberra, Frank Garcia, Eddie DeLeon, Jack Limon. The four property owners have signed agreements to annex to the City when requested to do so. They must extend a sewer line to serve their property. Resolutions approving agreements needed)

ACTION: Res. 71-66 adopted approving agreement with Jesse Iberra.
Res. 71-67 adopted approving agreement with Frank Garcia.
Res. 71-68 adopted approving agreement with Eddie DeLeon.
Res. 71-69 adopted approving agreement with Jack Limon.
(P/W to handle)

CONSENT

16. A resolution determining that the public interest and convenience require that Riverside No. 4 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 Riverside No. 4 Addition to the Modesto Municipal Sewer District No. 1. Suggested hearing date March 22, 1971 at 7:35 P.M. Resolution setting hearing (2/3 affirmative vote needed)

ACTION: Res. 71-70 adopted setting hearing. (Clerk to handle)

CONSENT

17. Consider agreement granting easement deed to City of Modesto for public water pipe line, Land Acquisition Project No. 70-25, and acceptance of easement deed from Elmo H. Wade and Mabel E. Wade (Block 3206 - Crows Landing Road across from Shackelford School)
(All of the normal terms and conditions apply as in other acquisitions of this type. In addition, the City agrees to pay all title and escrow fees, if any, and at no expense to grantors, restore the existing driveway in a workmanlike manner and, within the approximate 200 easterly feet of said driveway that is now paved, patch the trench and place a one inch overlay over the full 20 feet of the easement area. Payment of $100 for damages is to be paid by City within 30 days after acceptance of agreement by the City of Modest. Resolution authorizing City Manager to sign agreement and accepting deed of easement needed. Funds budgeted in Account 6828-50-101, Strengthen System in Various Locations (Water)

ACTION: Res. 71-71 adopted approving agreement and accepting deed of easement. (Clerk to handle)

REPORTS

CONSENT

18. Report on storm drainage.
(The County Board of Supervisors has adopted a policy in regard to storm drainage which essentially sets forth that in all new subdivisions storm drainage will very probably be hendled by drainage basins in lieu of dry wells. It is recommended the City adopt the use of drainage basins to handle storm drainage as a positive step toward solving a very frustrating problem for those property owners at the low point who, along with the Public Works maintenance staff, have to live with the problem year 'round. Memo with agenda. Resolution adopting use of drainage basins to handle storm drainage needed)

ACTION: Res. 71-72 adopted approving use of drainage basins. (P/W to handle)

19. Report on refund of city fees and licenses charged the Modesto Centennial Committee.
(Memo with agenda. Resolution appropriating funds for payment to the Modesto Centennial Committee needed)

ACTION: Res. 71-73 adopted (Smith/Simon, unan. - Robinson, absent) approving appropriation transfer of $416 from Account 60-101 to Account 470-61-101. (Finance to handle)

APPROPRIATION TRANSFERS

CONSENT

20. Additional $2,500 appropriation as our matching share for the Aeronautics Fund allocation.
(Memo with agenda. Resolution amending budget needed)

ACTION: Res. 71-74 adopted amending 1970-71 budget to adjust inter-fund transfers resulting from additional gas tax refunds and matching requirements. (Finance to handle)

CONSENT

21. Request for appropriation transfer.
(This transfer will be necessary for payment of fees at the new dump. At the time the budget was prepared, we did not allow for this. Resolution approving appropriation transfer needed. Estimated cost $1,440; funds budgeted in Account 60-101, General Fund, General Reserve)

ACTION: Res. 71-75 adopted approving appropriation transfer of $1,440 from Account 60-101 to Account 235-35-101 ($600); 235-36-101 ($640); 235-37-101 ($100) and 235-38-101 ($100). (Finance to handle)

MISCELLANEOUS

22. Appointments.

None

Adjournment at 7:10 P.M. to executive session to discuss litigation. It was announced that the Council would not reconvene in open meeting.

Adjournment at 8:00 P.M.

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

MODESTO CITY COUNCIL

Minutes of Regular Meeting, February 8, 1971 at 7:30 P.M.

Present: Mitchell, Simon, Smith
Absent: Dixon, Newton, Robinson, Mayor Davies

Vice Mayor Mitchell presided in the absence of Mayor Davies.

Due to the lack of a quorum, the meeting was adjourned to February 10, 1971 at 4:00 P.M. in the Council Chambers, City Hall, 801 - 11th Street, Modesto, California.

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

MINUTES AND ACTION AGENDA

CITY OF MODESTO
AGENDA FOR ADJOURNED COUNCIL MEETING OF WEDNESDAY, FEBRUARY 10, 1971 AT 4:00 P.M.

Roll call Present: Dixon, Mitchell, Simon, Smith
Absent: Newton, Robinson, Mayor Davies
Vice Mayor Mitchell presided.

Pledge of allegiance to the Flag
Invocation: A moment of silent prayer was observed.

CONSENT ITEMS: ROLL CALL VOTE REQUIRED: Items 1, 2, ~~3~~, 4, 5, 6, 9, 11, 12, 13, 14, 15, 17, 18, 21, 22, 23, 24
Item 3 removed from consent.
Simon/Dixon, unan. - Newton, Robinson and Mayor Davies, absent
(Information concerning the consent items listed above has been forwarded to each councilman prior to this meeting for his study. Unless some councilman or member of the audience has a question concerning a particular item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation for the individual items)

APPROVAL OF MINUTES

CONSENT
1. Minutes of February 1, 1971.

ACTION: By motion minutes approved.

PETITIONS, REMONSTRANCES, AND CORRESPONDENCE

CONSENT
2. Announcement by League of California Cities of Institute on Employer-Employee Relations, March 17 - 19, at Jack Tar Hotel, San Francisco.
(Motion ordering filed needed)

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

~~CONSENT~~
3. Request of Mayor of Tracy for resolution endorsing "The Presidents' Guidance Letter."
(Resolution needed)

ACTION: By Order of the Chair referred to Public Relations Committee. (C/Mgr to handle)

BIDS

CONSENT
4. Consider acceptance of Valley Construction Company's contract for installation of water lines in Riverside North No. 3 Subdivision. (Original contract, $1,710.54. All work in conjunction with 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 needed. Final cost $1,744.08. Funds budgeted in Account 6804-50-101, Water Line Extension)

ACTION: Res. 71-76 adopted accepting contract. (Clerk to handle)

CONSENT

5. Approve plans and specifications and call for bids for drilling, casing, testing and development of Well No. 38 located at the Procter & Gamble plant site. at 10:10 A.M.
(Bid opening: February 23, 1971. The agreement between the City and Procter & Gamble calls for a well site to be provided by Procter & Gamble and a pumping plant to be constructed by the City. It is proposed to budget the balance of the pumping plant construction in 1971-72. Resolution approving appropriation transfer and resolution calling for bids needed)

ACTION: Res. 71-77 adopted approving appropriation transfer of $6,500 from Account 60-101 to Account 6806-50-101. (Finance to handle)

Res. 71-78 adopted approving plans and specifications and bid call. (Clerk to handle)

CONSENT

6. Consider approval of plans and specifications for installation of water lines in Whitmore, Crows Landing and Tidewater Southern easement. (The line in Whitmore Avenue is for water service to Procter & Gamble and the other two lines are strengthening projects. Suggested bid opening date: February 23, 1971 at 10:00 A.M. Resolution approving plans, specifications and call for bids needed. Estimated cost $51,199.79 (labor $23,749.79; Materials, $27,450. Funds budgeted in Account 6828-50-101, Water Line Extensions, Strengthen System)

ACTION: Res. 71-79 adopted approving plans and specifications and bid call. (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)

ACTION: The City Attorney announced that Frank Damrell, Assistant City Attorney, had submitted his resignation effective February 28, 1971.

Res. 71-80 adopted (Dixon/Smith, unan. - Newton, Robinson and Mayor Davies, absent) accepting resignation with expression of appreciation for Mr. Damrell's efforts on behalf of the City. (Clerk to handle)

Res. 71-81 adopted (Dixon/Smith, unan. - Newton, Robinson and Mayor Davies, absent) amending Position Classification Plan to create position of Assistant City Attorney. (Personnel to handle)

Res. 71-82 adopted (Dixon/Smith, unan. - Newton, Robinson and Mayor Davies, absent) amending Res. 70-622 as amended by Res. 71-53 to add position of Assistant City Attorney at Range 34. (Personnel to handle)

OLD BUSINESS

8. Further consideration of request of Modesto Affiliated Church Housing Corporation for rezoning from R-3 to P-D, property bounded by Downey, 17th and Eye Streets, to permit construction of an 11-story apartment housing complex.

ACTION: It was reported that the staff was still working on the plan for parking. The Chair directed that this matter be placed on the agenda for February 16, 1971. (Clerk to handle)

CONSENT

9. Recommended procedure for polling residents of Tokay Avenue area relative to Storm Drainage Improvement District. (Motion approving procedure needed)

ACTION: By motion procedure recommended by staff approved. (C/Atty to handle)

10. Police attendance at CAC Board Meetings. (Request that action be withheld which would require police personnel to attend CAC Board meetings on a regular basis. Motion approving request needed)

ACTION: By motion (Smith/Dixon, unan.) Police Department authorized to arrange meeting to assist C.A.C. Board in developing procedures to assure peaceful conduct of meetings with the understanding that police personnel will attend local meetings for period of time necessary to insure conduct of meetings without unlawful disruptions. (Police to handle)

10A. Further consideration of Ireland H-1 use permit.

ACTION: Res. 71-83 adopted (Smith/Dixon, unan. - Newton, Robinson and Mayor Davies, absent) granting H-1 Use Permit. (Planning to handle)

NEW BUSINESS

CONSENT

11. Request of City Manager for permission to attend the annual spring meeting of the City Managers' Department of the League of California Cities, San Jose, February 24-26, 1971. (Motion approving request needed. Estimated cost $150. Funds budgeted in Account 207-8-101, Conference Expense)

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

CONSENT

12. Consider acceptance of grant deeds and authorizing City Manager to execute agreements for the acquisition of 5 parcels of property for widening of Needham Avenue. (The parcels being acquired are presently owned by Jessie S. Baker; Arthur J. Dugdale; Ida A. Lundquist; Barbara T. Abernethy; Albert D. Hagopian. Adoption of five resolutions approving acceptance of grant deeds and authorizing City Manager to execute agreements needed)

ACTION: Res. 71-84 adopted accepting grant deed and approving agreement. (Jessie S. Baker)
Res. 71-85 adopted accepting grant deed and approving agreement. (Arthur J. Dugdale)
Res. 71-86 adopted accepting grant deed and approving agreement. (Ida A. Lundquist)

(Continued on Page 4)

12. (continued from page 3)
ACTION: Res. 71-87 adopted accepting grant deed and approving agreement. (Barbara T. Abernethy)
Res. 71-88 adopted accepting grant deed and approving agreement. (Albert D. Hagopian) (Clerk to handle)

CONSENT

13. Consider adoption of fees for prints made by Itek machine and microfilm slides made with the 3-M camera.
(Since it is sometimes necessary to provide contractors, developers, engineers and others with prints, it is proposed that appropriate fees be established. Fees are set forth in memo with agenda. Resolution adopting fees needed)

ACTION: Res. 71-89 adopted approving fees for microfilm slides or prints made by P/W Department.

Microfilm slides	$ .50	--	Duplicates	$ .25
Prints (18" x 12")	$1.00	--	Duplicates	$ .50
Prints (18" x 24")	$1.50	--	Duplicates	$ .75

(P/W to handle)

CONSENT

14. Notification of Congressional-City Conference, March 21-23, 1971 in Washington, D.C. and request for permission for Councilman Ray Simon and Vice Mayor Mitchell to attend the conference.
(Motion approving request needed. Estimated cost $600 each. Funds budgeted in Account 110-7-101, Conference Expense)

ACTION: By motion attendance of Councilman Simon and Vice Mayor Mitchell approved. (C/Mgr to handle)

CONSENT

15. Resolution of intention to call special election for annexation of Collier-Trombetta Addition to the City of Modesto.
(A petition containing 47 valid signatures and requesting that the Collier-Trombetta Addition be annexed to the City of Modesto has been filed with the City Clerk. This represents 50% of the registered voters. Resolution setting March 22, 1971 at 7:40 P.M. for hearing protests needed)

ACTION: Res. 71-90 adopted setting date for protest hearing. (Clerk to handle)

16. Consider federal program on code enforcement in the City of Modesto.
(Report with agenda. Motion authorizing staff to prepare a workable program for approval by federal government needed; motion authorizing staff to prepare an application to the federal government for funds needed. Estimated cost $200,00 - to be budgeted later)

ACTION: Action withheld to February 16 to permit consideration by more members of the Council.

CONSENT

17. Letter from Modesto Senior Citizens, Inc.
(Letter from Modesto Senior Citizens, Inc., giving the City two public address system speakers to be installed in the Senior Citizens Center for use by all groups using the center. Motion accepting needed)

ACTION: By motion speakers accepted. (P & R to handle)

CONSENT

18. Proposed agreement - Mancini caretaker.
(Memo with agenda. Resolution approving agreement needed)

ACTION: Res. 71-91 adopted approving agreement with Ernest Adocx.
(P & R to handle)

19. Consider appeal from Superior Court decision declaring unconstitutional Section 1203 of the City Charter relating to political activities of city employees. Motion directing staff needed.

ACTION: Held until February 16 meeting.

REPORTS

CONSENT

21. Report on City of Modesto official and staff appointments to League of California Cities Committees.
(Memo with agenda. Motion approving appointments needed)

ACTION: By motion appointments approved.

CONSENT

22. Presentation of financial statement for January 1971.
(Copies of report will be presented at meeting. Motion accepting report needed)

ACTION: By motion report accepted.

REPORTS FROM THE PLANNING COMMISSION

CONSENT

23. Uninhabited annexation to the City of Modesto - East Orangeburg No. 4 Addition.
(The LAFC Commission has authorized this annexation without notice or public hearing - January 20, 1971. A resolution annexing needed)

ACTION: Res. 71-92 adopted setting April 5, 1971 at 4:05 P.M. as time for hearing. (Clerk to handle)

APPROPRIATION TRANSFERS

CONSENT

24. Consider appropriation transfers to provide additional funds for Needham-McHenry to Hackberry project, Sunrise-Bodem connection and miscellaneous Right of Way acquisition.
(Memo with agenda. Resolution approving transfers needed)

ACTION: Res. 71-93 adopted approing appropriation transfer of $110,000 from Account 6648-207 to Account 6663-207.
Res. 71-94 adopted approving appropriation transfer of $54,000 from Account 6750-207 and $21,000 from Account 6745-207 to Account 6647-207.
Res. 71-95 adopted approving appropriation transfer of $4,000 from Account 6714-207 and $5,000 from Account 6648-207 to Account 6680-207. (Finance to handle)

MISCELLANEOUS

25. Appointments

None.

Adjournment at 5:10 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 16, 1971 AT 4:00 P.M.

Roll call Present: Dixon, Mitchell, Newton, Simon, Smith, Mayor Davies

Absent: Robinson

Pledge of allegiance to the Flag
Invocation: Reverend Richard Washington, First Church of the Nazarene

CONSENT ITEMS - roll call vote required: Items 2, 3, 4, 5, 6, 7, 13, 17, 18, 19, 20, 21, 22, 23, 25
Remove item 5 from consent
Smith/Simon, unan. - Robinson, absent

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

PETITIONS, REMONSTRANCES AND CORRESPONDENCE

1. Request of City of San Mateo for adoption of resolution urging legislation to create a different assessment ratio for single family dwellings.

ACTION: By motion (Smith/Mitchell, unan.) referred to staff for study. (C/Clerk to handle)

Councilman Newton requested that staff also study the rapid increase in property taxes on rental properties.

CONSENT

2. Request of D.I.D. for change in agreement between City of Modesto and Floyd Thomas Berglund to provide for: (1) Change of wage scale from $900 to $1,000 per month; (2) Wage increase retroactive to February 1, 1971. Contract for a two-year period running from February 1, 1971 to February 1, 1973; (3) Include in contract that Mr. Berglund shall receive automatically on the same level as city staff personnel the annual negotiated percentage of wage increase. (Resolution approving amendment needed)

ACTION: Res. 71-96 adopted approving amendment to agreement. (Clerk to handle)

CONSENT

3. Request of Modesto Camellia Society that City of Modesto contribute a trophy for annual Camellia Show.
(Motion granting request needed).

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

CONSENT

4. Notification of 1971 Annual Conference of Mayors to be held in Philadelphia June 12 - 16.
(Motion ordering filed needed)

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

BIDS

CONSENT

5. Consider approval of plans and specifications for construction of modernizati on of electrical controls at Pump Stations 11, 12, 13 and 14.
(Suggested bid opening March 9, 1971 at 10:00 A.M. The budget includes funds to replace electrical equipment which is considered unsafe and which does not meet electrical standards. Resolution approving plans and specifications and bid call needed. Estimated cost $12,500 (Contract $11,500, Engr. $1,000). Funds budgeted in Account 6844-50 and 6846-50, Modernization Electrical Controls - P.S. 11/12 - P.S. 13/14)

ACTION: Res. 71-97 adopted (Simon/Newton, unan. - Robinson, absent) approving plans and specifications and bid call. (Clerk to handle)

CONSENT

6. Approve plans and specifications and call for bids for the installation of street lights on Neece Drive from Rouse Avenue to Fairway Drive.
(Bid opening March 2, 1971 at 10:10 A.M. Resolution approving needed. Estimated cost $10,828 (Con. $9,844; Engr. $984). Funds budgeted in Account 6622-41-321, Street Lights Unlighted Area Stage I & II)

ACTION: Res. 71-98 adopted approving plans and specifications and bid call. (Clerk to handle)

CONSENT

7. Consider approval of plans and specifications and call for bids for construction of 16th Street sewer.
(Suggested bid opening March 2, 1971 at 10:00 A.M. This sewer construction is needed to relieve the overloaded "H" Street sewer by placing part of the flow into the "J" Street sewer. Resolutio n approving plans, specifications and bid call needed. Estimated cost $10,000 (Contract $9,445; Engr. $555). Funds budgeted in Account No. 6572-212, 16th St. Relief Sewer)

ACTION: Res. 71-99 adopted approving plans and specifications and bid call. (Clerk to handle)

HEARINGS

8. Hearing on abandonment of 10-foot public utility easement at northeas corner of Coffee Road and Celeste Drive. 4:05 P.M.

ACTION: Res. 1165-S.P. adopted (Simon/Smith, unan. - Robinson, absent) approving abandonment of 10-foot public utility easement at northeast corner of Coffee Road and Celeste Dr. (Clerk to handle)

9. Hearing on request to prezone to R-2 property located on the west side of Tully between Hetch Hetchy aqueduct and M.I.D. Lateral No. 6. (DeVe) 4:10 P.M.

ACTION: Ord. 1079-C.S. introduced (Simon/Smith, unan. - Robinson, absent) amending Sec. 7-3-9 of zoning map. (Clerk to handle)

10. Hearing on request for amendment to P-D (45) to clarify and define uses permitted at Modesto Swim & Racquet Club. 4:15 P.M.

ACTION: Ord. 1080-C.S. introduced (Smith/Simon, unan. - Robinson, absent) amending Ord. 916-C.S. (Clerk to handle)

11. Hearing on request to rezone from R-1 to R-2 property located on north side of Rumble and west side of Carver (Brannon). 4:20 P.M.

ACTION: A motion (Mitchell/Simon) to introduce an Ordinance to amend Secs. 7-3-9 and 18-3-9 of zoning map was tabled for one week by motion (Dixon/Simon, unan.) to permit staff to prepare answers to questions on drainage, parking and traffic. (P/W and P & T to handle)

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

ACTION: Res. 71-100 adopted (Simon/Mitchell, unan. - Robinson, absent) approving lease agreement with CAC for rental of rooms at Community Center. (P & R to handle)

Vice Mayor Mitchell reported that the Public Projects Committee would have a draft of the proposed garbage franchise for distribution to the Council shortly.

Mayor Davies requested the Council to consider the possibility of placing a time limit on Council meetings.

Mayor Davies reported on the excellent job being done at the wild life area at the Sewer Ponding Site.

Frank Andrews spoke.
Girl Scout Troup 452 and Cadet Troop 50, with their leaders, attended a portion of the meeting and were introduced.

ORDINANCES

CONSENT

13. Proposed city ordinance to regulate automatic calling devices. (New ordinance is needed to prohibit automatic calling devices from being programmed to dial a phone number assigned to the City of Modesto. Automatic calling devices are being sold for use as burglar alarms and programmed to call police phone number. Memo attached with explanation of problems and need for ordinance. Motion introducing ordinance needed)

ACTION: By motion Ord. No. 1081-C.S. introduced. (Clerk to handle)

OLD BUSINESS

14. Further consideration of request of Modesto Affiliated Church Housing Corp. for rezoning from R-3 to P-D, property bounded by Downey, 17th and Eye Streets.

ACTION: Ord. No. 1082-C.S. introduced (Dixon/Newton, unan. - Robinson, absent) amending Sec. 28-3-9 of zoning map. (Clerk to handle) Res. 71-101 adopted (Dixon/Newton, unan. - Robinson, absent) approving development plan. (Planning to handle)

15. Further consideration of federal program on code enforcement in Modesto.
(Report with agenda. Motion authorizing staff to prepare workable program for approval by federal government. Motion authorizing the staff to prepare an application to the federal government for funds. Estimated cost $200,000 (to be budgeted later)

ACTION: By motion (Dixon/Smith, unan.) staff authorized to prepare workable program and application for federal funds. (Planning and P/W to handle)

16. Consider appeal from Superior Court division declaring unconstitutional Section 1203 of city charter relating to political activities.

ACTION: By motion (Smith/Mitchell, maj. - Dixon, no) staff directed to file appeal. (C/Atty to handle)

NEW BUSINESS

CONSENT

17. Renewal of lease agreement between City of Modesto and the Estate of Gertrude M. Ruddy for one year - Woodrow Park Site.
(Mr. Joseph William Ruddy, executor of the estate of Gertrude M. Ruddy, has indicated that he wants to exercise his option to renew his lease of the Woodrow Park site, located at Rumble and Sherwood, for an additional year. The lease agreement includes corners of three different crop fields (two varieties of grapes and one open field) for a rental fee of $100 per year. Copy of Mr. Ruddy's letter with agenda. Resolution renewing lease agreement needed)

ACTION: Res. 71-102 adopted renewing lease agreement. (Finance to handle)

CONSENT

18. Right of way for Bodem-Sunrise connection (Mr. and Mrs. Vernon N. LoForti)
(Memo with agenda. Resolution accepting grant deed and authorizing City Manager to execute right of way agreement needed. Estimated cost $24,300)

ACTION: Res. 71-103 adopted accepting grant deed and approving agreement. (Clerk to handle)

CONSENT

19. Right of way agreements - Needham Street (Mary A. Johnson, Gordon F. Young)
(Memo with agenda. Two resolutions accepting grant deeds and authorizing the City Manager to execute the right of way agreement. Estimated cost $6,400)

ACTION: Res. 71-104 adopted accepting grant deed and approving agreement with Mary A. Johnson.
Res. 71-105 adopted accepting grant deed and approving agreement with Gordon F. Young. (Clerk to handle)

CONSENT

20. Consider request for sewer service to property outside the City at 1109 Garden Avenue.
(Property owner - Leroy Evans. The property owners have signed an agreement to annex when requested to do so by the City. The property is not contiguous to the City but a sewer line exists to serve it. Resolution approving agreement needed)

ACTION: Res. 71-106 adopted approving agreement. (P/W to handle)

CONSENT

21. (a) Agreement with Cushman Motor Sales Inc.
(Agreement with Cushman Company provides that Cushman will advance money to build golf storage shed at Dryden Golf Course and provide new golf cars. Resolution authorizing agreement needed)

ACTION: Res. 71-107 adopted approving agreement with Cushman Motor Sales, Inc. (Clerk to handle)

(b) Agreement with Golf Professional, Andy Silva.
(Agreement with Andy Silva provides that Silva will operate cars, collect fees, and turn money in to City, and perform other duties assigned to City under agreement with Cushman Company. Resolution authorizing agreement needed)

ACTION: Res. 71-108 adopted approving agreement with Andy Silva. (Clerk to handle)

CONSENT

22. 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-garbage 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 needed. Estimated cost $500. Funds budgeted in Account 427-65-101, Annual Report, p. 62 of final budget)

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

CONSENT

23. Agreement with State of California for land and water conservation funds.
(Agreement provides for $52,224 Land and Water Conservation Funds grant to City of Modesto to purchase land for Tuolumne River Regional Park. Resolution authorizing agreement needed)

ACTION: Res. 71-109 adopted approving agreement. (P & R to handle)

REPORTS

24. Report by Council Crime Study Committee regarding Narcept and Community Crime Study.
(Copies of report with agenda. Motion accepting report needed)

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

APPROPRIATION TRANSFERS

CONSENT

25. Appropriation transfer of $1,000 to Maintenance Repair Equipment and $450 to Maintenance Repair Buildings and Grounds.
(Meter vandalism and unexpected repairs have depleted these two accounts. Two resolutions approving transfers from Parking Fund needed)

ACTION: Res. 71-110 adopted approving appropriation transfer of $450 from Account 60-57-209 to Account 224-57-209.
Res. 71-111 adopted approving appropriation transfer of $1,000 from Account 60-57-209 to Account 223-57-209. (Finance to handle)

MISCELLANEOUS

26. Appointments.

ACTION: Res. 71-112 adopted (Newton/Mitchell, unan. - Robinson, absent) appointing Algin C. Hurst as a member of the Personnel Commission to replace John Tatoyan for a term ending January 1, 1975. (Clerk to handle)

Adjournment at 7:05 P.M.

ATTEST: W. T. Chynoweth

W. T. CHYNOWETH, City Clerk

CITY OF MODESTO
AGENDA FOR COUNCIL MEETING OF MONDAY, FEBRUARY 22, 1971 AT 7:30 P.M.

Roll Call Present: Dixon, Mitchell, Newton, Simon, Smith, Mayor Davies
Councilman Newton arrived at 7:40 P.M.
Absent: Robinson

Pledge of allegiance to the Flag
Invocation: Reverend A. P. Gregory, North Modesto Church of God

CONSENT ITEMS - roll call vote required: Items 1, 2, 3, 8, 9, XX, 14, 15, 16, 17, 18, 19, XX, 21, 26, 27, 28, 29
Item 13 removed from consent.
Item 20 dropped from agenda.
Simon/Smith, unan. - Newton & Robinson, absent

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

APPROVAL OF MINUTES

CONSENT
1. Minutes of February 8, 10 and 16, 1971.

ACTION: By motion minutes approved.

PETITIONS, REMONSTRANCES AND CORRESPONDENCE

CONSENT
2. Request of Empire Sanitary District for permission to annex territory to District.
(Resolution approving annexation needed)

ACTION: Res. 71-113 adopted approving annexation. (Clerk to handle)

CONSENT
3. Request of Downtown Modesto Association for free parking in downtown area on all legal and bank holidays.
(Motion referring to staff needed).

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

4. Report by Health Planning Council on linear accelerator.

ACTION: By motion (Simon/Smith, unan.) report accepted and approved as to the following:
(1) Memorial Hospital has not shown significant progress toward completion of the linear accelerator.
(2) Memorial Hospital should be given until April 1, 1971 to begin construction of the unit.
(3) The resubmission of Doctors' Hospital for the construction of the unit be tabled until April 1, 1971 and the decision relative to Doctors' Hospital be determined by the progress of Memorial Hospital.

BIDS

5. Consider award of bid for the furnishing and installation of furniture and shelving at the Modesto-Stanislaus Library.
(Bids were opened on February 16 at 10:00 A.M. The low bid submitted by Healey & Popovich, which is 12% under the architect's estimate for the furniture and 20% over the architect's estimate for the shelving, is considered acceptable. It is recommended the bid be awarded to them. Resolution awarding bid needed. Estimated cost $229,920.97 ($147,925.07 and $81,995.90). Funds budgeted in Account 6063-301 (New Library Building)

ACTION: By motion (Smith/Simon, unan.) vote on resolution (Mitchell/Smith) to award contract to Healey & Popovich delayed for one week to permit further report on questions raised as to manner in which bids were handled, alleged ambiguities in specifications and quality of Bellview equipment. (C/Mgr to handle)

6. Consider award of bid for furnishing and installation of carpet at the Modesto-Stanislaus Library.
(Bids were opened February 16 at 10:15 A.M. The one bid received was submitted by House of Carpets, which is 27% under the architect's estimate, is considered acceptable. It is recommended the bid be awarded to them. Resolution awarding bid needed. Estimated cost $39,846; funds budgeted in Account 6063-301, New Library Building)

ACTION: Res. 71-114 adopted (Mitchell/Smith, unan. - Robinson, absent) awarding contract to House of Carpets. (P/W to handle)

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

ACTION: Girl Scout Troop 592 with Mrs. Larry Nelson, leader, was introduced. They requested permission to paint flowers and designs on litter containers in City parks. The request was granted subject to the condition that this can be worked out by staff. (P & R to handle). The girls were promised that a missing garbage can would be replaced in Marshall Park.
It was decided that a neighborhood meeting of the Council would be held beginning at 7:30 P.M. on March 1, 1971 at Downey High School and staff was directed to make the necessary arrangements. (C/Mgr & Clerk to handle)
Res. 71-115 adopted (Newton/Dixon, unan. - Robinson, absent) supporting Stanislaus County Legal Assistance, Inc. and urging O.E.O. to refund program. (C/Atty to handle)
Councilman Newton reported that there is a need in this area for group homes for juveniles who should not be in their own homes or in institutions.

ORDINANCES

CONSENT

8. Final adoption of Ord. No. 1080-C.S. (amendment to P-D (45), Modesto Swim and Racquet Club) and Ord. No. 1081-C.S. (automatic calling devices).
(Motion adopting needed)

ACTION: By motion Ords. No. 1080-C.S. and No. 1081-C.S. adopted. (Clerk to handle)

OLD BUSINESS

CONSENT

9. Consider amendments relating to bicycle licensing and free parking.

(a) Ordinance amending Sections 3-3.01, 3-3.02, 3-3.03, 3-3.04 and 3-3.06 of Chapter 3 of Title III of the Modesto Municipal Code relating to bicycles;
(Motion introducing ordinance needed)

ACTION: By motion Ord. No. 1083-C.S. introduced. (Clerk to handle)

(b) Resolution establishing municipal off-street parking lots in the City of Modesto providing for control thereon, and rescinding Resolution No. 70-1228.
(Resolution needed. Memo with agenda)

ACTION: Res. 71-116 adopted rescinding resolution No. 70-1228 to provide for free bicycle parking on attendant parking lots. (P & T to handle)

10. Report on drainage conditions at Carver and Delphine.
(A report requested by Council with agenda. The Council might want to refer the matter, or matters, to the Planning Commission. If so, motion required.

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

11. Report on parking and traffic on Carver at Rumble.
(Report requested by Council with agenda. The Council might want to refer the matter, or matters, to the Planning Commission. If so, motion required.

ACTION: By motion (Dixon/Newton, unan.) possible change in parking requirements for duplexes and single family dwellings referred to P/C for study and recommendation. (Planning to handle)

12. Vote on motion (Mitchell/Simon) to introduce an ordinance to amend Sections 7-3-9 and 18-3-9 of zoning map to rezone from R-1 to R-2, property located on the north side of Rumble and west side of Carver (Brannan).

ACTION: Ord. No. 1084-C.S. introduced by unanimous vote (Robinson, absent) (Clerk to handle)

~~CONSENT~~

13. Consider letter agreement for airport emergency crane service. (The purpose of the letter agreement is to establish procedures whereby Musgrave, Inc. will respond to an emergency at the Modesto City-County Airport to provide crane service for aircraft removal. It establishes the responsibility for Musgrave to respond as soon as possible to any emergency and sets forth the rates for which those services will be rendered. This letter agreement is an integral part of our Airport Emergency Plan which sets forth specifically the conditions under which the Emergency Control Officer (Airport Manager) would request crane service at the Airport. Any expenditures made under this letter agreement are recoverable from the aircraft owners. It is recommended that the Council authorize the City Manager to sign letter agreement on behalf of the City. Resolution needed)

ACTION: Res. 71-117 adopted (Dixon/Mitchell, unan. - Robinson, absent) approving letter agreement with Musgrave, Inc. (P/W to handle)

CONSENT

14. A resolution determining that the public interest and convenience require that Celeste No. 3 Addition be annexed to the Modesto Sewer District No. 1 and naming a time and place for hearing. (Celeste No. 3 Addition has been annexed to the City and it is now necessary to commence proceedings to annex the area to the Modesto Municipal Sewer District. Suggested hearing date April 12, 1971 at 7:35 P.M. Resolution setting hearing needed (2/3 affirmative vote)

ACTION: Res. 71-118 adopted setting hearing. (Clerk to handle)

CONSENT

15. Consider approval of lease agreement between the City and George Reed for the west half of Hangar No. 1, City-County Airport) (We have a letter from Hawke Flying Service dated December 30, 1970 notifying the City that they do not wish to renew their lease for the west half of Hangar No. 1 when it comes time for renewal March 1, 1971. Arrangements have been made to lease this area to George Reed dba Silvair Flying Service. Resolution approving agreement needed)

ACTION: Res. 71-119 adopted approving lease agreement with George Reed, dba Silvair Flying Service. (P/W to handle)

CONSENT

16. Consider request for sewer service to property outside the City at 233 El Vista Avenue. (Property owner, Frank Whitcomb. The property owners have signed an agreement to annex when requested to do so. The property is contiguous to the City and a sewer line exists to serve it. Resolution approving agreement needed)

ACTION: Res. 71-120 adopted approving agreement with Frank Whitcomb. (P/W to handle)

CONSENT

17. Resolution providing for notice of filing of assessment, Improvement District No. 15.
(Hearing on assessment will be on March 22, 1971 at 7:45 P.M.)

ACTION: Res. 1166-S.P. adopted. (Clerk to handle)

CONSENT

18. A resolution approving final map of Greenbrier No. 4 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. Greenbrier No. 4 Subdivision is located east of Rose Avenue south of M.I.D. Lateral No. 3. It contains 5.30 acres. Resolution approving final map and agreement needed)

ACTION: Res. 71-121 adopted approving final map. (Clerk to handle)

CONSENT

19. Lease of Robertson Road Park Site.
(Mr. Thomas Fontana, Jr. has offered the City 15% of the gross proceeds for 7.5 acres of almonds located on our Robertson Road park site. Since the trees are quite old, this offer is very acceptable. Resolution approving agreement for one-year period needed)

ACTION: Res. 71-122 adopted approving agreement. (Finance to handle)

CONSENT

20. Accept improvements in Pleasant View Estates Subdivision and authorizing City Clerk to file notice of completion and release bond upon expiration of statutory lien period.
(Pleasant View Subdivision is located east of Rose Avenue and south of Floyd Ave. All improvements have been completed to the satisfaction of the Public Works Department and all fees paid. Resolution accepting improvements needed)

Dropped from agenda.

CONSENT

21. Consider request for sewer service to property outside the City at 2031 Lance St.
(Property owners, Glen E. and Lois A. Borton, have signed an agreement to annex when requested to do so. The property is contiguous to the City and a sewer line exists to serve it. Resolution approving agreement needed)

ACTION: Res. 71-123 adopted approving agreement with Glen E. Borton, et ux. (P/W to handle)

REPORTS

22. Report on Citizens' Cultural Center Committee's request to use McHenry Library for a museum and cultural center, with letters from Citizens' Cultural Center Committee and the Central California League, Inc., attached.
(Report with agenda. Motion approving request needed. Estimated cost $18,000 per year, to be budgeted later)

ACTION: By motion (Simon/Dixon, unan.) intention declared to use McHenry Library as a museum and cultural center with budgetary matters to be considered later. (C/Mgr to handle)

23. Report of Public Projects Committee on garbage study.
(Copies of the report will be distributed to the Council)

ACTION: Vice Mayor Mitchell presented a time table for approval of specifications and receiving and considering bids.
The staff was directed to look into the system whereby Billings, Montana collects all garbage and refuse at a low cost to householders. (P/W to handle)

24. Consider transit report and application for remaining bus grant.
(A report by the Director of Parking and Traffic has been sent with agenda. The City could receive a grant of $13,683. The timing deadline permits the Council to take another week on this matter if necessary. A transit plan must be submitted on or before March 5, 1971, however. Motion approving report and authorizing application for bus grant needed)

ACTION: By motion (Simon/Smith, unan.) report approved and application for bus grant approved. (P & T to handle)
Staff was directed to check the direction given by Council to staff relative to the request of Ceres High School golf team for free use of golf courses. (Clerk to handle)

25. Report from Farm-City Advisory Committee, to be made by John deBoer, regarding preserving agricultural land for agricultural use.
(Oral report will be made at council meeting)

ACTION: Report delayed for two weeks.

REPORTS FROM THE PLANNING COMMISSION

CONSENT

26. Recommend amendment to Section 22-3-9 of the zoning map (James E. Price)
(Resolution No. 71-19 adopted by the Planning Commission February 16, 1971 recommends an amendment to Section 22-3-9 of the zoning map as requested by James E. Price to rezone from Multiple-family Residential Zone, R-3 to Planned Development Zone, P-D, to allow a 132-unit, two-story apartment complex on property located on the north side of Brighton Avenue between Coffee Road and Granada Way. Resolution setting March 15 at 4:05 P.M. for public hearing needed)

ACTION: Res. 71-124 adopted setting hearing. (Clerk to handle)

CONSENT

27. Recommend amendment to Section 10-3-9 of the zoning map (Tom Sutter Apartments)
Planning Commission Resolution No. 71-21 adopted February 16, 1971 recommends an amendment to Section 10-3-9 of the zoning map as requested by Tom Sutter to rezone from Multiple-family Residential Zone, R-3, to Planned Development Zone, P-D, property located at the northeast corner of Coffee and Rumble Roads. Resolution setting March 15, 1971 at 4:10 P.M. for public hearing needed)

ACTION: Res. 71-125 adopted setting hearing. (Clerk to handle)

CONSENT

28. Recommend amendment to Section 9-3-9 of the zoning map (Allen Grant)
(Planning Commission Resolution No. 71-18 adopted February 16, 1971 recommends an amendment to Section 9-3-9 of the zoning map as requested by Allen Grant to rezone from One-family Zone, R-1, to Two-family Residential Zone, R-2 property located on the north side of Rumble Road east of Lancelot Lane. Resolution setting March 15, 1971 at 4:15 P.M. for public hearing needed)

ACTION: Res. 71-126 adopted setting hearing. (Clerk to handle)

CONSENT

29. Recommend amendment to Section 16-3-9 of the zoning map (Robert M. Weeks).
(Planning Commission Resolution No. 71-20 adopted February 16, 1971 recommends an amendment to Section 16-3-9 of the zoning map as requested by Robert M. Weeks, to rezone from One-family Residential Zone, R-1, to Planned Development Zone, P-D, to allow a 48-unit, 1 and 2 story apartment complex on property located on the north side of Norwegian Avenue, west of Coffee Road. Resolution setting March 15, 1971 at 4:20 P.M. for public hearing needed)

ACTION: Res. 71-127 adopted setting hearing. (Clerk to handle)

APPROPRIATION TRANSFERS

None

MISCELLANEOUS

30. Appointments.

ACTION: Res. 71-128 adopted (Simon/Mitchell, unan. - Robinson, absent) reappointing Donald J. Mayol to the Personnel Commission for a term ending January 1, 1975.
Res. 71-129 adopted (Simon/Mitchell, unan. - Robinson, absent) reappointing Clifton Rooker to the BZA for a term ending January 1, 1975.
Res. 71-130 adopted (Simon/Mitchell, unan. - Robinson, absent) reappointing John Hochstatter to the Board of Heating & Cooling Examiners for a term ending January 1, 1975.
Res. 71-131 adopted (Simon/Mitchell, unan. - Robinson, absent) reappointing Mrs. Jean Dunlap to the Library & Culture Commission for a term ending January 1, 1975.
Res. 71-132 adopted (Simon/Mitchell, unan. - Robinson, absent) appointing Michael C. Van Andel as a member of the Farm-City Advisory Committee for a term ending January 1, 1975. (Clerk to handle)

Adjournment at 10:55 P.M.

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

MODESTO CITY COUNCIL
AGENDA FOR COUNCIL MEETING OF MONDAY, MARCH 1, 1971 AT 4:00 P.M.

Roll Call Present: Dixon, Mitchell, Newton, Simon, Smith, Mayor Davies
Councilman Mitchell arrived at 4:35 P.M.
Absent: Robinson

Pledge of allegiance to the Flag.
Invocation: Reverend Mark Randy , Church of Jesus Christ

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 13, 14, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32
Items 3, 21 and 25 removed from consent. Smith/Newton, unan. - Mitchell and Robinson, absent

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

APPROVAL OF MINUTES

CONSENT
1. Minutes of February 22, 1971.

ACTION: By motion minutes approved.

PETITIONS, REMONSTRANCES AND CORRESPONDENCE

CONSENT
2. Request of Golden Valley Kennel Club for permission to hold a dog show in Enslen Park on Sunday, May 23, between 8:00 A.M. and 7:00 P.M.
(Motion referring to staff needed)

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

BIDS

CONSENT
3. Award contract for demolition of building and construction of parking lot on 10th between J and K Streets.
(B. G. Engineering Contractors, Inc. is the low bidder at $11,500 for the complete job. Low bid was $1,500 higher than amount budgeted. An appropriation transver of $2,500 will be needed to cover the excess in bid, plus engineering, inspection, buttons, and landscaping. Resolution awarding contract and resolution transferring funds needed. Funds budgeted in Account 6150-57-209, Parking Lot #32)

ACTION: Res. 71-133 adopted (Dixon/Simon, unan. - Mitchell and Robinson, absent) awarding contract to B. G. Engineering Contractors, Inc. (P/W to handle)

Res. 71-134 adopted (Dixon/Simon, unan. - Mitchell and Robinson, absent) approving appropriation transfer of $2,500 from Account 60-57-209 to Account 6150-57-209) (Finance to handle)

CONSENT

4. Consider approval of plans and specifications and call for bids for installation of water lines in Greenbrier No. 4 and Rose Terrace No. 3 subdivisions.
(Construction cost, $12,000; connection charges, $10,175; net revenue $1,376. Bid opening March 16, 1971 at 10:10 A.M.)

ACTION: Res. 71-135 adopted approving plans and specifications and bid call. (Clerk to handle)

CONSENT

5. Consider approval of plans and specs and call for bids for installation of water line to City Hospital and Scenic Hospital.
(Suggested bid opening March 16, 1971 at 10:15 A.M. The extensions of these water lines is necessary for installation of fire hydrants required by the fire department and as provided for in the current budget under special funds for capital outlays. Resolution approving plans and specs and call for bids needed. Estimated cost $13,800 (Mat'l, $5,800; Labor $7,800). Funds budgeted in Account 6125-321, Fire Hydrant Installation)

ACTION: Res. 71-136 adopted approving plans and specifications and bid call. (Clerk to handle)

CONSENT

6. Accept as complete the construction of traffic signals and street lighting at Orangeburg and Sunrise - $10,760.
(Work satisfactorily completed. Resolution accepting the construction as complete and authorizing City Clerk to file notice of completion needed. Funds budgeted in Account 6163-56-321, Construction of traffic signals and street lighting - Orangeburg and Sunrise)

ACTION: Res. 71-137 adopted accepting contract. (Clerk to handle)

CONSENT

7. Approve plans and specifications and call for bids for replacement of curb and gutter on Coronado Way and Balboa Way from Enslen Ave. to Sherwood Ave.
(Bid opening March 16, 1971 at 10:00 A.M. Resolution approving plans and specifications and call for bids needed. Estimated cost $10,702 (Contract $9,306; Engr. $1,396). Funds budgeted in Account 321-51-101, Constr. Materials)

ACTION: Res. 71-138 adopted approving plans and specifications and bid call. (Clerk to handle)

CONSENT

8. Consider award of bid for installation of water lines in Whitmore Avenue, Crows Landing Road, and Tidewater Railroad easement. (Bids were opened February 23, 1971 and the low bid of Valley Construction Co. which is 26% below the Engineer's Estimate is acceptable. It is recommended by the Public Works Department that the bid be awarded to them. Resolution awarding bid needed. Contract cost, 6804-50-101, $5,100; 6828-50-101, $12,551.35, Strengthen System in Various Locations)

ACTION: Res. 71-139 adopted awarding contract to Valley Construction Company. (P/W to handle).

CONSENT

9. Consider award of bid for the drilling, casing, testing and development of Well No. 38 located at the Procter & Gamble plant site. (Bids were opened February 23, 1971 at 10:10 A.M. The one bid received was submitted by Osterberg & Stewart and is considered acceptable. It is recommended by the Public Works Department that the bid be awarded to them. Resolution awarding bid needed. Estimated cost $6,500 (depending on depth of well). Funds budgeted in Account 6806-50-101, Well & Pump Station, Procter & Gamble)

ACTION: Res. 71-140 adopted awarding contract to Osterberg & Stewart. (P/W to handle)

CONSENT

10. Consider approval of specifications for furnishing annual requirements for traffic line paint and authorize bids to be received on March 16, 1971 at 2:00 P.M. Resolution needed. Estimated cost $15,000)

ACTION: Res. 71-141 adopted approving specifications and bid call. (Clerk to handle)

HEARINGS

11. Hearing on annexation of Oakdale-Floyd Addition to Modesto Municipal Sewer District No. 1. 4:05 P.M.

ACTION: Res. 71-142 adopted (Newton/Smith, unan. - Mitchell and Robinson, absent) annexing Oakdale-Floyd Addition to Modesto Municipal Sewer District No. 1. (Clerk to handle)

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

ACTION: Res. 71-143 adopted (Dixon/Newton, unan. - Mitchell and Robinson, absent) requesting the continuance of present rail passenger service (of first quality) between Los Angeles and San Francisco through the City of Modesto and further requesting that, in the eventthe Federal Government takes over railroad passenger service, the Federal Government give a close look to current and proposed railroad freight subsidies with a view toward keeping the freight operations self-supporting. (Clerk to handle)

ORDINANCES

CONSENT

13. Final adoption of Ordinance No. 1083-C.S. relating to bicycles.
(Motion approving needed)

ACTION: By motion Ord. No. 1083-C.S. adopted. (Clerk to handle)

CONSENT

14. Legal changes to reflect latest additions and reductions in the off-street parking program.
(Construction of a new metered lot on 10th Street; acquisition of the Lincoln School site for use as a parking lot; and loss of the metered lot on 12th and I require legal changes. (1) Adoption of ordinance revising parking meter zoning map, Section 3-2.1501. (2) Resolution rescinding Res. 71-116 to establish new lots and to remove the 12th and I lot)

ACTION: Ord. 1085-C.S. introduced revising parking meter zoning map. (Clerk to handle)

Res. 71-144 adopted rescinding Res. 71-116 to add 10th St. lot and Lincoln School site and remove 12th and Eye lot. (Clerk to handle)

15. Consider revision to Fire Zone Provisions of the Municipal Code and to the Uniform Building Code as it relates to fire zones.
(See attached memo. Introduction of an ordinance revising fire zoning provisions of the municipal code and introduction of an ordinance amending the Uniform Building Code)

ACTION: Ord. 1086-C.S. introduced (Smith/Simon, unan. - Mitchell and Robinson, absent) revising fire zoning provisions. (Clerk to handle)
Ord. 1087-C.S. introduced (Smith/Simon, unan. - Mitchell and Robinson, absent) amending the Uniform Building Code. (Clerk to handle)

15A. An ordinance amending Chapter 5 of Title V of the Modesto Municipal Code relating to garbage disposal.
(Adoption of ordinance needed)

ACTION: By motion (Simon/Newton, unan.) action withheld for one week.

OLD BUSINESS

16. Vote on resolution (Mitchell/Smith) to award contract for furnishing and installing furniture and shelving at Modesto-Stanislaus Library.

ACTION: By motion (Dixon/Mitchell, unan.) continued for two weeks to permit Council to examine samples of furniture and to permit a staff member and the architect to tour the factories in which the furniture would be manufactured in the event the C/Atty rules that the low bid is a legal bid. (C/Mgr to handle)

Councilman Dixon requested information on how the City could interest the State Department of Corrections in bidding on equipment which is manufactured in State institutions. (C/Mgr to handle)

NEW BUSINESS

CONSENT

17. Adoption of resolution acknowledging receipt of "Notice of Intention to Circulate Petition to Annex Territory known as the Rouse No. 2 Addition to the City of Modesto" and approving intention of proponents to circulate petitions.
(The notice was published on February 18, 1971 and filed with the City Clerk on February 19, 1971. Resolution needed)

ACTION: Res. 71-145 adopted acknowledging receipt of "Notice" and approving circulation of petitions. (Clerk to handle)

CONSENT

18. Accept improvements in Pleasant View Estates Subdivision and authorize City Clerk to file notice of completion and release bond upon expiration of statutory lien period.
(Pleasant View Subdivision is located east of Rose Ave. and south of Floyd 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. 71-146 adopted accepting improvements. (Clerk to handle)

CONSENT

19. Consider request for sewer service to property outside City at 1437 Rose Ave.
(Property owner - E. D. Thompson et al. The property owners have signed an agreement to annex when requested to do so by City. The property is contiguous to City and a sewer line exists to serve it. Resolution approving agreement needed)

ACTION: Res. 71-147 adopted approving agreement. (Clerk to handle)

CONSENT

20. Consider approval of agreement to provide sewer service to subdivision outside the City.
(The developers of Tempo Park No. 1, a 61-lot subdivision, at the north east corner of Herndon and Holm Avenues south of the Tuolumne River have signed an agreement for sewer service which basically requires that the subdivision be constructed to city standards and that the subsequent property owners agree to annex to the City. Resolution approving agreement needed)

ACTION: Res. 71-148 adopted approving agreement with Tempo Homes, Inc. (P/W to handle)

CONSENT

21. Consider sale of surplus property adjacent to Downey Park.
(Memo with agenda. Motion authorizing staff to prepare necessary documents needed)

ACTION: By motion (Mitchell/Smith, unan.) referred to P/C for study and recommendation and, if recommendation is favorable, directing staff to negotiate a formal offer for the property.
(Planning and Finance to handle)

CONSENT

22. Permission for Director of Social Services, King-Kennedy Memorial Center, to attend Neighborhood Center meeting in Phoenix, Arizona. Memo with agenda. Motion authorizing Mr. Monroe Taylor's attendance at conference needed. Estimated cost $225.00)

ACTION: By motion attendance authorized subject to a maximum expenditure of $225 from City's funds. (P & R to handle)

CONSENT

23. Approve amendment to lease agreement with United Air Lines covering activity fees (landing fees) at the Modesto City-County Airport. (The Council at its December 28, 1970 meeting approved preparation of an amendment to our current lease agreement with United Air Lines which established new landing fees that were effective January 1, 1971 of 10¢ per 1,000 lbs. gross landing weight for the calendar year, increasing to 11¢ in 1972, 12¢ in 1973, and 13¢ in 1974 through May of 1975, which is the expiration of the current terminal building lease. United Air Lines has now executed the amendment to the lease agreement and it would be in order for the Council to authorize the City Manager to execute the lease agreement on behalf of the City. Resolution authorizing City Manager to execute agreement needed)

ACTION: Res. 71-149 adopted approving agreement. (Clerk to handle)

CONSENT

24. Consider adding wording to airport T-hangar and tie-down lease agreements.
(Memo with agenda. Resolution approving additional wording needed)

ACTION: Res. 71-150 adopted approving addition of indemnification paragraph to lease agreements. (P/W to handle)

CONSENT

25. Consider lease of tie-down area at Modesto City-County Airport. (Memo with agenda. Motion authorizing staff to prepare lease agreement needed)

ACTION: By motion (Simon/Dixon, unan.) staff directed to prepare lease agreement with John Gottschalk, owner of Gottschalk Flight Center. (C/Atty to handle)

CONSENT

26. A resolution approving final map of Rose Terrace No. 3 Subdivision of the City of Modesto and authorizing an agreement with subdividers as required by Section 4-4.604(c) of the Municipal Code.
(The subdivision agreement has been signed and all fees paid. Rose Terrace No. 3 Subdivision is located on the west side of Old Oakdale Road, north of Celeste Drive. It contains 12.38 acres. Resolution approving final map and agreement needed)

ACTION: Res. 71-151 adopted approving final map of Rose Terrace No. 3. (Clerk to handle)

CONSENT

27. A resolution approving final map of Bel Air Subdivision No. 6 of the City of Modesto.
(All fees have been paid for Bel Air Subdivision No. 6. It is located on the east side of Tully Road, north of Rumble Road. It contains 1.30 acres. Resolution approving final map needed)

ACTION: Res. 71-152 adopted approving final map. (Clerk to handle)

CONSENT

28. Reversion to acreage map of Lots 12, 13 and 14, Block 13129 Tully Manor No. 2 Subdivision.
(A final map has been filed under provisions of the Municipal Code and the Subdivision Map Act for the purpose of reverting to acreage 3 lots in Tully Manor No. 2 Subdivision at the southwest corner of Standiford Ave. and Colonial Drive. Resolution setting March 22 at 7:50 P.M. for hearing needed)

ACTION: Res. 71-153 adopted setting hearing. (Clerk to handle)

CONSENT

29. Consider request by Bomberger Bros. Inc for City Council authorization for the City to improve portions of public streets adjacent to city park paroperty at Rumble Road and Sherwood Avenue adjacent to Northgate No. 7 Subdivision. Memo with agenda.
(Motion approving request needed. Funds budgeted in Account 6647-207, Misc. Right of Way and Improvements)

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

REPORTS FROM THE PLANNING COMMISSION

CONSENT

30. Recommend amendment to P-D(34) (Sanders Construction Company, Inc.)
(Planning Commission Resolution 71-22 adopted February 16, 1971 recommends an amendment to P-D(34) to allow a maximum 178-bed split license facility including "Type P-Acute Psychiatric", "Type A-Alcoholism Rehabilitation", and "Type L-Long Term" care, as regulated by the State of California, said facility located on the south side of Celeste Drive opposite Vera Cruz. Resolution setting March 22, 1971 at 7:55 P.M as date for hearing needed)

ACTION: Res. 71-154 adopted setting hearing. (Clerk to handle)

APPROPRIATION TRANSFERS

CONSENT

31. Appropriation transfer to provide additional funds for uniform allowance.
(Additional funds are required due to the increase in uniform allowance which became effective on July 6, 1970. Resolution approving transfer of $5,585 from General Reserve needed)

ACTION: Res. 71-155 adopted approving appropriation transfer of $5,585 from Account 60-101 to Account 339-22-101. (Finance to handle)

CONSENT

32. Appropriation transfer for payment of repairs resulting from vandalism at the Modesto Community Service Center. (The total cost of the repair of the damage to the building is $361, of which $261 will be paid by the City's insurance carrier. Resolution approving appropriation transfer needed)

ACTION: Res. 71-156 adopted approving appropriation transfer of $361 from Account 60-101 to Account 224-34-101. (Finance to handle)

MISCELLANEOUS

33. Legislative matters.

ACTION: By motion (Dixon/Mitchell, unan.) AB11 opposed and staff directed to urge Board of Supervisors and other City Councils to take similar action. (C/Mgr to handle)

It was agreed that info from the League on legislative matters would be channeled through the City Manager.

34. Appointments.

None

at 5:30 P.M.
Adjournment/to 7:30 P.M. at Downey High School, Room 1.

ATTEST: W. T. Chynoweth

W. T. CHYNOWETH, City Clerk

MINUTES OF ADJOURNED REGULAR MEETING, MARCH 1, 1971, 7:30 P.M.

The Council of the City of Modesto met at 7:30 P.M. in Room 1 at Thomas Downey High School pursuant to adjournment.

PRESENT: Dixon, Mitchell, Newton, Simon, Smith, Mayor Davies
ABSENT: Robinson

Mayor Davies opened the meeting by introducing the Councilmen and the Council appointees. The City Manager then introduced the Department Heads.

Mayor Davies welcomed the people in attendance, and gave a brief explanation of the structure of City Government in Modesto and the purpose of the meeting.

The Director of Planning, Director of Parks & Recreation and Director of Public Works then gave brief presentations on portions of their department activities that were of interest to the audience.

The meeting was then opened to questions from the audience.

Alton W. Wolbert, 220 Melrose, requested information on sidewalks on Morris and Lucerne leading to John Muir School. He questioned the policy of lighting unlighted areas. Another area of concern to Mr. Wolbert was the policy of Community Parks being located adjacent to high schools and recommended that a fence be placed between schools and parks to minimize illegal activities. He also questioned the amount of time given to the green "go" signal for traffic on Maze Blvd. at the Carpenter Road intersection.

Dr. H. C. Smith, 1208 Clifton, commented on the need for a traffic signal at the Rose/Scenic intersection. He also stated that visibility was very poor for drivers entering Scenic from Rose.

Ralph Foote, 805 E. Fairmont, stated that the costs for sewers in the area were greater than anticipated and that he hoped they would not have to bear the costs of a lighting district soon. It was explained that the Council was attempting to plan the districts in such a manner that residents would not have this problem.

Richard Greaves, 1207 Morris, expressed his appreciation for the sewer drain on Morris. He stated that a City tree obscured the stop sign on Hunter at Morris and that the street lights on Hunter were blocked by the street trees. Mr. Greaves also commented on the need for sidewalks and/or drainage on streets leading to John Muir School.

Mr. Greaves also requested more information on improvement districts, and suggested the possibility of the City Schools and the City of Modesto getting together for the purpose of installing sidewalks at all schools.

Joe M. James, 1305 Nina Court, suggested that more notice be given for meetings of this type and that the notices be more explicit as to the purpose of the meetings. Mr. Greaves stated that the notices should inform the prople of their right to raise issues.

Alan Strauss, 706 Fleetwood Dr., stated that this type of meeting should not have been held so soon before the Municipal Election. He commented on relations between the City and County as to the possibility of having County subdivisions, which are adjacent to the City, being developed to City standards. The Director of Planning stated that City-County relations are better than ever and that almost all the subdivision activity near Modesto was within the city limits.

Mike Angelo, 1608 Lavender Lane, complimented the Council on the reactions to issues raised by members of the audience.

Vice Mayor Mitchell suggested that garbage collection be discussed at future meetings of this type.

It was agreed that the staff would answer the questions raised at this meeting.

Mayor Davies thanked the people for participating and then adjourned the meeting at 9:10 P.M.

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

CITY OF MODESTO
AGENDA FOR COUNCIL MEETING OF MONDAY, MARCH 8, 1971 AT 7:30 P.M.

Roll Call Present: Dixon, Mitchell, Newton, Simon, Mayor Davies
Councilman Newton arrived at 7:35 P.M.
Absent: Robinson, Smith

Pledge of allegiance to the Flag
Invocation: Reverend Theodore Ness, Bethel Church
Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2, 3, 4, 5, 6, 7, 8, 9, 12, ~~13~~, 15, 17, ~~18~~, 19a, b, 20, 21, 22, 23, 24a through 24p incl., 25, 27, 28, 29, 32, 33, 34, 35
Items 13 and 18 removed from consent.
Dixon/Mitchell, unan. - Newton, Robinson, and Smith, absent

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

APPROVAL OF MINUTES

CONSENT
1. Minutes of March 1, 1971 (regular meeting) and March 1 (adjourned regular meeting).

ACTION: By motion minutes approved.

PETITIONS, REMONSTRANCES AND CORRESPONDENCE

CONSENT
2. Letter from Modesto Symphony Orchestra, Inc. requesting:

(a) Payment of $2,000 for 1970-71.
(Motion authorizing payment needed)

ACTION: By motion payment authorized. (Finance to handle)

(b) Budgeting of $2,000 for 1971-72.
(Motion referring to proper budget session needed)

ACTION: By motion referred to proper budget session. (Finance to handle)

CONSENT
3. Recommendation of Wolverine Building Service, Inc., that Section 28.1 of Modesto Fire Prevention Code be amended to permit open agriculture burning of fruit trees on land which is being subdivided.
(Motion referring to staff needed)

ACTION: By motion referred to staff. (Fire Dept. to handle)

CONSENT

4. Request of Church in the Park to use Enslen Park on March 27 from 2:00 P.M. to 4:00 P.M. for "Jesus Rally" and for electrical power and staging.
(Motion granting request needed)

ACTION: By motion request granted subject to conditions recommended by Director of Parks and Recreation. (P & R to handle)

BIDS

CONSENT

5. Consider acceptance of Valley Construction contract for installation of water lines in Applegate No. 1.
(Original contract $5,526. All work has been completed to the satisfaction of the Public Works Department and it would be in order to accept the work as complete. Resolution accepting work and authorizing Clerk to file notice of completion needed. Final cost $5,472.75. Funds budgeted in Account 6804-60-101, Water Line Extensions)

ACTION: Res. 71-157 adopted accepting contract. (Clerk to handle)

CONSENT

6. Consider award of bid for the installation of street lighting on Neece Drive from Rouse Avenue to Fairway Drive.
(Bids were opened March 2, 1971. The low bid submitted by Ferrero Electric, Inc., which is 9% below the Engineer's Estimate, is considered acceptable. It is recommended the bid be awarded to them. Resolution awarding bid needed. Estimated cost $8,940; contract, $7,956 - Engr. $984. Funds budgeted in Account 6622-41-321, Street Lights Unlighted Area Stage I & II)

ACTION: Res. 71-158 adopted awarding contract to Ferrero Electric, Inc. (P/W to handle)

CONSENT

7. Consider award of bid for construction of 16th Street sewer, H to J Streets.
(Bids were opened March 2, 1971 and the low bid of Valley Construction Co., which is 3% over the Engineer's Estimate is considered acceptable. It is recommended that the bid be awarded to them. Resolution awarding bid needed. Contract cost $9,730. Funds budgeted in Account 6572-212, 16th Street Relief Sewer)

ACTION: Res. 71-159 adopted awarding contract to Valley Construction Co. (P/W to handle)

CONSENT

8. Consider acceptance of D. A. Parrish contract for construction of Scenic Drive-Kingsburg Park subtrunk sewer. Original Contract $48,367.50.
(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 authorize the City Clerk to file notice of completion. Resolution accepting work needed. Final cost $48,168.56; funds budgeted in Account 6561-212, Extend Subtrunk & Perimeter Sewers)

ACTION: Res. 71-160 adopted accepting contract. (Clerk to handle)

CONSENT

9. Accept as complete Harold Carver's contract for the construction of the scale and scale building at the City-County landfill.
(All work on this contract has been completed to the satisfaction of the Public Works Department. It would be in order to accept the work as complete and authorize the City Clerk to file notice of completion. Resolution needed. Funds budgeted in Account 6536-321)

ACTION: Res. 71-161 adopted accepting contract. (Clerk to handle)

10. Matters for the good of the community. 7:35 P.M.
(These may be presented by interested persons in the audience)

ACTION: Res. 71-162 adopted (Dixon/Simon, unan. - Robinson and Smith, absent) objecting to cuts made in Medi-Cal by Governor Reagan. (City Clerk to handle)

Staff directed to investigate and report on dumping into Dry Creek behind Scenic General Hospital. (P & R to handle)

The Council agreed that the neighborhood meetings of the Council should continue. Clerk directed to arrange another meeting for April 5 at Davis High School if possible. Councilman Dixon was appointed to work with the Clerk as to publicity for the meeting.

HEARINGS

11. Hearing on formation of Improvement District No. 18. 8:00 P.M.

ACTION: By motion (Simon/Dixon, unan.) staff directed to prepare necessary documents to enable Council to exclude the east side of McHenry in the event all property owners agree to construct their own sewer facilities. (C/Atty & P/W to handle)

By motion (Dixon/Mitchell, unan.) hearing continued to March 15 at 5:00 P.M. (Clerk to handle)

Mayor Davies was excused at 10:20 P.M. and Vice Mayor Mitchell presided.

ORDINANCES

CONSENT

12. Final adoption of Ordinance No. 1087-C.S. relative to fire retardant roofing.
(Motion adopting needed)

ACTION: By motion Ord. No. 1087-C.S. adopted. (Clerk to handle)

13. Consider adoption of Uniform Housing Code, a Uniform Dangerous Building Code, and a minor amendment to the adopting ordinance of the uniform Building Code.
(The Uniform Housing Code is applicable to Modesto by virtue of its adoption by the State; however, the local adopting ordinance simplifies hearing procedure and specifies that the Dangerous Building Code Appeals Board will hear Housing Code appeals. The Uniform Dangerous Building Code will replace the Unsafe Structure Code. Introduction of three ordinances needed)

ACTION: Ord. No. 1088-C.S. introduced (Mitchell/Newton, unan. - Robinson and Smith, absent) (Uniform Housing Code)
Ord. No. 1089-C.S. introduced (Mitchell/Newton, unan. - Robinson and Smith, absent) (Uniform Dangerous Building Code)
Ord. No. 1090-C.S. introduced (Mitchell/Newton, unan. - Robinson and Smith, absent) (Amendment to Ord. No. 1065-C.S.)
Res. 71-163 adopted (Mitchell/Newton, unan. - Robinson and Smith, absent) authorizing priority inspections for vacant buildings.

OLD BUSINESS

14. (a) Adoption of emergency ordinance relating to garbage disposal.

(b) Introduction of regular ordinance relating to garbage disposal.

(c) Approval of specifications and call for bids for garbage collection.
(A report will be delivered to the Council prior to Monday's meeting. Adoption of resolution, adoption of emergency ordinance, and introduction of regular ordinance needed)

ACTION: Due to the brief time given members of the Council to study the ordinance and specifications, by motion (Dixon/Newton, unan.) further consideration continued to March 15 at 4:25 P.M. (Clerk to handle)

CONSENT

15. Request of Golden Valley Kennel Club to use Enslen Park. (Memo with agenda. Motion granting request needed)

ACTION: By motion request granted subject to conditions recommended by Director of Parks and Recreation. (P & R to handle)

NEW BUSINESS

16. Request of Councilman Dixon for adoption of a resolution condemning the bombing of our Nation's Capitol and urging adoption of legislation similar to the Lindberg Law to deal with matters of this type.

ACTION: The Clerk was directed to prepare a resolution for submission to the Council prior to the March 15 meeting. (Clerk to handle)

CONSENT

17. Resolution of Intention to call special election for annexation of Norwegian No. 1 Addition to the City of Modesto.
(A petition containing 67 valid signatures and requesting that the the Norwegian No. 1 Addition be annexed to the City of Modesto has been filed with the City Clerk. This represents 48.55% of the registered voters. Resolution setting April 12, 1971 at 7:40 P.M. for hearing protests to this annexation needed)

ACTION: Res. 71-164 adopted setting hearing. (Clerk to handle)

XCONSENXX
18. Request of Police Department to purchase air conditioned patrol vehicles.
(Copies of memos from Police Department and Purchasing Officer being distributed with the agenda. Motion granting request needed. No cost to City at this time)

ACTION: By motion (Simon/Newton, unan.) request granted. (Police and Finance to handle)

CONSENT
19. Consider request for sewer service to properties outside the City:

(a) 805 Lombardo Avenue, property owner, Louis Duran and Diana Duran;

ACTION: Res. 71-165 adopted approving agreement with Louis Duran, et ux. (P/W to handle)

(b) 821 Lombardo Avenue. Property owner, Mary Louise Charles. (The property owners have signed agreements to annex to the City when requested to do so. The properties are not contiguous to the City and a sewer line must be constructed by the property owners. Two resolutions approving agreements needed)

ACTION: Res. 71-166 adopted approving agreement with Mary Louise Charles. (P/W to handle)

CONSENT
20. Consider request for sewer service to property outside the City at 1708 Robertson Road.
(Property owners, E. L. Roberts and Ethel S. Roberts. 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. 71-167 adopted approving agreement with E. L. Roberts, et ux. (P/W to handle)

CONSENT
21. Consider request from League of California Cities for financial assistance regarding utility users' tax litigation. Memo with agenda. Resolution authorizing financial assistance needed. Estimated cost $250; funds budgeted in Account 234-65, Miscellaneous Litigation)

ACTION: Res. 71-168 adopted authorizing expenditure of $250. (C/Atty to handle)

CONSENT
22. Consider authorizing improvements to be made to Public Address System in Council Chamber as detailed in memorandum with agenda.
(Resolution approving appropriation transfer and motion authorizing contract needed. Estimated cost $1,969.00)

ACTION: Res. 71-169 adopted approving appropriation transfer of $1,969 from Account 60-101 to Account 5201-19-101. (Finance to handle)

By motion purchase and installation of new sound amplifying equipment authorized. (Finance to handle)

CONSENT
23. A resolution and order of the Council of the City of Modesto providing for a general municipal election to be held on Tuesday, April 20, 1971 and designating precincts and polling places and appointing election officers for said general municipal election.
(Resolution needed)

ACTION: Res. 71-170 adopted providing for general municipal election on April 20, 1971. (Clerk to handle)

CONSENT
24. Report of Superintendent of Streets on cost of installation of curbs, gutters and/or sidewalks at the locations listed below. (Resolutions setting 8:00 P.M. March 22, 1971 for hearings needed. Funds budgeted in Account 5302-51-101, Curbs and Gutters Special)

CONSENT
(a) Curb and gutter at 1537 Ford Avenue, portion of Block 1223 (William G. Caldwell)
(Resolution setting hearing needed)
ACTION: Res. 71-171 adopted setting hearing. (P/W to handle)
CONSENT
(b) Curb and gutter on "D" Street at 601-605 "D" St., lots 17 and 18, Block 29. (LeRoy Schneider)
(Resolution setting hearing needed)

ACTION: Res. 71-172 adopted setting hearing. (P/W to handle)

CONSENT
(c) Sidewalk on E. Fairmont Ave. at 1129 E. Fairmont Ave., Lot 5 of Block 1072. (Clyde F. Holidy)
(Resolution setting hearing needed)

ACTION: Res. 71-173 adopted setting hearing. (P/W to handle)

CONSENT
(d) Sidewalk on El Terino Ave. at 1124 Edison Avenue, Lot 7, Block 1071 (Doreen E. Burke)
(Resolution setting hearing needed)

ACTION: Res. 71-174 adopted setting hearing. (P/W to handle)

CONSENT
(e) Curb, gutter and sidewalk on E. Morris Ave. at 102 John Muir Court, Lot 5, Block 605. (George Bertolero)
(Resolution setting hearing needed)

ACTION: Res. 71-175 adopted setting hearing. (P/W to handle)

CONSENT
(f) Sidewalk at 1516 Grape Ave., Lot 12, Block 6108. (Albert L. McCleary)
(Resolution setting hearing needed)

ACTION: Res. 71-176 adopted setting hearing. (P/W to handle)

CONSENT
(g) Curb, gutter and sidewalk at 1508 Grape Ave., Lot 10, Block 6108. (W. O. Wright)
(Resolution setting hearing needed)

ACTION: Res. 71-177 adopted setting hearing. (P/W to handle)

CONSENT
(h) Sidewalk on Ashwood Ave. at 1302 Del Rey Ave., Lot 7, Block 6027 (Ronald R. Orona)
(Resolution setting hearing needed)

ACTION: Res. 71-178 adopted setting hearing. (P/W to handle)

CONSENT
(i) Sidewalk at 1301 Del Vale Ave., Lot 7, Block 6021.(Rosetta Harrington)
(Resolution setting hearing needed)

ACTION: Res. 71-179 adopted setting hearing. (P/W to handle)

CONSENT
(j) Sidewalk on Smith Ave. at 622 Brady Ave., portion of Block 704. (Velma G. Whitaker)
(Resolution setting hearing needed)

ACTION: Res. 71-180 adopted setting hearing. (P/W to handle)

CONSENT
(k) Sidewalk on Wright St. at 231 Poplar Ave., Lots 31 and 32, Block 526. (Donald W. Hopper)
(Resolution setting hearing needed)

ACTION: Res. 71-181 adopted setting hearing. (P/W to handle)

CONSENT
(l) Curb, gutter and sidewalk on E. Morris Ave. and on Ramona Avenue at 501 Ramona Ave., Lot 37 of Block 605. (Donald R. Reeves.)
(Resolution setting hearing needed)

ACTION: Res. 71-182 adopted setting hearing. (P/W to handle)

CONSENT
(m) Curb, gutter and sidewalk on Garvey Ave. and on Budd Street at 2605 Budd St., Lot 42, Block 7252 (Hayes Reed)
(Resolution setting hearing needed)

ACTION: Res. 71-183 adopted setting hearing. (P/W to handle)

CONSENT
(n) Curb and gutter at 2705 and 2617 Garvey Ave., Lot 29 and 31, Block 7252 (Lloyd J. Bowling)
(Resolution setting hearing needed)

ACTION: Res. 71-184 adopted setting hearing. (P/W to handle)

CONSENT
(o) Curb and gutter at 2613 Garvey Ave., Lot 32, Block 7252. (Floyd Thomas Vigil)
(Resolution setting hearing needed)

ACTION: Res. 71-185 adopted setting hearing. (P/W to handle)

CONSENT
(p) Curb and gutter at 2609 Garvey Ave., Lot 33, Block 7252 (Fred Taylor)
(Resolution setting hearing needed)

ACTION: Res. 71-186 adopted setting hearing. (P/W to handle)

CONSENT
25. A resolution approving final map of Coffee Plaza 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. Coffee Plaza No. 3 Subdivision is located on the south side of Floyd Ave., east of Coffee Road. It contains 3.13 acres. Resolution approving final map and authorizing execution of agreement needed)

ACTION: Res. 71-187 adopted approving final map. (Clerk to handle)

26. Appeal by Reverend Howard L. Clarke and Others of Personnel Commission ruling pertaining to civil service hiring practices.

ACTION: At the request of Rev. Clarke, by motion (Dixon/Simon, unan.) consideration of this item continued to March 15. (Clerk to handle)

CONSENT
27. Accept improvements in Riverside North No. 2 Subdivision and authorize the City Clerk to file notice of completion and release bond upon expiration of statutory lien period.
(Riverside North No. 2 Subdivision is located between Trask Lane and Riverside Drive north of M.I.D. Lateral 2. All improvements have been completed to the satisfaction of the Public Works Department and all fees paid. Resolution accepting improvements needed)

ACTION: Res. 71-188 adopted accepting improvements. (Clerk to handle)

CONSENT
28. Approve TOPICS program of improvements and priorities.
(The proposed TOPICS study will soon be submitted to the State and Federal agencies. TOPICS rules require that the program of improvements and priorities be approved by the City Council prior to submission. Memo with agenda. Resolution approving proposed program needed)

ACTION: Res. 71-189 adopted approving proposed program of improvements and priorities for TOPICS. (P & T to handle)

CONSENT

29. Approval of agreement with Stanislaus cities and the County on S.A.A.G. (Stanislaus Area Association of Governments - formerly Stanislaus Area Advisory Planning Association)
(Copies of proposed agreement were delivered to Council earlier this week. Resolution approving agreement needed)

ACTION: Res. 71-190 adopted approving form of agreement with Stanislaus County and cities in Stanislaus County. (Clerk to handle)

REPORTS

30. Report from Farm-City Advisory Committee, to be made by John deBoer, regarding preserving agricultural land for agricultural use.
(Oral report will be made at Council meeting)

ACTION: Mr. deBoer spoke on the need for preserving the prime agricultural land and not permitting it to be built upon.

31. Progress report on recommendations of Forward Modesto Committee '62.
(Copies of report with agenda. Motion accepting report needed)

ACTION: Report received and ordered filed.
The suggestion was made that copies be furnished to members of the committee. (C/Mgr to handle)

CONSENT

32. Presentation of financial statement for February 1971.
(Copies of report will be presented at meeting. Motion accepting report needed)

ACTION: By motion report accepted.

REPORTS FROM THE PLANNING COMMISSION

CONSENT

33. Report from Planning Commission regarding Citizens' Environmental Committee recommendations to the City Council, for information only.
(On March 2, by motion, the Planning Commission accepted a report prepared by the Planning staff, "A Brief Review of the Modesto Planning Program in Regard to Environmental Problems" in response to a request from the City Council. Information with agenda. Motion accepting report)

ACTION: By motion report accepted.

CONSENT

34. Recommend to the Council an amendment to Chapter 2 of Title X of the Modesto Municipal Code (Zoning regulations - real estate open house signs).
(By Resolution No. 71-26 adopted March 2, 1971 the Planning Commission recommends amendment to Chapter 2 of Title X of the Code regarding zoning regulations - real estate open house signs. Resolution setting March 22, 1971 at 8:05 P.M. for public hearing needed)

ACTION: Res. 71-191 adopted setting hearing. (Clerk to handle)

CONSENT

35. Policy for City of Modesto Action on Open Space Contract referrals. (In January, 1971 the Council referred the issue of open space contracts to the Planning Commission and department. A staff policy statement in regard to open space contract referrals was adopted by the Planning Commission Resolution No. 71-30 on March 2, 1971 with a recommendation that the City Council also adopt the statement. Resolution adopting "Suggested Policy for City of Modesto Action on Open Space Contract Referrals" dated February 1971 needed)

ACTION: Res. 71-192 adopted approving and adopting the "Suggested Policy for City of Modesto Action on Open Space Contract Referrals" dated February, 1971, copies of which are on file in the Planning Department and the City Clerk's office. (Planning to handle)

APPROPRIATION TRANSFERS

36. Consider appropriation transfers from General Reserve to the following accounts in the budget:

Water Line Extensions (6804-50-101) $100,000

New Services (5301-50-101) 17,500

Construction Materials (321-50-101) 7,500
(Resolution approving transfers needed. Memo with agenda)

ACTION: Res. 71-193 adopted approving appropriation transfer of $125,000 from Account 60-101 to Account 6804-50-101 ($100,000); Account 5301-50-101 ($17,500) and Account 321-50-101 ($7,500) (Finance to handle)

MISCELLANEOUS

37. Legislation.

ACTION: Vice Mayor Mitchell reported on a National League of Cities committee meeting on legislation. He reported that there was strong feeling that area or regional governing bodies should be composed of elected officials.

38. Appointments

None

Councilman Simon commented on published comments by the Secretary of the Greater Modesto Chamber of Commerce that this area may be over-building as far as commercial development is concerned. By motion (Simon/Newton, unan.) C/Mgr directed to write a letter inviting representatives of the Chamber to appear before the P/C to discuss this. (C/Mgr to handle)

Adjournment at 11:35 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 15, 1971 AT 4:00 P.M.

Roll Call Present: Dixon, Mitchell, Newton, Simon, Smith, Mayor Davies
Absent: Robinson
Mayor Davies was excused at 11:00 P.M. and Vice Mayor Mitchell presided.
Pledge of allegiance to the Flag.
Invocation: Rev. William Galloway, First Baptist Church of Hughson

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2, 3, 4, 5, 13a thru 13f, incl., 19, 20, 21, 22, 24, 25, 26
Item 26 dropped from agenda
Newton/Dixon, unan. - Robinson, absent

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

APPROVAL OF MINUTES

CONSENT
1. Minutes of March 8, 1971.

ACTION: By motion minutes approved.

PETITIONS, REMONSTRANCES AND CORRESPONDENCE

CONSENT
2. Request of Modesto Band of Stanislaus County, Inc. for:

(a) Payment of $350 budgeted for appearance at Cal-Expo in 1970.
(Motion approving payment needed)

ACTION: By motion payment approved. (Finance to handle)

(b) Payment of $1500 budgeted for 1970 concerts.
(Motion approving payment needed)

ACTION: By motion payment approved. (Finance to handle)

(c) Inclusion of $350 in 1971-72 budget for appearance at Cal-Expo in 1971.
(Motion referring to proper budget session needed)

ACTION: By motion referred to proper budget session. (Finance to handle)

(d) Inclusion of $1,500 in 1971-72 budget for 1971 concerts.
(Motion referring to proper budget session needed)

ACTION: By motion referred to proper budget session. (Finance to handle)

BIDS

CONSENT

3. Consider approval of plans and specifications and call for bids for furnishing and installing pump at Pump Station 18 and installing pump at Pump Station 10.
(Funds are budgeted to increase the capacity of Pump Station 18 by installing a larger pumping unit. The existing unit at Pump Station 18 will be installed at Pump Station 10 where an older unit was recently taken out of service. Resolution approving bid call needed, to be received at 2:00 P.M. on March 30, 1971. Estimated cost Contract, $5,300; Engr. & Cont. $700; funds budgeted in Account 6830-50-101, Increase Capacity of Pump Station 18)

ACTION: Res. 71-194 adopted approving plans and specifications and bid call. (Clerk to handle)

CONSENT

4. Consider approval of specifications and authorize bid call for motor vehicles to be opened 2:10 P.M. March 30, 1971.
(16 police patrol units; 10 1/2-ton pickups; 1 2-ton dump truck; 1 4-door sedan. Other vehicles are authorized, but will be purchased later when more is known about the garbage franchise. Resolution needed. Estimated cost $80,450; funds budgeted in various Capital Outlay accounts, Division 48, Fund 512, pp 78 and 79. An approp-transfer of approximately $20,000 will be requested later after bids are opened)

ACTION: Res. 71-195 adopted approving specifications and bid call. (Clerk to handle)

CONSENT

5. Consider award of bid for modernization of electrical controls at Pump Stations 11, 12, 13 and 14.
(Bids were opened March 9, 1971 and the low bid of Ferrero Electric, Inc., which is 39% below the Engineer's Estimate, is considered acceptable. It is recommended the bid be awarded to low bidder. Resolution awarding bid needed. Contract cost $6,935; funds budgeted in Account 6844-50, Modernization Elec. Cont. 11 & 12 and 6846-50, Modern. Elec. Controls 13 and 14)

ACTION: Res. 71-196 adopted awarding contract to Ferrero Electric, Inc. (P/W to handle)

HEARINGS

6. Hearing on proposed rezoning from R-3 to P-D to allow construction of a 132-unit 2-story apartment complex on north side of Brighton between Coffee and Granada (Price) — 4:05 P.M.

ACTION: Ord. No. 1091-C.S. introduced (Smith/Mitchell, unan. - Robinson, absent) amending Sec. 22-3-9 of zoning map. (Clerk to handle)

Res. 71-197 adopted (Smith/Mitchell, unan. - Robinson, absent) approving development plan. (Planning to handle)

7. Hearing on proposed rezoning from R-3 to P-D to allow construction of a 36-unit apartment complex at the northeast corner of Coffee and Rumble (Sutter) — 4:10 P.M.

ACTION: Ord. No. 1092-C.S. introduced (Newton/Smith, unan. - Robinson, absent) amending Sec. 10-3-9 of zoning map. (Clerk to handle)

Res. 71-198 adopted (Newton/Smith, unan. - Robinson, absent) approving development plan. (Planning to handle)

8. Hearing on proposed rezoning from R-1 to R-2, property located on the north side of East Rumble, east of Lancelot Lane (Grant) — 4:15 P.M.

ACTION: Ord. No. 1093-C.S. introduced (Mitchell/ Simon, unan. - Robinson, absent) amending Sec. 9-3-9 of zoning map. (Clerk to handle)

9. Hearing on proposed rezoning from R-1 to P-D to allow construction of a 48-unit apartment complex on north side of Norwegian west of Coffee (Weeks) — 4:20 P.M.

ACTION: Ord. No. 1094-C.S. adopted (Smith/Mitchell, unan. - Robinson, absent) amending Sec. 16-3-9 of zoning map. (Clerk to handle)

Res. 71-199 adopted (Smith/Mitchell, unan. - Robinson, absent) approving development plan. (Planning to handle)

10. Further consideration of ordinance relating to garbage disposal and approval of specifications and bid call for garbage collection. — 4:25 P.M.
(Open letter from Ecology Action Educational Institute with agenda)

ACTION: Ord. No. 1095-C.S. introduced (Smith/Mitchell, majority - Dixon and Simon, no - Robinson, absent) regulating collection and disposal of garbage effective January 1, 1972.

By motion (Smith/Mitchell, majority - Dixon and Simon, no - Robinson, absent) intention declared to approve specifications and bid call.

Res. 71-200 adopted (Smith/Newton, majority - Dixon and Simon, no - Robinson, absent) approving specifications as amended and call for bids to be received April 12, 1971 at 10:00 A.M.

By motion (Newton/Smith, unan.) staff directed to work with Ecology group. (C/Mgr to handle)

11. Continued hearing on formation of Improvement District. No. 18. — 5:00 P.M.

ACTION: Res. 1167-S.P. adopted (Mitchell/Dixon, unan. - Robinson, absent) determining that public convenience and necessity require improvement.

Res. 1168-S.P. adopted (Mitchell/Dixon, unan. - Robinson, absent) ordering work.

Res. 1169-S.P. adopted (Mitchell/Dixon, unan. - Robinson, absent) calling for bids to be received April 6, 1971 at 2:00 P.M. (Clerk to handle)

12. Matters for the good of the community. — 5:05 P.M.
(These may be presented by citizens in the audience)

ACTION: Frank Andrews suggested that the City take over distribution of electrical power.

By motion (Dixon/Newton, majority - Smith, no) intention declared to follow the agenda in the order it is printed except when changes are authorized by majority vote of the Council.

Vice Mayor Mitchell reminded the Council that he and Councilman Simon will be in Washington, D.C. next week and would be happy to convey any messages or seek information if requested.

ORDINANCES

CONSENT
13. Final adoption of the following ordinances:
CONSENT
(a) Ordinance No. 1079-C.S. (amendment to Section 7-3-9 - DeVe) Motion adopting needed)

ACTION: By motion Ord. No. 1079-C.S. adopted. (Clerk to handle)

CONSENT
(b) Ordinance No. 1085-C.S. (Parking meter zoning map amendment) (Motion adopting needed)

ACTION: By motion Ord. No. 1085-C.S. adopted. (Clerk to handle)

CONSENT
(c) Ordinance No. 1086-C.S. (Fire zones)
(Motion adopting needed)

ACTION: By motion Ord. No. 1086-C.S. adopted. (Clerk to handle)

CONSENT
(d) Ordinance No. 1088-C.S. (Housing Code)
(Motion adopting needed)

ACTION: By motion Ord. No. 1088-C.S. adopted. (Clerk to handle)

CONSENT
(e) Ordinance No. 1089-C.S. (Dangerous Building Code)
(Motion adopting needed)

ACTION: By motion Ord. No. 1089-C.S. adopted. (Clerk to handle)

CONSENT
(f) Ordinance No. 1090-C.S. (Building Code)

ACTION: By motion Ord. No. 1090-C.S. adopted. (Clerk to handle)

14. Final adoption of Ordinance No. 1082-C.S. (amendment to Section 28-3-9, Modesto Affiliated Church Housing Corp.)
(Letter from Theodore Cook with agenda)

ACTION: By motion (Smith/Dixon, unan. - Robinson, absent) Ord. 1082-C.S. adopted. (Clerk to handle)

Councilman Smith suggested that the Council should make a study of in-lieu taxes in the near future.

OLD BUSINESS

15. Further consideration of free parking on holidays.
(Report with agenda. Staff recommends approval without changing the ordinance or the signs. Motion approving free parking on the 12 holidays listed in the report needed)

ACTION: By motion (Simon/Dixon, unan.) free parking on 12 holidays approved. (Police and P & T to handle)

16. Report from Fire Department on request for modification of open burning restrictions.

ACTION: By motion (Smith/Simon, unan.) C/Atty directed to prepare conditions under which open burning may be permitted. Conditions to be submitted to Council for formal adoption. (C/Atty to handle)

17. Further consideration of resolution (Mitchell/Smith) to award contract for furnishing and installing furniture and shelving at Modesto-Stanislaus Library.

ACTION: This resolution was not adopted as Dixon, Newton and Simon voted no.

Res. 71-201 adopted (Simon/Dixon, unan. - Robinson, absent) awarding contract for shelving to Healey & Popovich. (P/W to handle)

A resolution (Dixon/Simon) to reject all bids for furniture failed as did a companion motion directing the architect to prepare revised specifications under the supervision of a City staff member.

Res. 71-202 adopted (Mitchell/Smith, unan. - Robinson, absent) rejecting all bids for furniture.

By motion (Mitchell/Smith, unan.) architect directed to redraw specifications for furniture and to keep the Council informed.

18. Resolution condemning bombing of Nation's Capitol.

ACTION: A resolution introduced by Councilman Dixon died for want of a second. No other action taken.

NEW BUSINESS

CONSENT
19. Commendation of Modesto Police Reserve Officers for services rendered during 1970.
(Resolution expressing appreciation of services rendered by Modesto Police Reserve)

ACTION: Res. 71-203 adopted expressing appreciation to Modesto Police Reserve. (Personnel to handle)

CONSENT
20. Request for permission for City Attorney to attend the 1971 City Attorneys' Spring Meeting, League of California Cities, in Monterey, California, May 5-7.
(Motion granting request needed. Estimated cost $175.00. Funds budgeted in Account 207-13, Conference Expense)

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

CONSENT
21. Uninhabited annexation to the City of Modesto - East Orangeburg No. 4 Addition.
(On February 10, 1971 the Council set April 5, 1971 as the time for a public hearing concerning this annexation. Legal advertising was not completed in time so this must be reset. Resolution setting May 10, 1971 at 7:35 P.M. for hearing, and rescinding Resolution No. 71-92)

ACTION: Res. 71-204 adopted rescinding Res. 71-92 and re-setting hearing. (Clerk to handle)

CONSENT
22. Consider request for sewer service to property outside the City at 1445 Queens Ave.
(Property owners: Roy and Letha M. Beavers. The property owners have signed an agreement to annex when requested to do so by the City. The property is not contiguous to the City but a sewer line exists to serve it. Resolution approving agreement needed)

ACTION: Res. 71-205 adopted approving agreement. (P/W to handle)

23. Appeal by Reverend Howard L. Clarke and others of Personnel Commission ruling pertaining to civil service hiring practices.

ACTION: A motion (Simon/Newton) directing that the sequence of written, oral and physical exams be taken in their proper order providing that person has been advised he has passed the previous phase failed.

By motion (Dixon/Mitchell, majority) suggestion of C/Mgr that he refrain from giving oral exams until it has been verified that the applicant has passed the written exam, unless specific permission is given by the Council, was approved and adopted. (C/Mgr to handle)

CONSENT
24. Request of the Central Valley St. Bernard Club of Modesto to use Enslen Park.
(Memo with agenda. Motion granting request if J. M. Pike Park is used)

ACTION: By motion use of J. M. Pike Park approved subject to conditions recommended by P & R Dept. (P & R to handle)

CONSENT
25. Agreement with landscape architect firm of Ribera and Sue to prepare land use study and schematic master plan for Phase II Dry Creek Park. The design is to include the area from El Vista Avenue east to the edge of the urban area.
(Resolution approving agreement needed. Estimated cost $7,200. Funds budgeted in Account 6415-31-321, Dry Creek Park Study)

ACTION: Res. 71-206 adopted approving agreement. (Clerk to handle)

CONSENT
26. Consider approval of environmental impact statement.
(The State Department of Aeronautics and Federal Aviation Administration require that an Environmental Impact Statement, approved by the City Council, be filed with each agency before consideration of participation in airport projects. Copy of statement and memo with agenda. Resolution approving Environmental Impact Statement needed)

Dropped from agenda.

REPORTS

27. Report on proposed Tokay Avenue storm drainage district. (Memos being distributed with agenda. Motion directing staff needed)

ACTION: By motion (Mitchell/Simon, unan.) staff directed to drop proceedings for district for the over-all area.

By motion (Smith/Dixon, unan.) staff directed to negotiate for engineering and legal services for the formation of a district which is smaller in area and report to Council. (P/W and C/Atty to handle)

APPROPRIATION TRANSFERS

None.

MISCELLANEOUS

28. Legislation.

ACTION: The City Manager suggested that the Council study the Legislative Bulletin dated March 12, 1971 so that action on certain bills can be considered March 22, 1971.

29. Appointments.

None.

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, MARCH 22, 1971 AT 7:30 P.M.

Roll Call Present: Dixon, Newton, Smith, Mayor Davies

Absent: Mitchell, Robinson, Simon

Pledge of allegiance to the Flag
Invocation: Reverend George Telle, Trinity Prebysterian Church

CONSENT ITEMS: (Roll call vote required): Items 1, 2, 4, 5, 6, 7, 8, 9, 10, 19, 19a, 20, 21, 22, 23, 24, 25, 26, 27a through 27g, incl., 28a through 28g, incl., 29, 30, 31, 32, 33, 34, 35

Items 2 and 20 removed from consent.
Smith/Newton, unan. - Mitchell, Robinson and Simon, absent.

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

APPROVAL OF MINUTES

CONSENT
1. Minutes of March 15, 1971.

ACTION: By motion minutes approved.

PETITIONS, REMONSTRANCES AND CORRESPONDENCE

CONSENT
2. Request of Greater Modesto Chamber of Commerce that $15,000 be budgeted for 1971-72 fiscal year.
(Motion referring to proper budget session needed)

ACTION: By motion (Newton/Dixon, unan.) referred to proper budget session. (Finance to handle)

The C/Mgr agreed to have representatives of the Chamber present at the budget session to answer questions raised by the Councilmen.

3. Request of Homeowners Limited Inc. for discussion of 235 and 502 housing problems in Stanislaus County.

ACTION: It was agreed that complaint forms will be furnished Homeowners Limited and, when returned, will be investigated by Contractors' State License Board. It was also agreed that the Chief Building Inspector will look at any of the homes that he is requested to visit.

CONSENT
4. Request of Modesto Centennial Committee for financial assistance.
(Memo concerning first Modesto house with agenda. Motion referring to Public Relations Committee for report needed)

ACTION: By motion referred to Public Relations Committee for report. (C/Mgr to handle)

CONSENT
5. Request of Price Enterprises for permission to construct a temporary fence across Ladona Court in Granada Park Subdivision.
(Motion referring to staff for report and recommendation needed)

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

BIDS

CONSENT

6. Consider award of bid for installation of water lines to City Hospital and Scenic Hospital.
(Bids were opened March 16, 1971 and the low bid of the Rutan Company which is 20% below the Engineer's Estimate is considered acceptable. It is recommended the bid be awarded to low bidder. Resolution awarding bid needed. Estimated cost $6,236.25. Funds budgeted in Account 6125-321, Fire Hydrant Installations)

ACTION: Res. 71-207 adopted awarding contract to Rutan Company. (P/W to handle)

CONSENT

7. Consider accepting low bid of Pervo Paint Company of Los Angeles to supply annual requirements of traffic line paint for the period April 1, 1971 - March 31, 1972 at the unit prices bid.
(Memo and tabulation with agenda. Resolution needed. Estimated cost $13,859.00; funds budgeted in Account 321-56-101, Construction Materials, p. 58, 1971-72 budget)

ACTION: Res. 71-208 adopted awarding contract to Pervo Paint Company. (Finance to handle)

CONSENT

8. Consider award of bid for replacement of curb and gutter on Coronado Way and Balboa Way from Enslen Ave. to Sherwood Ave.
(Bids were opened on March 16, 1971. The low bid submitted by A.C. Construction Co., which is 9.5% below the Engineer's Estimate, is considered acceptable. It is recommended that the bid be awarded to the low bidder. Resolution awarding bid needed. Estimated cost $9,923.71 (Contract $8,527.71; Engr. $1,396). Funds budgeted in Account 321-51-101, Construction Materials)

ACTION: Res. 71-209 adopted awarding contract to A.C. Construction Company. (P/W to handle)

CONSENT

9. Consider acceptance of Industrial Electrical Co. contract for construction of Improvement District No. 16 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. One-third of the total cost to be shared by M.I.D., one-third by the City of Modesto, and one-third by Improvement District No. 16. Resolution accepting work as complete needed. Original contract, $149,815.43; final contract, $148,803.69; Incidentals, $17,880.33. Funds budgeted in Account 6622-41-321, Street Lights Unlighted Area Stage I)

ACTION: Res. 1170-S.P. adopted accepting contract. (Clerk to handle)

CONSENT

10. Consider a change order to contract with Don L. Davis deleting requirement to paint Fire Station No. 1.
(Memo with agenda. Motion authorizing change order needed)

ACTION: By motion change order approved. (Finance to handle)

HEARINGS

11. Hearing, annexation of Riverside No. 4 Addition to Sewer District No. 1. 7:35 P.M.

ACTION: Res. 71-210 adopted (Dixon/Newton, unan. - Mitchell, Robinson and Simon, absent) annexing Riverside No. 4 Addition to Modesto Municipal Sewer District No. 1. (Clerk to handle)

12. Protest hearing on Collier-Trombetta Addition to City of Modesto. 7:40 P.M.

ACTION: By motion (Smith/Dixon, unan.) hearing continued to April 5 at 4:20 P.M.

13. Hearing on assessment - Improvement District No. 15. 7:45 P.M.

ACTION: Res. 1171-S.P. adopted (Newton/Smith, unan. - Mitchell, Robinson and Simon, absent) confirming proceedings and assessment. (Clerk to handle)
It was agreed that the City will request the contractor to make repairs requested by Philip Walter. (P/W to handle)

14. Hearing on final map reverting portion of Tully Manor No. 2 to acreage. 7:50 P.M.

ACTION: Res. 71-211 adopted (Smith/Newton, unan. - Mitchell, Robinson and Simon, absent) approving reversion to acreage map. (Clerk to handle)

15 Hearing on amendment to P-D (34) (Sanders) 7:55 P.M.

ACTION: By motion (Dixon/Newton, unan. - Mitchell, Robinson and Simon, absent) Ord. No. 1096-C.S. introduced amending P-D(34) to permit a maximum 178-bed split license facility on south side of Celeste opposite Vera Cruz. (Planning to handle)

16. Hearings on cost of installation of curbs, gutters and/or sidewalks at the locations listed below: 8:00 P.M.

(a) Curb and gutter at 1537 Ford Avenue, portion of Block 1223 (William G. Caldwell)($212.20) (Staff recommends payment over a four year period)

ACTION: Res. 71-212 adopted (Smith/Dixon, unan. - Mitchell, Robinson and Simon, absent) confirming report, assessing costs and directing method of collection (over a 4 year period) (Finance to handle)

(b) Curb and gutter on "D" Street at 601-605 "D" Street, Lots 17 and 18 of Block 29. (LeRoy Schneider - former owner, A. T. Borrego - $340.00)

ACTION: Res. 71-213 adopted (Smith/Dixon, unan. - Mitchell, Robinson and Simon, absent) confirming report, assessing costs and directing method of collection. (Finance to handle)

(c) Sidewalk on E. Fairmont Ave. at 1129 E. Fairmont Ave., Lot 5 of Block 1072. (Clyde F. Holidy - $230.80) (Letter from Mr. Holidy with agenda)

ACTION: Res. 71-214 adopted (Dixon/Smith, unan. - Mitchell, Robinson and Simon, absent) confirming report, assessing costs and directing method of collection. (Finance to handle)
Clerk requested to write to Mr. Holidy and explain City procedures in matters of this type.

16. Hearings on cost of installation of curbs, gutters and/or sidewalks (continued) 8:00 P.M.

(d) Sidewalk on El Terino Ave. at 1124 Edison Ave., Lot 7, Block 1071 (Doreen E. Burke - $274.00)

ACTION: Res. 71-215 adopted (Smith/Dixon, unan. - Mitchell, Robinson and Simon, absent) confirming report, assessing costs and directing method of collection. (Finance to handle)

(e) Curb, gutter and sidewalk on E. Morris Avenue at 102 John Muir Court, Lot 5, Block 606. (George Bertloero - $900.55)

ACTION: Res. 71-216 adopted (Smith/Dixon, unan. - Mitchell, Robinson and Simon, absent) confirming report, assessing costs and directing method of collection. (Finance to handle)

(f) Sidewalk at 1516 Grape Ave., Lot 12, Block 6108. (Albert L. McCleary - $115.00)

ACTION: Res. 71-217 adopted (Smith/Dixon, unan. - Mitchell, Robinson and Simon, absent) confirming report, assessing costs and directing method of collection. (Finance to handle)

(g) Curb, gutter and sidewalk at 1508 Grape Ave., Lot 10, Block 6108. (W. O. Wright - $260.00)

ACTION: Res. 71-218 adopted (Smith/Dixon, unan. - Mitchell, Robinson and Simon, absent) confirming report, assessing costs and directing method of collection. (Finance to handle)

(h) Sidewalk on Ashwood Ave. at 1302 Del Rey Ave., Lot 7, Block 6027. (Ronald R. Orona - $379.60) (Staff recommends payment over an eight-year period)

ACTION: Res. 71-219 adopted (Smith/Dixon, unan. - Mitchell, Robinson and Simon, absent) confirming report, assessing costs and directing method of collection (over and 8 year period) (Finance to handle)

(i) Sidewalk on Del Vale Ave. at 1301 Del Vale Ave., Lot 7, Block 6021. (Rosetta Harrington - $142.00) (Staff recommends payment over a three-year period)

ACTION: Res. 71-220 adopted (Smith/Dixon, unan. - Mitchell, Robinson and Simon, absent) confirming report, assessing costs and directing method of collection (over a 3 year period) (Finance to handle)

(j) Sidewalk on Smith Ave. at 622 Brady Ave., portion of Block 704. (Velma G. Whitaker - $158.80)

ACTION: Res. 71-221 adopted (Smith/Dixon, unan. - Mitchell, Robinson and Simon, absent) confirming report, assessing costs and directing method of collection. (Finance to handle)

(k) Sidewalk on Wright St. at 231 Poplar Ave., Lots 31 and 32 of Block 626. (Donald W. Hopper - $346.00)

ACTION: Res. 71-222 adopted (Smith/Dixon, unan. - Mitchell, Robinson and Simon, absent) confirming report, assessing costs and directing method of collection. (Finance to handle)

16. Hearings on cost of installation of curbs, gutters and/or sidewalks (continued) 8:00 P.M.

(l) Curb, gutter and sidewalk on E. Morris Ave. and on Ramona Ave. at 501 Ramona Ave., Lot 37, Block 605. (Donald R. Reeves - $834.25)
(Staff recommends payment over a ten-year period)

ACTION: Res. 71-223 adopted (Smith/Dixon, unan. - Mitchell, Robinson and Simon, absent) confirming report, assessing costs and directing method of collection (over a 10 year period) (Finance to handle)

(m) Curb, gutter and sidewalk on Garvey Ave. and on Budd St. at 2605 Budd St., Lot 42 of Block 7252. (Hayes Reed - $766.80)
(Staff recommends payment over a ten-year period)

ACTION: Res. 71-224 adopted (Smith/Dixon, unan. - Mitchell, Robinson and Simon, absent) confirming report, assessing costs and directing method of collection (over a 10 year period) (Finance to handle)

(n) Curb and gutter at 2705 and 2617 Garvey Ave., Lots 29 and 31, Block 7252. (Lloyd J. Bowling - $352.80)

ACTION: Res. 71-225 adopted (Smith/Dixon, unan. - Mitchell, Robinson and Simon, absent) confirming report, assessing costs and directing method of collection. (Finance to handle)

(o) Curb and gutter at 2613 Garvey Ave., Lot 32, Block 7252. (Floyd Thomas Vigil - $176.40)

ACTION: Res. 71-226 adopted (Smith/Dixon, unan. - Mitchell, Robinson and Simon, absent) confirming report, assessing costs and directing method of collection. (Finance to handle)

(p) Curb and gutter at 2609 Garvey Ave., Lot 33, Block 7252. (Fred Taylor - $176.40)
(Paid - drop from agenda)

Dropped from agenda as costs have been paid.

17. Hearing on amendment to Chapter 2 of Title X of Modesto Municipal Code relating to real estate open house signs.

ACTION: Ord. No. 1097-C.S. introduced (Smith/Dixon, unan. - Mitchell, Robinson and Simon, absent) (Clerk to handle)

18. Matters for the good of the community. 8:10 P.M.
(These may be presented by interested people in the audience)

ACTION: Frank Andrews spoke.

Councilman Dixon requested a report on the possibility of bus service to the John F. Kennedy School on Hatch Road.

The problems caused by trains blocking crossings at 9th and L and 9th and Kansas were discussed. It was pointed out that 9th and L was a State problem. The Council was informed that the PUC was investigating this at the present time. It was agreed that staff would keep the Council informed of developments and that the C/Atty would advise the Council of any possible means the City could use to help to correct the problem.

ORDINANCES

CONSENT

19. An ordinance amending Section 3-1.226 of Article 2 of Chapter 1 of Title III of the Modesto Municipal Code relating to burning regulations.
(Copy of ordinance and memo with agenda. Introduction of ordinance needed)

ACTION: By motion Ord. No. 1098-C.S. introduced. (Clerk to handle)

CONSENT

19a. Final adoption of Ord. No. 1095-C.S. - garbage disposal.
(Motion adopting needed)

ACTION: By motion Ord. No. 1095-C.S. adopted. (Clerk to handle)

OLD BUSINESS

CONSENT

20. Progress report - Senior Citizens golf.
(Memo with agenda. Motion accepting report needed)

ACTION: Oscar Poore requested further information as to when the Council would take action on this matter. The Director of P & R stated that a recommendation would be made to Council in about two weeks.

NEW BUSINESS

CONSENT

21. Proposed Needham Street traffic plan between Park Ave. and 15th St.
(For information of the Council, a memo and sketch explaining the plan is with the agenda. Motion approving plan needed. Funds budgeted in Account 6663-321-207, Needham-McHenry to Hackberry)

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

CONSENT

22. Approve agreement with State for traffic signal installation at Needham and L, Sycamore - 15th and K Streets.
(State Highway 108 is being relocated to K, L, and Needham Streets and the State is sharing the cost of these signals. City cost $18,000; State cost, $32,000. Resolution approving agreement needed. Estimated cost to City, $18,000; funds budgeted in Account 6663-321-207, Needham - McHenry to Hackberry)

ACTION: Res. 71-227 adopted approving agreement. (Clerk to handle)

CONSENT

23. Renewal of food concession at Beard Brook Park.
(Mr. Charles Wright has requested renewal of contract to operate a food concession at Beard Brook Park. The City's relationship with Mr. Wright regarding the 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 with the exception of a request from Mr. Wright for permission to increase the price of popcorn from 10¢ to 15¢ (appendix "A"). Resolution needed)

ACTION: Res. 71-228 adopted approving agreement. (Clerk to handle)

CONSENT
24. Consider request for sewer service to four properties outside the City in Block 3540:

(a) Property located at 719 Lombardo - property owner, John A. Gomez;
(Resolution needed)

ACTION: Res. 71-229 adopted approving agreement. (P/W to handle)

(b) Property located at 715 Lombardo - property owner, Ponfilo Gomez;
(Resolution needed)

ACTION: Res. 71-230 adopted approving agreement. (P/W to handle)

(c) Property located at 804 Ericksen - property owners, Ponfilo Gomez and Maria Gomez;
(Resolution needed)

ACTION: Res. 71-231 adopted approving agreement. (P/W to handle)

(d) Property located at 722 Ericksen - property owners, Ponfilo Gomez and Maria Gomez.
(Resolution needed)

(The property owners have signed an agreement to annex when requested to do so by City. The properties are not contiguous to the City but a sewer line exists to serve them. Resolutions approving agreements needed)

ACTION: Res. 71-232 adopted approving agreement. (P/W to handle)

CONSENT
25. Consider approval of Environmental Impact Statement.
(The State Department of Aeronautics and Federal Aviation Administration require that an Environmental Impact Statement, approved by the City Council, be filed with each agency before consideration of participation in airport projects. Copy of statement and memo with agenda. Resolution needed)

ACTION: Res. 71-233 adopted approving Environmental Impact Statement. (Clerk to handle)

CONSENT
26. Consider authorization of public auction to be conducted Saturday, April 17, 1971 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 entitled Exhibit A and B - on file with City Clerk. Estimated cost $125.00 (auctioneer fees). Funds budgeted in Account 235-15-101, Services, Prof. & Other, p. 31)

ACTION: Res. 71-234 adopted authorizing public auction. (Finance to handle)

CONSENT
27. 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., April 5, 1971 for hearings needed)

CONSENT
(a) Sidewalk on Carlton Ave. at 1540 Carlton Ave., Lot 4, Block 6124. (Mr. Lowell W. Brawley)
(Resolution needed)

ACTION: Res. 71-235 adopted setting hearing. (P/W to handle)

CONSENT
(b) Curb and gutter at 110 John Muir Ct., Lot 7, Block 606. (Mr. James A. Eidson)
(Resolution needed)

ACTION: Res. 71-236 adopted setting hearing. (P/W to handle)

CONSENT
(c) Curb and gutter and sidewalk at 1528 Grape Ave., Lot 1f, Block 6108 (Mr. Larry J. Hobbs)
(Resolution needed)

ACTION: Res. 71-237 adopted setting hearing. (P/W to handle)

CONSENT
(d) Sidewalk on Ardmor Ave. at 1506 Ardmor Ave., Lot 11 and South 1/2 of Lot 12 of Block 6122 (Mr. Wei Hsuan)
(Resolution needed)

ACTION: Res. 71-238 adopted setting hearing. (P/W to handle)

CONSENT
(e) Sidewalk at 1205 Purdue Ave., Lot 8, Block 826 (Mr. Manuel L. Moniz)
(Resolution needed)

ACTION: Res. 71-239 adopted setting hearing. (P/W to handle)

CONSENT
(f) Sidewalk at 1516 Ardmore Ave., Lot 13 and North 1/2 of Lot 12, Block 6122 (Mr. Paul Nussbaumer)
(Resolution needed)

ACTION: Res. 71-240 adopted setting hearing. (P/W to handle)

CONSENT
(g) Sidewalk on Del Vale Ave. at 1542 W. Orangeburg Ave., Lot 1, Block 6041 (Mr. James M. Weaving)
(Resolution needed)

ACTION: Res. 71-241 adopted setting hearing. (P/W to handle)

CONSENT
28. Report of Superintendent of Streets on cost of installation of curbs and gutters and/or sidewalks at the locations listed below. (Resolutions setting 4:15 P.M. April 5, 1971 for hearings needed. Contract costs listed below with properties. Funds budgeted in Account 5302-51-101, Curb and Gutters, Special)

CONSENT
(a) Curb and gutter at 1521 Edgebrook Drive, portion of Block 6128A (Mr. Edwin W. Ferrel - $275.50)
(Resolution needed)

ACTION: Res. 71-242 adopted setting hearing. (P/W to handle)

CONSENT
(b) Sidewalk on High Street at 603 High St., Lot 22, Block 614 (Mr. Harry Grosspietsch, $325.00)
(Resolution needed)

ACTION: Res. 71-243 adopted setting hearing. (P/W to handle)

CONSENT
(c) Curb and gutter at 112 Rowland Ave., portion of Block 2087. (Mrs. Hazel V. Lighthall, $250.05)
(Resolution needed)

ACTION: Res. 71-244 adopted setting hearing. (P/W to handle)

CONSENT
(d) Curb and gutter on Edgebrook Drive and on Covena Ave. at 534 Covena Ave., portion of Block 6128-A (Mr. Senter A. Nunley, $506.80)
(Resolution needed)

ACTION: Res. 71-245 adopted setting hearing. (P/W to handle)

CONSENT
(e) Curb and gutter at 1515 Edgebrook Drive, portion of Block 6128-A (Mr. Edmund J. Sargent, $221.30)
(Resolution needed)

ACTION: Res. 71-246 adopted setting hearing. (P/W to handle)

CONSENT
(f) Curb and gutter at 1513 Edgebrook Drive, portion of Block 6128-A, (Mr. Robert W. Smith, Sr., $222.50)
(Resolution needed)

ACTION: Res. 71-247 adopted setting hearing. (P/W to handle)

CONSENT
(g) Curb and gutter at 225 Phoenix Ave., Lot 21, Block 2212 (Mr. Robert M. Wise, $225.35)
(Resolution needed)

ACTION: Res. 71-248 adopted setting hearing. (P/W to handle)

CONSENT

29. 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 granted. (P & R to handle)

CONSENT

30. Consider request for sewer service to property outside the City at 1441 Queens Ave.
(Property owners: Donald Andrew and Velet Rowe Gowans. Property owners have 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. 71-249 adopted approving agreement. (P/W to handle)

CONSENT

31. Consider professional services to review staff estimate for municipal garbage operation.
(Staff is in the process of developing cost estimates for municipal operation of the garbage service and in order to be sure that the extimate is reasonable and realistic, we would like to have our work reviewed by consulting engineers with expertise in the field of garbage service. SCS Engineers, Long Beach, has this expertise, and has agreed to make this review for not to exceed $1,000. If Council approves this procedure, we will issue a purchase order authorizing the work. Motion authorizing staff to proceed needed. Funds budgeted in Account 235-41-101, Serv., Prof. & Other)

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

CONSENT

32. Consider recommendation that City Council adopt a resolution recommending that the County Board of Supervisors appoint a full time Drug Abuse Coordinator.
(Memo with agenda. Resolution recommending that County appoint full time Drug Abuse Coordinator needed)

ACTION: Res. 71-250 adopted recommending appointment of full time Drug Abuse Coordinator by Board of Supervisors. (Clerk and C/Mgr to handle)

CONSENT

33. A resolution approving final map of Northgate 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 agreement has been signed and all fees paid. This subdivision is located on the north side of Andover Lane between McHenry Ave. and TWSRR. It contains 11.479 acres. Resolution approving final map needed)

ACTION: Res. 71-251 adopted approving final map of Northgate No. 7. (Clerk to handle)

REPORTS FROM THE PLANNING COMMISSION

CONSENT

34. Recommend amendment to Section 12-3-8 of the zoning map (Kaiser-Aetna) (By Resolution No. 71-39 adopted March 16, 1971 the Planning Commission recommends an amendment to Section 12-3-8 of the zoning map as requested by Kaiser-Aetna, to rezone from One-family Residential Zone, R-1, to Planned Development Zone, P-D, to allow a mobile home subdivision on property located at the northwest corner of Rumble and Prescott Roads. Resolution setting April 12, 1971 at 7:45 P.M. for public hearing needed)

ACTION: Res. 71-252 adopted setting hearing. (Clerk to handle)

APPROPRIATION TRANSFERS

CONSENT

35. Consider approval of appropriation transfer in the amount of $261 from Airport Fund General Reserve to Account 412-46-230 Automotive Insurance to provide funds with which to reimburse Empire Fire District for insurance premium paid by them on the Airport crash truck. Resolution approving appropriation transfer needed)

ACTION: Res. 71-253 adopted approving appropriation transfer of $261 from Account 60-230 to Account 412-46-230. (Finance to handle)

MISCELLANEOUS

36. Legislation.

(a) Opposition to AB-52.
(Letter with agenda. Acceptance of report and direction to staff needed)

ACTION: By motion (Dixon/Newton, unan.) AB-52 opposed.
By motion (Smith/Newton, unan.) SB-333 opposed.
By motion (Smith/Newton, unan.) AB-429 opposed.
By motion (Dixon/Smith, unan.) AB-533 opposed.
By motion (Smith/Dixon, unan.) AB-634 opposed.
(C/Mgr to handle)

It was agreed that a close watch would be kept on environmental control bills.

37. Appointments.

ACTION: Res. 71-254 adopted (Dixon/Smith, unan. - Mitchell, Robinson and Simon, absent) reappointing Lupe Hernandez, Jerome G. Kopp, Julius C. Manrique and Don L. Winsby to the Human Rights Commission for terms expiring May 1, 1975. (Clerk to handle)

Adjournment at 9:00 P.M.

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

CITY OF MODESTO
AGENDA FOR COUNCIL MEETING OF MONDAY, APRIL 5, 1971 AT 4:00 P.M.

Roll Call Present: Dixon, Mitchell, Newton, Simon, Smith, Mayor Davies

Absent: Robinson

Pledge of allegiance to the Flag
Invocation: Captain William Fitton, Salvation Army

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2, 3, 4, 7, 8, 9, 10, 12, 13, 14, 19a thru 19h, incl., 22, 23, 24, 25, 26a, 26b, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 43, 44, 45, 47, 48, 49

Simon/Newton, unan. - Robinson, absent.

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

APPROVAL OF MINUTES

CONSENT
1. Minutes of March 22, 1971.

ACTION: By motion minutes approved.

PETITIONS, REMONSTRANCES AND CORRESPONDENCE

CONSENT
2. Appeal of Central-Cal Enterprises from denial by Planning Commission of request for P-D zoning to permit construction of 27 single-story four-plex units at northeast corner of Kruger and Granada. (Resolution setting April 26, 1971 at 7:35 P.M. for hearing needed)

ACTION: Res. 71-255 adopted setting hearing. (Clerk to handle)

CONSENT
3. Resignation of Rae J. Codoni as a member of the Farm-City Advisory Committee. (Resolution accepting with regret needed)

ACTION: Res. 71-256 adopted accepting resignation with regret. (Clerk to handle)

CONSENT
4. Request of Tillie Lewis Foods, Inc. for encroachment permit for installation of flashing yellow caution light and warning signs at D Street. (Resolution setting April 12, 1971 at 7:50 P.M. for informal public hearing needed)

ACTION: Res. 71-257 adopted setting hearing. (Clerk to handle)

5. **Progress report from Creative Arts Council on Mancini Park Art Festival, together with request for payment of $135.45 spent to date and request for additional financial and staff assistance.**

ACTION: By motion (Simon/Dixon, unan.) requests granted subject to condition that all expenditures are to be handled by P & R Dept. and with the understanding that an appropriation transfer will be requested. (P & R to handle)

6. **Request of Comprehensive Health Planning Council for financial support.**

Dropped from agenda - to be on agenda for April 12, 1971. Staff requested to furnish Council with info on breakdown of cost sharing. (C/Mgr. to handle)

BIDS

CONSENT

7. Recommendation that installation of water lines in Greenbrier No. 4 and Rose Terrace No. 3 be performed by city forces.
(The low bid received for this work was 86% over the Engineer's Estimate. In the opinion of the City Manager the work can be performed more economically by city forces. Therefore, he recommends that this work be done accordingly. Resolution authorizing work be done by city forces needed. Estimated cost $2,750; funds budgeted in Account 6804-50-101, Water Line Extension)

ACTION: Res. 71-258 adopted rejecting bids and authorizing work to be done by City forces. (P/W to handle)

CONSENT

8. Consider approval of plans and specifications and call for bids for installation of water line in future Sherman Avenue.
(Suggested bid opening: April 20, 1971 at 10:05 A.M. This project is included in the CIP program for this fiscal year and the funds for this project are in the current budget. Resolution approving plans and specs and call for bids needed. Estimated cost $9,000 (Matls., $5,800; labor, $3,200). Funds budgeted in Account 6828-50, Strengthen System at Various Locations)

ACTION: Res. 71-259 adopted approving plans and specifications and bid call. (Clerk to handle)

CONSENT

9. Consider award of bid for installing pumping units at Pump Stations 18 and 10.
(Memo with agenda. Resolution waiving minor irregularity and awarding bid, and resolution approving appropriation transfer of $500.00 needed. Funds budgeted in Account 6830-50, Increase Capacity, Pump Stations 18 and 10) (Contract cost: $5,974.00)

ACTION: Res. 71-260 adopted waiving minor irregularity in bid and awarding contract to Stanislaus Pump and Supply Co. (P/W to handle)

Res. 71-261 adopted approving appropriation transfer of $500 from Account 6846-50-101 to Account 6830-50-101. (Finance to handle)

CONSENT

10. Consider approval of plans and specifications and call for bids for installation of water lines in Winmoore Way and Northgate No. 7. (Suggested bid opening April 20, 1971 at 10:15 A.M. Cost summary: Winmoore Way: Construction cost $7,100; connection charges, $3,358.00; net revenue, $318.00. Northgate No. 7: Construction cost, $16,500.00 connection charges, $4,375.00; net revenue, $560.00. Resolution approving plans, specs and bid call needed. Estimated cost $23,600 (Labor $8,100; Matls, $15,500.00). Funds budgeted in Account 6804-50-101, Water Line Extension)

ACTION: Res. 71-262 adopted approving plans and specifications and bid call. (Clerk to handle)

11. Consider addendum to specifications for collection of garbage. (Memo with agenda. Motion needed)

ACTION: By motion (Mitchell/Newton, unan.) addendum approved inserting provision to allow City to acquire licensed collector's business at any time during the 8-year franchise period. (P/W to handle)

CONSENT

12. Consider acceptance of I. J. Larsen Co.'s contract for installation of deep well pumping unit at Pump Station No. 37. (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. Original contract $10,891.00; final cost, $10,966.00; funds budgeted in Account 6809-50; Well & Pump Station, Rose Avenue)

ACTION: Res. 71-263 adopted accepting I. J. Larsen Co. contract. (Clerk to handle)

CONSENT

13. Approve plans and specifications and call for bids for asphalt concrete resurfacing various city streets, Spring 1971. (Bid opening April 20, 1971 at 10:00 A.M. This will complete the overlay program budget in 1970-71 fiscal year. Resolution approving plans and specifications and call for bids needed. Estimated cost $13,290 (Contract $12,540; Engr. $750) Funds budgeted in Account 6657, Various Residential St.; 6660-207, Concrete Overlay/Misc. Resurfacing)

ACTION: Res. 71-264 adopted approving plans and specifications and bid call. (Clerk to handle)

CONSENT

14. Consider award to low bidder, Bill Hughes Dodge, Modesto to furnish automotive equipment: (16 patrol vehicles; two four-door sedans; ten pickups; one 2-ton flatbed truck. Memo and bid tabulation with agenda. Resolution awarding bid and resolution authorizing interfund transfer needed. Estimated cost $82,520.00; funds budgeted in various accounts, Service Division Capital Outlay, p. 78 & 79)

ACTION: Res. 71-265 adopted awarding contract to Bill Hughes Dodge. (Finance to handle)

Res. 71-266 adopted transferring $200,000 from the General Fund (Fund No. 101) to the Service Division Revolving Fund (Fund No. 512) and appropriating said amount in specified accounts. (Finance to handle)

HEARINGS

15. Hearings on requirement of sidewalk and/or curb and gutter at the following locations: 4:10 P.M.

(a) Sidewalk at 1540 Carlton Ave., Lot 4, Block 6124 (Mr.Lowell W. Brawley)

ACTION: Res. 71-267 adopted (Dixon/Mitchell, unan. - Robinson, absent) ordering work done. (P/W to handle)

(b) Curb and gutter at 110 John Muir Court, Lot 7, Block 606 (Mr. James A. Eidson)

ACTION: Res. 71-268 adopted (Dixon/Mitchell, unan. - Robinson, absent) ordering work done. (P/W to handle)

(c) Curb and gutter and sidewalk at 1528 Grape Ave., Lot 15 of Block 6108 (Mr. Larry J. Hobbs)

ACTION: Res. 71-269 adopted (Dixon/Mitchell, unan. - Robinson, absent) ordering work done. (P/W to handle)

(d) Sidewalk at 1506 Ardmore Ave., Lot 11 and South 1/2 of Lot 12 of Block 6122 (Mr. Wei Hsuan)

ACTION: Res. 71-270 adopted (Dixon/Mitchell, unan. - Robinson, absent) ordering work done. (P/W to handle)

(e) Sidewalk at 1205 Purdue Ave., Lot 8 of Block 826, (Mr. Manuel L. Moniz)

ACTION: Res. 71-271 adopted (Dixon/Mitchell, unan. - Robinson, absent) ordering work done. (P/W to handle)

(f) Sidewalk at 1516 Ardmore Ave., Lot 13 and north 1/2 of Lot 12, Block 6122. (Mr. Paul Nussbaumer)

ACTION: Res. 71-272 adopted (Dixon/Mitchell, unan. - Robinson, absent) ordering work done. (P/W to handle)

(g) Sidewalk on Del Vale Ave. at 1542 Orangeburg Ave., Lot 1 of Block 6041. (Mr. James M. Weaving)

ACTION: Res. 71-273 adopted (Dixon, Mitchell, unan. - Robinson, absent) ordering work done. (P/W to handle)

16. Hearings on cost of installation of curbs, gutters and/or sidewalks at the locations listed below: 4:15 P.M.

(a) Curb and gutter at 1521 Edgebrook Drive, portion of Block 6128A (Mr. Edwin W. Ferrel ($275.50)

ACTION: Res. 71-274 adopted (Newton/Mitchell, unan. - Robinson, absent) confirming report, assessing costs and directing method of collection. (Finance to handle)

(b) Sidewalk at 603 High Street, Lot 22 of Block 614 (Mr. Harry Grosspietsch, $325.00) (Payment over a seven-year period recommended)

ACTION: Res. 71-275 adopted (Newton/Mitchell, unan. - Robinson, absent) confirming report, assessing costs and directing method of collection (over a seven year period). (Finance to handle)

(c) Curb and gutter at 112 Rowland Avenue, portion of Block 2087. (Mrs. Hazel V. Lighthall, $250.05)

ACTION: By motion (Newton/Mitchell, unan.) hearing continued to April 19, 1971 at 4:05 P.M.

16. Cost hearings, curbs, gutters and/or sidewalks (continued)

(d) Curb and gutter on Edgebrook Drive and Covena Avenue at 534 Covena Avenue, portion of Block 6128A (Mr. Senter A. Nunley, $506.80) 4:15 P.M.

ACTION: Res. 71-276 adopted (Newton/Mitchell, unan. - Robinson, absent) confirming report, assessing costs and directing method of collection. (Finance to handle)

(e) Curb and gutter at 1515 Edgebrook Drive, portion of Block 6128A (Mr. Edmund J. Sargent, $221.30)

ACTION: Res. 71-277 adopted (Newton/Mitchell, unan. - Robinson, absent) confirming report, assessing costs and directing method of collection. (Finance to handle)

(f) Curb and gutter at 1513 Edgebrook Drive, portion of Block 6128A (Mr. Robert W. Smith, Sr.,$222.50)
(Payment of a four-year period recommended)

Dropped from agenda as costs have been paid.

(g) Curb and gutter at 225 Phoenix Avenue, Lot 21, Block 2212 (Mr. Robert M. Wise, $225.35)

ACTION: Res. 71-278 adopted (Newton/Mitchell, unan. - Robinson, absent) confirming report, assessing costs and directing method of collection. (Finance to handle)

17. Continued protest hearing - Collier-Trombetta annexation. 4:20 P.M.

ACTION: Res. 71-279 adopted (Smith/Simon, unan. - Robinson, absent) overruling protests.

Res. 71-280 adopted (Smith/Simon, unan. - Robinson, absent) calling Special Election to be held June 1, 1971. (Clerk to handle)

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

ACTION: At the suggestion of Councilman Newton, it was agreed that a meeting of the Council Committee on Crime, the City Manager and Police personnel should be held as soon as possible to study the reasons for many officers leaving the Police Dept. It was suggested that a study be made of turn-over figures for other police departments and the Sheriff.

The City Attorney reported that the Superior Court had ruled in favor of the City of Modesto and against the M.I.D. and the T.I.D. in the Utility Tax collection case.

CONSENT

ORDINANCES

19 Final adoption of the following ordinances: (Motion adopting needed)

(a) Ordinance No. 1084-C.S. - amendment to Section 7-3-9 and 18-3-9 zoning maps(Brannan)

ACTION: By motion Ord. No. 1084-C.S. adopted. (Clerk to handle)

(b) Ordinance No. 1091-C.S. - amendment to Section 22-3-9 of zoning map (Price)

ACTION: By motion Ord. No. 1091-C.S. adopted. (Clerk to handle)

(c) Ordinance No. 1092-C.S. - amendment to Section 10-3-9 of zoning map (Sutter)

ACTION: By motion Ord. 1092-C.S. adopted. (Clerk to handle)

(d) Ordinance No. 1093-C.S. - amendment to Section 9-3-9 of zoning map (Grant)

ACTION: By motion Ord. No. 1093-C.S. adopted. (Clerk to handle)

(e) Ordinance No. 1094-C.S. - amendment to Section 16-3-9 of zoning map (Weeks)

ACTION: By motion Ord. No. 1094-C.S. adopted. (Clerk to handle)

(f) Ordinance No. 1096-C.S. - amendment to Ord. No. 1001-C.S., P-D (34) (Sanders)

ACTION: By motion Ord. No. 1096-C.S. adopted. (Clerk to handle)

(g) Ordinance No. 1097-C.S. - relating to open house signs.

ACTION: By motion Ord. No. 1097-C.S. adopted. (Clerk to handle)

(h) Ord. No. 1098-C.S. - relating to burning regulations.

ACTION: By motion Ord. No. 1098-C.S. adopted. (Clerk to handle)

20. Consider the following ordinances relating to bus bench franchise and amendments to sign regulations of the Modesto Municipal Code: (Committee report with agenda)

(a) An ordinance granting W. R. Tomson, dba Transadtise Company, an exclusive franchise for the right, privilege and permission to place, construct and maintain benches with advertising thereon at designated locations on the streets and sidewalks in the City of Modesto;
(Introduction of ordinance needed)

ACTION: By motion (Newton/Smith, unan. - Robinson, absent) Ord. No. 1099-C.S. introduced. (Clerk to handle)

20. (b) An ordinance amending Sections 9-6.03, 9-6.06 and 9-6.07 of Chapter 6 of Title IX of the Modesto Municipal Code relating to sign regulations;
(Introduction of ordinance needed)

ACTION: By motion (Newton/Smith, unan. - Robinson, absent) Ord. No. 1100-C.S. introduced. (Clerk to handle)

(c) An ordinance amending Sections 10-2-501 and 10-2.807 of Chapter 2 of Title X of the Modesto Municipal Code relating to zoning regulations.
(Motion referring to Planning Commission needed)

ACTION: By motion (Newton/Smith, unan.) referred to P/C for study and recommendation. (Planning to handle)

21. Installation of meters on the south side of H Street between 13th and 14th Streets, as per the request of the businesses on that block. (These meters were removed in May, 1970 because they were grossing less than $20.00 per meter per year. The people of this block want the meters returned to eliminate all-day parking and provide turnover for their patrons. Introduction of ordinance amending parking meter zoning map needed. $10 for labor, estimated cost; funds budgeted in Account 110-56-101, Salaries and Wages)

ACTION: By motion (Simon/Smith, unan.) Ord. No. 1101-C.S. introduced amending parking meter zoning map. (Clerk to handle)

NEW BUSINESS

CONSENT
22. Consider deeding excess land along Briggsmore Ave. right of way to adjacent Modesto Racquet Club.
(This land was deeded to the City of Modesto at no cost for the purpose of widening Briggsmore Ave. The portion described in the accompanying deed was not required and it would seem appropriate to return this to the original owner. Resolution needed)

ACTION: Res. 71-281 adopted approving deeding of excess land to Modesto Swim and Racquet Club.

CONSENT
23. Consider approval of lease agreement with Donald P. LaTourette dba Ace Aeromotive for east one-half of Hangar No. 5 at the Modesto City-County Airport.
(Present occupant of the east one-half of Hangar No. 5 wishes to terminate his lease. The airport manager has found a new lessee for the hangar. We recommend Council terminate the existing lease with Nate Province dba Pacific Aircraft Service and approve the new lease with Donald P. LaTourette. Resolution terminating Nate Province lease effective 3/31/71 needed; resolution approving Donald P. LaTourette lease effective 4/1/71 needed)

ACTION: Res. 71-282 adopted terminating lease with Nate Province, dba Pacific Aircraft Service. (Clerk to handle)

Res. 71-283 adopted approving lease agreement with Donald P. La Tourette, dba Ace Aeromotive. (Clerk to handle)

CONSENT

24. Consider approval of supplemental agreement with FAA covering the installation of a Hygrothermometer facility at the City County Airport.
(Request has been reviewed by Airport Manager, and it is his recommendation that Council approve the agreement with FAA. Resolution approving supplemental agreement needed)

ACTION: Res. 71-284 adopted approving supplemental agreement with F.A.A. (Clerk to handle)

CONSENT

25. Consider approval of agreement for sewer service to a 12-lot subdivision outside the City.
(The developer of English Meadows Subdivision has requested sewer service and has signed our standard agreement which sets forth the conditions upon which this service will be provided including the requirement to annex when requested to do so. Resolution approving agreement needed)

ACTION: Res. 71-285 adopted approving agreement with Developers of English Meadows Subdivison. (P/W to handle)

CONSENT

26. Consider requests for sewer service to properties outside the City Limits at:

(a) 3128 Scenic Drive, property owners, Leroy G. and Sherril Krikke;
(Resolution approving agreement needed)

ACTION: Res. 71-286 adopted approving agreement with Leroy G. Krikke, et ux. (P/W to handle)

(b) 826 Erickson Avenue, property owners, Severo and Jenny Duran;
(Resolution approving agreement needed. The property owners have signed agreements to annex to the City when requested to do so. The properties are not contiguous to the City, but a sewer line exists to serve them)

ACTION: Res. 71-287 adopted approving agreement with Severo Duran, et ux. (P/W to handle)

CONSENT

27. Consider acceptance of avigation easement from Mr. and Mrs. William R. Inglis.
(Mr. and Mrs. Inglis have granted to the City an avigation easement of approximately two acres of land owned by them in the ILS clear zone at the City-County Airport. This has been granted at no cost to the City. Resolution accepting with appreciation needed)

ACTION: Res. 71-288 adopted accepting easement with thanks. (Clerk to handle)

CONSENT

28. Consider approval of lease agreement with John F. Gottschalk for 20 tie-down spaces at the Modesto City-County Airport effective April 1, 1971 at the rate of $8.00 each per month.
(Council approved the principle of leasing these tie-down spaces by its action at the council meeting March 1, 1971. Resolution approving lease agreement needed)

ACTION: Res. 71-289 adopted approving lease agreement. (Clerk to handle)

CONSENT

29. Consider initiating proceedings for formation of a storm drainage improvement district for the Tokay-Codding area.
(Memo with agenda. Resolution approving letter agreement needed; resolution approving appropriation transfer of $5,000 from General Reserve needed; motion authorizing staff to proceed needed)

ACTION: Res. 71-290 adopted approving letter agreement with Orrick, et al for legal services.

Res. 71-291 adopted approving appropriation transfer of $5,000 from Account 60-321 to Account 6603-41-321. (Finance to handle)
By motion staff authorized to proceed with formation of Improvement District No. 19. (P/W to handle)

CONSENT

30. Consider proposal of Mr. Thomas Fontana, Jr., to harvest nuts and grapers 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 proposes to complete the harvest and pay to the City by November 20, 1971 35% of the gross revenue for the crop. He harvested the walnuts in 1970 and paid the City $199.36. Resolution approving needed)

ACTION: Res. 71-292 adopted approving letter agreement with Thomas Fontana, Jr. (Finance to handle)

CONSENT

31. Agreement with State for the installation of fully-actuated traffic signals and street lighting at Maze and Franklin and appropriation transfer to cover City's share of project.
(The above agreement has been received and checked and is ready for council approval. The City's share is estimated at $15,000. The City has $4,973 budgeted for this project; therefore, approval of a $10,027 appropriation transfer is necessary. The City Council approved the more expensive signal in October 1970 when the State said that is all they would allow on their state highway. Resolution approving agreement and resolution approving appropriation transfer of $10,027 needed. Estimated cost $10,027; funds budgeted in Account 6225-56-321, Traffic signals and street lighting - Maze and Franklin)

ACTION: Res. 71-293 adopted approving agreement with State. (Clerk to handle)

Res. 71-293A adopted approving appropriation transfer of $10,027 from Account 60-321 to Account 6225-56-321. (Finance to handle)

CONSENT

32. Consider flashing beacon installation - Sycamore and Morris.
(A report by Director of Parking and Traffic with agenda. The flasher now in operation at Briggsmore and Carver would be transferred to Sycamore and Morris. Motion approving installation and resolution approving appropriation transfer of $1,000 needed. Estimated cost $1,000)

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

Res. 71-294 adopted approving appropriation transfer of $1,000 from Account 6197-56-321 to Account 7902-56-321. (Finance to handle)

CONSENT
33. Request of California Relays for:

(a) Payment of $3,000 budgeted for California Relays in the current fiscal year; and

ACTION: By motion payment approved. (Finance to handle)

(b) Inclusion of $3,000 for California Relays in 1971-72 budget. (Copies of letters received from California Relays with agenda. Motion approving payment for current year and referring request for 1971-72 budget to budget session needed)

ACTION: By motion referred to proper budget session. (Finance to handle)

CONSENT
34. Consider lease agreement with Modesto City Schools for use of a portion of the Coleman F. Brown Park site by the Future Farmers of America. (The Downey High School Future Farmers of America are using approximately two acres of the Coleman F. Brown Park site located on Celeste Drive, together with adjoining property owned by Harry F. McDonald. They have agreed to pay the City the same rental as they are paying Mr. McDonald - $50 an acre on a year-to-year basis. We recommend that the lease agreement be approved. Resolution needed)

ACTION: Res. 71-295 adopted approving lease agreement. (Finance to handle)

CONSENT
35. Lease of house at 534 Bodem to Billy W. and Carol Hammons for a one-month period.
(The City recently acquired several buildings on Bodem for the project to extend Sunrise Avenue. We had originally planned to vacate all property by April 1; however, one of the tenants has asked for an extension. Public Works has indicated that May 1 would be the best possible date to the best of their knowledge. The rental is $80, and the City is to pay the water and garbage. This is the same rent previously paid by the tenants. We recommend that the lease agreement be approved. Resolution needed)

ACTION: Res. 71-296 adopted approving lease agreement. (Finance to handle)

CONSENT
36. Consider adoption of the following resolutions in connection with improvement of District No. 17 (street lighting in unlet areas of City).

(a) Resolution of Preliminary Determination that Public Convenience and Necessity require construction of Public Improvements; (M17-1);

ACTION: Res. 1172-S.P. adopted determining that public convenience and necessity require construction. (Clerk to handle)

(b) Resolution directing preparation of Plans and Specifications for work improvements, together with estimates of costs and expenses thereof (M17-2);

ACTION: Res. 1173-S.P. adopted directing preparation of plans and specs. (P/W to handle)

36. (c) Resolution adopting and approving contract documents and specifications, map, plans and profiles and estimate of costs and expenses of improvement (M17-3);

ACTION: Res. 1174-S.P. adopted approving documents. (Clerk to handle)

(d) Resolution of Intention relative to construction of street lights in Improvement District No. 17 (M17-4);

ACTION: Res. of Int. 328 (1175-S.P.) adopted declaring intent to form district. (Clerk to handle)

(e) Resolution designating Modesto Bee as newspaper in which the City Clerk of said City is order to publish any notice, resolution, order, or other matter, etc. (M17-5);

ACTION: Res. 1176-S.P. adopted designating Modesto Bee. (Clerk to handle)

(f) Resolution fixing compensation for attorneys employed for improvement proceedings (M17-6)
(Adoption of six resolutions needed)

ACTION: Res. 1177-S.P. adopted fixing compensation for bond counsel. (Clerk to handle)

CONSENT

37. Cancellation of lease agreement with Stanislaus County Co-op Association, Inc.
(Memo with agenda. Resolution declaring default by Stanislaus County Co-op Association, Inc., for lease of Mark Twain and Floyd Neighborhood Park #2 park sites and cancelling lease agreement)

ACTION: Res. 71-297 adopted cancelling lease agreement. (P & R to handle)

CONSENT

38. Consider lease of Mark Twain Park Site to Gallo Winery.
(The Gallo Winery has offered to rent this 7.9 acre site to be used for grape cuttings. They have offered a price of $500 per year. This price is fair, and it is recommended that a year-to-year lease agreement be approved. Resolution needed)

ACTION: Res. 71-298 adopted approving lease agreement. (Finance to handle)

CONSENT

39. Report on action of State Reclamation Board in establishing designated floodway and floodway encroachment line for the Tuolumne River through Modesto.
(The Board of Reclamation has formally adopted a designated floodway and floodway encroachment line for the Tuolumne River through Modesto. Any work within this area will require a permit from the Reclamation Board. Report and copy of drawing attached. Motion accepting report with agenda.)

ACTION: By motion report accepted.

CONSENT

40. Report on California Correctional Industries library furniture.
(Report with agenda. Motion accepting report needed)

ACTION: By motion report accepted.

41. Report by Vice Mayor Mitchell and Councilman Simon on Congressional-City conference.
(Report will me made at the meeting)

ACTION: Councilman Simon commended Vice Mayor Mitchell on his expertise in the field of Washington protocol and the large number of personal acquaintances he had among City and Federal officials.

Vice Mayor Mitchell reported on the well-known persons who addressed the conference and the matters they discussed.

Revenue sharing was pointed out as a matter of major concern, and it was agreed that printed information brought back from the conference would be reproduced and distributed to the rest of the Council so that action can be taken in the future. (C/Mgr to handle)

42. Report on consumer affairs.
(Memo with agenda. Motion accepting report needed)
(Simon/Mitchell, unan.)

ACTION: By motion/report accepted and staff directed to make information received by Councilman Simon available to committee.

REPORTS FROM THE PLANNING COMMISSION

CONSENT

43. Recommend amendment to Section 19-3-9 of the zoning map (James C. Champion)
(By Resolution No. 71-38 adopted March 16, 1971 the Planning Commission recommends an amendment to Section 19-3-9 of the zoning map as requested by James C. Champion to rezone from two-family residential zone, R-2, to Planned Development Zone, P-D, to allow a 22-unit 1 and 2-story apartment complex on property located on the west side of Tully Road between Orangeburg Avenue and Pearl Street. Resolution setting April 26, 1971 at 7:40 P.M. for public hearing needed)

ACTION: Res. 71-299 adopted setting hearing. (Clerk to handle)

CONSENT

44. Recommend amendment to Section 22-3-9 of the zoning map.
(Sam T. Uccello)
(By Resolution No. 71-35 adopted March 16, 1971 the Planning Commission recommends an amendment to Section 22-3-9 of the zoning map as requested by Sam T. Uccello to rezone from One-family Residential Zone-R-1, to two-family Residential Zone, R-2, property located on the south side of Wylie Drive east of Rose Avenue. Resolution setting April 26, 1971 at 7:45 P.M. for public hearing needed)

ACTION: Res. 71-300 adopted setting hearing. (Clerk to handle)

CONSENT

45. Recommend amendment to Section 22-3-9 of the zoning map (Arthur J. Wylie, Jr.)
(By Resolution No. 71-33 adopted March 16, 1971 the Planning Commission recommends an amendment to Section 22-3-9 of the zoning map as requested by Arthur J. Wylie Jr., to prezone to Two-Family Residential Zone, R-2, property located north and south of E. Orangeburg Avenue extending west from Rose Avenue. Resolution setting April 26, 1971 at 7:50 P.M. for public hearing needed)

ACTION: Res. 71-301 adopted setting hearing. (Clerk to handle)

46. Recommendation of Board of Zoning Adjustment for amendment to sign ordinance.
(Letter with agenda. Motion indicating Council's desire needed)

ACTION: By motion (Mitchell/Dixon, unan.) referred to staff for recommendation with instruction that enforcement in Tully Manor to be held in abeyance for the time being. (Planning to handle)

CONSENT

47. Planning Commission recommendation - Capital Improvement Program, 1971-72 to 1976-77.
(See IBM listing and letter of transmittal. Motion referring to budget session needed)

ACTION: By motion referred to budget session. (Finance to handle)

APPROPRIATION TRANSFERS

CONSENT

48. Request for appropriation transfer of $207 from General Fund, General Reserve.
(The fees have been collected from the Judo Club members and deposited in the General Reserve. It is necessary that this amount be transferred to the membership dues account so the fees can be paid. Resolution approving appropriation transfer needed)

ACTION: Res. 71-302 adopted approving appropriation transfer of $207 from Account 60-101 to Account 401-32-101. (Finance to handle)

CONSENT

49. Request for appropriation transfer to make repairs to Mancini Bowl. (Memo with agenda. Resolution approving appropriation transfer of $2,000 from General Reserve needed. Estimated cost $2,000)

ACTION: Res. 71-303 adopted approving appropriation transfer of $2,000 from Account 60-101 to Account 224-35-101. (Finance to handle)

MISCELLANEOUS

50. Legislation.

ACTION: By motion (Simon/Smith, unan.) AB813 supported. (C/Mgr to handle)

51. Appointments.

ACTION: Res. 71-304 adopted (Mitchell/Simon, unan. - Robinson, absent) appointing Mrs. Wm. Warner as a member of the Library and Culture Commission for a term ending January 1, 1975 to replace Dedrick Denison. (Clerk to handle)

Adjournment at 6:30 P.M. to executive session to discuss litigation. It was announced that the Council would not return to open session.

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

CITY OF MODESTO
AGENDA FOR COUNCIL MEETING OF MONDAY, APRIL 12, 1971 AT 7:30 P.M.

Roll Call Present: Dixon, Mitchell, Newton, Robinson, Simon, Smith, Mayor Davies
Absent: None

Pledge of allegiance to the Flag
Invocation: Reverend Robert Segerhammer, Emanuel Lutheran Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2, 3, 4, 5, 6, 7, 8, 9, 15, 17, 18, 19, 20, 21, 23, 24, 25, 26, 27, 28, 29
Items 2 and 27 removed from consent.
Smith/Mitchell, unan.

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

APPROVAL OF MINUTES

CONSENT
1. Minutes of April 5, 1971.

ACTION: By motion minutes approved.

PETITIONS, REMONSTRANCES, AND CORRESPONDENCE

CONSENT
2. Request of Second Baptist Church for assistance in obtaining sanitary sewer service.
(Motion referring to staff for report needed)

ACTION: By motion (Newton/Dixon, unan.) referred to staff for report. (P/W to handle)

CONSENT
3. Request of Salvation Army for permission to conduct Sunday evening services in the Westside Park (4th and G) from June 20 through August 29, 1971.
(Motion granting request needed)

ACTION: By motion request granted. (P & R to handle)

CONSENT
4. Request that the Public Works Director be directed to permit James Price to proceed with Granada Park Subdivision storm drain system.
(Staff recommends that request be granted/needed)

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

CONSENT
5. Request for Council approval of a women's softball league to be operated in same manner as the men's leagues.
(Motion granting request needed)

ACTION: By motion request granted. (P & R to handle)

BIDS

CONSENT

6. Consider acceptance of George Schuler's Contract for installation of water lines in Kingswood Estates No. 1 and Beyer High School. (Original contract $21,964.00; Memo with agenda. Resolution accepting work needed. Final cost $19,167.41. Funds budgeted in Account 6804-50-101, Water Line Extension)

ACTION: Res. 71-305 adopted accepting contract. (Clerk to handle)

CONSENT

7. Consider award of bid for construction of Improvement District No. 18 facilities.
(Bids were opened April 6, 1971 and the low bid of Mission Pipeline Inc., which is 14% below the Engineer's Estimate, is considered acceptable. Resolution awarding bid; resolution approving appropriation transfer of $130,000 and resolution authorizing Superintendent of Streets to order certain minor changes needed. Estimated cost $130,000 (City Cont. $60,000; Incidentials $70,000)

ACTION: Res. 1178-S.P. adopted awarding contract to Mission Pipeline Inc. (P/W to handle)
Res. 1179-S.P. adopted authorizing Supt. of Streets to order certain minor changes. (P/W to handle)
Res. 71-306 adopted approving appropriation transfer of $130,000 from Account 60-212 to Account 6593-212. (Finance to handle)

CONSENT

8. Consider approval of plans, specifications and call for bids for construction of Pump Station No. 38 facilities.
(Suggested bid opening May 4, 1971 at 10:00 A.M. Memo with agenda. Resolution approving plans, specs. and bid call and resolution approving appropriation transfer of $28,000 from General Reserve needed)

ACTION: Res. 71-307 adopted approving plans and specs and bid call. (Clerk to handle)
Res. 71-308 adopted approving appropriation transfer of $28,000 from Account 60-101 to Account 6809-50-101. (Finance to handle)

CONSENT

9. Consider approval of plans, specifications and call for bids for installation of water line on Woodland Avenue between Ninth & Emerald.
(Suggested bid opening April 27, 1971 at 10:00 A.M. The line is needed to serve the MID service yard on Woodland Avenue. Connection charge, $4,405; resolution approving plans, specs. and bid call needed. Estimated cost $13,000 (Labor $7,760; materials, $5,240). Funds budgeted in Account 6804-50-101, Water Line Extension)

ACTION: Res. 71-309 adopted approving plans and specs and bid call. (Clerk to handle)

HEARINGS

10. Hearing on annexation of Celeste No. 3 Addition to Sewer District. 7:35 P.M.

ACTION: Res. 71-310 adopted (Simon/Smith, unan.) annexing Celeste No. 3 Addition to Modesto Municipal Sewer District No. 1. (Clerk to handle)

11. Hearing on annexation of Norwegian No. 1 Addition to City of Modesto. 7:40 P.M.

ACTION: By motion (Robinson/Smith, unan.) hearing continued to April 26, 1971 at 7:55 P.M. (Clerk to handle)

12. Hearing on amendment to Section 12-3-8 of zoning map to rezone from R-1 to P-D for a mobile home subdivision at the northwest corner of Rumble & Prescott. (Kaiser & Aetna) 7:45 P.M.

ACTION: Ord. No. 1102-C.S. introduced (Smith/Robinson, unan.) amending Sec. 12-3-8 of zoning map. (Clerk to handle)

Res. 71-311 adopted (Smith/Robinson, unan.) approving development plan. (Planning to handle)

13. Hearing on request of Tillie Lewis Foods, Inc. for encroachment permit for installation of flashing yellow caution light and warning signs. 7:50 P.M.

ACTION: Res. 71-312 adopted (Robinson/Simon, unan.) granting encroachment permit for installation of caution light and warning signs. (P/W to handle)

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

ACTION: The staff reported on the results of the call for bids for collection of garbage. Several questions were raised and the staff was directed to report to the Council on those questions which were not answered. By motion (Mitchell/Newton, unan.) further consideration was set for April 19, 1971 at 4:10 P.M.

Councilman Newton reported on the Crime Study Committee meeting concerning police department morale. He stated that it was the committee's opinion that the matter should be handled by the Police Chief and the City Manager with no Council intervention at this time. If necessary, a report could be made to the Council in executive session.

Gerald Oberkamper of the Farm-City Advisory Committee was introduced.

The Council was informed that there would be an adjourned meeting at 4:00 P.M. on April 27, 1971 for the purpose of confirming the canvass of votes from the April 20 election.

ORDINANCES

CONSENT

15. Final adoption of the following ordinances:

(a) Ordinance No. 1099-C.S. (bus bench franchise)
(Motion adopting needed)

ACTION: By motion Ord. No. 1099-C.S. adopted. (Clerk to handle)

(b) Ordinance No. 1100-C.S. (sign regulations)
(Motion adopting needed)

ACTION: By motion Ord. No. 1100-C.S. adopted. (Clerk to handle)

OLD BUSINESS

16. Request of Comprehensive Health Planning Council for contribution.

ACTION: A resolution (Smith/Robinson) was introduced to approve an appropriation transfer of $2,000 from the General Reserve Account 60-101 to Account 454-65-101. A motion (Dixon/Newton) to increase the amount to $2,500 failed. Res. 71-313 then carried by unanimous vote. (Finance to handle)

NEW BUSINESS

CONSENT

17. Right of way at Orangeburg and Sunrise; grant deed and right of way agreement from Mr, and Mrs, A, J, Beezley,
(Memo with agenda. Resolution needed, Estimated cost $931)

ACTION: Res. 71-314 adopted accepting grant deed and approving right of way agreement. (Clerk to handle)

CONSENT

18. Needham Street right of way -grant deed and right of way agreement from Mr. and Mrs. Walter H. Field,
(Memo with agenda. Resolution needed. Estimated cost $2,700)

ACTION: Res. 71-315 adopted accepting grant deed and approving right of way agreement. (Clerk to handle)

CONSENT

19. Agreement with Highway Village Community Services District, a corporation.
(The Highway Village Community Services District owns a small park in the Highway Village Addition annexed to the City last year. This is the same agreement as we had with them last year which provides mowing, edging, and hauling away trash and garbage around the park and the recreation building at the rate of $90.00 per month for services rendered by the City from April 15 through November 12, 1971. Resolution approving agreement needed)

ACTION: Res. 71-316 adopted approving agreement. (P & R to handle)

CONSENT

20. Accept improvements in Coffee Terrace No. 2 Subdivision except those which cannot be completed at this time and authorize City Clerk to file notice of partial completion, release existing bond upon expiration of statutory lien period, and accept two bonds for remaining improvements.
(Memo with agenda. Resolution accepting improvements and authorizing City Clerk to file notice of completion (partial) and release bond upon expiration of statutory lien period, and to accept two bonds to cover items to be completed at a later date needed)

ACTION: Res. 71-317 adopted accepting improvements that are completed, authorizing filing notice of partial completion and permitting acceptance of bonds for remaining improvements. (Clerk to handle)

CONSENT

21. Consider request for sewer service to property outside the City at 2404 Ada Street.
(Property owner Fred J. and Loretta E. DePold. The property owners have signed an agreement to annex to the City when requested to do so. The property is contiguous to the City and a sewer line exists to serve it. Resolution approving agreement needed)

ACTION: Res. 71-318 adopted approving agreement with Fred J. DePold, et ux. (P/W to handle)

22. Consider reestablishing water service rates to Modesto City Schools.
(Water service has been established previously but usage has changed at Robertson Road School and Lincoln School has been deleted. This resolution will rescind all previous resolutions and will update the charges to be paid by the School District. Resolution establishing flat rate charges for water service to Modesto City Schools and rescinding all prior resolutions needed)

ACTION: Res. 71-319 adopted (Simon/Robinson, unan. - Dixon, absent) establishing flat rate charges for water service to Modesto City Schools and rescinding all prior resolutions. (Finance to handle)

CONSENT

23. Accept improvements in Riverside North #3 Subdivision and authorize City Clerk to file notice of completion and release bond upon expiration of statutory lien period.
(Riverside North No. 3 Subdivision is located west of Riverside Drive and north of Haddon Ave. All improvements have been completed to the satisfaction of the Public Works Department and all fees have been paid. Resolution needed)

ACTION: Res. 71-320 adopted accepting improvements in Riverside North No. 3 Subdivision. (Clerk to handle)

CONSENT

24. Resolution providing for notice of filing of assessment - Improvement District No. 16.
(Street lighting in four separate areas of the City. Resolution needed)

ACTION: Res. 1180-S.P. adopted providing for Notice of Filing of Assessment. (Clerk to handle)

CONSENT

25. Agreement between City and Modesto Reds Baseball Club, Inc., for use of Del Webb Field and the operation of concession rights.
(Memo with agenda. Resolution authorizing agreement needed)

ACTION: Res. 71-321 adopted approving agreement with Modesto Reds Baseball Club, Inc. (P & R to handle)

REPORTS

CONSENT

26. Presentation of financial statement for March 1971.
(Copies of report with agenda. Motion accepting report needed)

ACTION: By motion report accepted.

CONSENT

27. Report by Airport Manager of Modesto Chamber of Commerce Ad Hoc Aviation Committee discussions concerning airline service to Modesto.
(One of the Committee's recommendations is that United Airlines be encouraged to initiate joint fares with Golden Pacific Airlines. Copy of report attached. Resolution encouraging United Airlines to enter into a joint fare agreement with Golden Pacific Airlines Needed)

ACTION: Res. 71-322 adopted (Mitchell/Dixon, unan.) encouraging joint fare agreement between United Airlines and Golden Pacific Airlines. (Clerk to handle)

By motion (Simon/Robinson, unan.) staff directed to see if it is possible for a representative of the City of Modesto to appear at the April 19, 1971 PUC hearing on PSA's application to serve Stockton and request PSA service to Modesto. (C/Mgr to handle)

REPORTS FROM THE PLANNING COMMISSION

CONSENT

28. Recommend to City Council disposition of city-owned property on the west side of Fairview Avenue.
(By Resolution No. 71-42 adopted April 6, 1971 the Planning Commission recommends to the City Council the disposition of 12.5 x 107' of city-owned property located on the west side of Fairview Ave., 175 feet north of Jennie Street. Resolution approving the deeding of excess land to adjacent property owners needed)

ACTION: Res. 71-323 adopted approving deeding of excess land on west side of Fairview Ave. to Emma J. and Sadie Johnson and to W. C. Birt, et ux. (Clerk to handle)

CONSENT

29. Appropriation transfer to provide money for the Mancini Park Arts Festival.
(To appropriate $1,716 to assist the Creative Arts Council in staging the Mancini Park Arts Festival May 2 - 9, 1971. Participation approved by Council at its April 5, 1971 meeting. Resolution approving transfer from General Reserve needed)

ACTION: Res. 71-324 adopted approving appropriation transfer of $1,716 from Account 60-101 to Account 463-32-101)
(Finance to handle)

MISCELLANEOUS

30. Legislation.

ACTION: By motion (Mitchell/Smith, unan.) SB489 opposed. (C/Mgr to handle)

31. Appointments.

None

Adjournment at 10:15 P.M.

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

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, APRIL 19, 1971 AT 4:00 P.M.

Roll Call Present: Dixon, Mitchell, Newton, Robinson, Simon, Smith, Mayor Davies
Absent: None

Pledge of allegiance to the Flag
Invocation: Reverend Bill Beck, Heifer Projects, Inc.

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 3, 4, 5, 9, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21

Smith/Simon, unan.

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

1. Presentation of Workmen's Compensation refund checks.
(To be presented by Mr. Hopkins Yuen, District Representative, State Compensation Insurance Fund)

ACTION: Two refund checks in the total amount of $57,092.72 were presented by Mr. Yuen to Mayor Davies. The Mayor then commended the entire City staff for its excellent safety record.

APPROVAL OF MINUTES

CONSENT
2. Minutes of April 12, 1971.

ACTION: By motion minutes approved.

BIDS

CONSENT
3. Consider approval of specifications and authorize call for bids to be opened May 4, 1971 at 2:00 P.M. for furnishing film inspection and projection equipment for new library building.
(Resolution needed. Estimated cost $11,000; funds budgeted in Account 6063-301, Capital Outlay Fund, p. 72)

ACTION: Res. 71-325 adopted approving specs and bid call. (Clerk to handle)

CONSENT
4. Consider approval of specifications and authorize call for bids to be opened May 4, 1971 at 2:15 P.M. for furnishing microfilm equipment for the new library building.
(Resolution needed. Estimated cost $14,100.00; funds budgeted in Account 6063-301, Capital Outlay Fund, p. 72)

ACTION: Res. 71-326 adopted approving specs and bid call. (Clerk to handle)

CONSENT

5. Accept as complete construction of parking lot on 10th, J-K (#32)
(Work satisfactorily completed. Resolution accepting construction as complete and authorizing City Clerk to file notice of completion needed. Funds budgeted in Account 6150-57-209, Parking Lot #32)

ACTION: Res. 71-327 adopted accepting contract of B. G. Engineering Contractors, Inc. (Clerk to handle)

HEARINGS

6. Continued hearing on cost of installation of curb and gutter at 112 Rowland Avenue, portion of Block 2087.
(Mrs. Hazel V. Lighthall - $250.05) 4:05 P.M.

ACTION: Res. 71-328 adopted (Mitchell/Robinson, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

7. Further consideration of bids received for garbage collection. 4:10 P.M.

(a) Ecology Action Educational Institute plans to propose that all bids be rejected.
(Letter with agenda)

ACTION: Following a thorough discussion on recycling and various related subjects, it was agreed that no action should be taken by the Council until the members have had an opportunity to study the staff report on the low bidder. Thorne Grey of the Modesto Bee objected to the Council discussing this report in executive session unless the report minus the sources of information is made public.

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

ACTION: Vice Mayor Mitchell presented a proposed ordinance providing for the amortization of non-conforming signs. He suggested that a public hearing be held by either the new public projects committee which will be named after the election or by the Council. The staff was requested to make a survey of signs costing over $10,000 and in place over ten years. Staff was also asked for information on how long the signs costing over $10,000 have been in existence. (P/W to handle)

Mayor Davies commended the Public Projects Committee on the excellent work done on the study on signs.

ORDINANCES

CONSENT

9. Final adoption of Ordinance No. 1101-C.S. amending the parking meter zoning map.
(Motion adopting ordinance needed)

ACTION: By motion Ord. No. 1101-C.S. adopted. (Clerk to handle)

NEW BUSINESS

10. Resolution authorizing reimbursement to developer for perimeter street lighting strip park along Lateral No. 2 between Riverside Drive and Trask Lane.
(Memo dated 4/2/71 with agenda. Resolution needed. Estimated cost $1,800)

ACTION: Res. 71-329 adopted (Simon/Smith, unan.) authorizing reimbursement to John Hirleman in the amount of $1,800 from funds budgeted in the 1970-71 Budget for development of this park. (Finance to handle)

CONSENT
11. A resolution approving final map of Brentwood 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. Brentwood Estates No. 3 Subdivision is located south of Rumble Road between Carver Road and Prescott Road. It contains 10.61 acres. Adoption of resolution approving final map and authorizing execution of agreement by City needed)

ACTION: Res. 71-330 adopted approving final map of Brentwood Estates No. 3. (Clerk to handle)

CONSENT
12. A resolution approving the final map of the Hagstrom Park No. 2 Subdivision of the City of Modesto and authorizing an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code.
(The subdivision agreement has been signed and all fees paid. Hagstrom Park No. 2 Subdivision is located on the east side of Rose Avenue north of Briggsmore Avenue. It contains 6.749 acres. Resolution needed)

ACTION: Res. 71-331 adopted approving final map of Hagstrom Park No. 2. (Clerk to handle)

CONSENT
13. Lease for Sol Elias Branch Library.
(Memo with agenda. Resolution needed. Estimated cost $300 per month)

ACTION: Res. 71-332 adopted approving lease with Save Mart of Modesto, Inc. (Clerk to handle)

CONSENT
14. Lease for Broughton Branch Library.
(Memo with agenda. Resolution needed. Estimated cost $180 per month)

ACTION: Res. 71-333 adopted approving lease with George W. Eisenhut. (Clerk to handle)

CONSENT

15. Consider request for sewer service to property outside the City at 2412 Ada Avenue.
(Property owners Merle A. and Minnie M. Halstead have signed an agreement to annex to the City when requested to do so. The property is contiguous to the City and a sewer line exists to serve it. Resolution approving agreement needed)

ACTION: Res. 71-334 adopted approving agreement with Merle A. and Minnie M. Halstead. (P/W to handle)

CONSENT

16. Consider adoption of resolution assuming enforcement responsibility for mobile home trailer parks from the State of California.
(The first mobile home park is now being developed within the City and it is desirable that enforcement of mobile home park regulations be conducted by the City to insure compliance with all laws and ordinances. Resolution needed)

ACTION: Res. 71-335 adopted assuming enforcement responsibility for mobile home trailer parks. (P/W to handle)

CONSENT

17. Consider agreement with Landini and Wolverine to provide irrigation lines to the Rose Avenue Park property for the 1971 irrigation season.
(Memo with agenda. Resolution approving agreement needed)

ACTION: Res. 71-336 adopted approving agreement with Albert, Elmo and Lindo Landini and Wolverine Building Service, Inc. (Clerk to handle)

REPORTS

CONSENT

18. Further report on S. P. trains blocking crossings.
(Memo by Director of Parking and Traffic sent with agenda. Motion accepting report needed)

ACTION: By motion report accepted.

CONSENT

19. Sample inventory of fixed assets.
(Memo and inventory results with agenda. Motion accepting report needed)

ACTION: By motion report accepted.

APPROPRIATION TRANSFERS

CONSENT

20. Appropriation transfer to purchase marking buttons for portions of College, Tully, and Orangeburg, for signal modifications at 9th and Coldwell, LaLoma and Burney, and 19th and H. (Funds for these items were deleted from the 71-72 preliminary budget with the understanding they could be purchased this year. Memo with agenda. Resolution approving transfers from General Reserve, Special Gas Tax Street Improvement Fund, and General Reserve, Special Fund for Capital Outlays needed. Estimated cost $10,828)

ACTION: Res. 71-337 adopted approving appropriation transfer of $8,558 from Account 60-207 and $2,270 from Account 60-321 to Account 321-207 ($8,558) and Account 7903-56-321 ($2,270). (Finance to handle)

CONSENT

21. Consider request for appropriation transfer of $5,000 from General Fund, General Reserve, to Account 312-52-101, Water Quality Control, Chemicals, Drugs and Lab Supplies. (Additional funds are needed to supply chlorine for the remainder of the fiscal year. Resolution approving transfer needed. Estimated cost $5,000)

ACTION: Res. 71-338 adopted approving appropriation transfer of $5,000 from Account 60-101 to Account 312-53-101. (Finance to handle)

MISCELLANEOUS

22. Legislation.

None

23. Appointments

None

Adjournment at 5:35 P.M.

ATTEST: W. T. Chynoweth

W. T. CHYNOWETH, City Clerk

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, APRIL 26, 1971 AT 7:30 P.M.

Roll Call Present: Dixon, Mitchell, Newton, Robinson, Simon, Smith, Mayor Davies
Absent: None
Newly-elected Councilmen Dunlap and Elliott were also present and were introduced by Mayor Davies.

Pledge of allegiance to the Flag
Invocation: Reverend Donald Weston, St. Johns Chapel of the Valley

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 3, 4, 6, 7, 8, 10, 11, 12, 13, 14, 21, 25, 26, 27, 28, 29, 30, 32, 33, 34, 35, 36, 37
Item 9 removed from consent
Smith/Robinson, unan.

(Information concerning the consent items listed above has been forwarded to each councilman prior to this meeting for his study. Unless some councilman or member of the audience has a question concerning a particular item and asks that it be withdrawn from the consent list, the items are approvied 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 19, 1971.

ACTION: By motion minutes approved.

PETITIONS, REMONSTRANCES AND CORRESPONDENCE

2. Invitation from City of Oakdale for City of Modesto participation in centennial parade, May 29, 1971.

ACTION: The Council members were requested to notify the Clerk if they planned to ride in the parade. Mayor Davies indicated that he would ride. (Clerk to handle)

CONSENT
3. Resignation of G. L. Gustafson as Director of Downtown Improvement District.
(Resolution accepting with regret needed)

ACTION: Res. 71-339 adopted accepting resignation with regret. (Clerk to handle)

CONSENT
4. Request of Comprehensive Health Planning Council for $3,500 to be budgeted in 1971-72 fiscal year.
(Motion referring to proper budget session needed)

ACTION: By motion referred to proper budget session. (Finance to handle)

5. Request of City Employees Association for $184.50 from City to be applied to expenses of softball team in the Industrial League.

ACTION: By motion (Smith/Robinson, unan.) request granted. (Finance to handle)

CONSENT

6. Request of Empire Sanitation District for approval of annexation of Swanger-Sherman Addition to District.
(Resolution approving needed)

ACTION: Res. 71-340 adopted approving annexation of Swanger-Sherman Addition to Empire Sanitation District. (Clerk to handle)

CONSENT

7. Request of Boy Scouts for permission to use parade reviewing stand for Scout Fair Parade on May 1, 1971 and for erection of stand by Parks and Recreation Dept.
(Motion granting request needed)

ACTION: By motion request granted. (P & R to handle)

8. Request of Fourth of July Parade and Fireworks Committee for appropriation of $1,000 for parade and fireworks on July 5, 1971.
(Resolution approving appropriation transfer of $250 from General Reserve needed)

ACTION: Res. 71-341 adopted (Robinson/Newton, unan.) approving appropriation transfer of $250 from Account 60-101 to Account 444-61-101. (Finance to handle)

CONSENT

9. Resignation of Clyde Dunlap as member of Planning Commission.
(Resolution accepting needed)

ACTION: Res. 71-342 adopted (Robinson/Mitchell, unan.) accepting resignation with appreciation for past efforts as a member of the P/C and best wishes for Mr. Dunlap's future as a member of the City Council. (Clerk to handle)

BIDS

CONSENT

10. Consider recommendation that installation of water lines in Sherman Avenue be performed by city forces.
(The low bid received was 31% over the Engineer's Estimate. In the opinion of the City Manager, the work can be performed more economically by the city forces. It is recommended that this work be done accordingly. Resolution needed. Estimated cost $3,224.50. Funds budgeted in Account 6828-50-101, Strengthen System in Various Locations)

ACTION: Res. 71-343 adopted rejecting all bids and directing that work be performed by City forces. (P/W to handle)

CONSENT

11. Consider award of bid for installation of water lines in Winmoore Way and Northgate No. 7.
(Bids were opened April 20, 1971 and the low bid of Valley Construction which is 12% below the Engineer's Estimate is considered acceptable. Therefore, it is recommended the bid be awarded to them. Resolution awarding bid needed. Contract cost $8,546.95. (6804-$7,131.95; 5301, $1,415) Funds budgeted in Accounts 6804-50-101 Water Line Extension; 5301-50-101, New Services)

ACTION: Res. 71-344 adopted awarding contract to Valley Construction. (P/W to handle)

CONSENT

12. Consider award of bid for asphalt concrete resurfacing, various city streets, Spring 1971.
(Bids were opened April 20th. The low bid submitted by George Reed, Inc., which is 6.5% below the Engineer's Estimate, is considered acceptable. It is recommended by Public Works Department that bid be awarded to low bidder. Resolution awarding bid needed. Estimated cost $12,473 (Contract $11,723; Engr. $750). Funds budgeted in Accounts 6657-321, Various Residential St. Overlay ; 6660-207, Misc. Resurfacing)

ACTION: Res. 71-345 adopted awarding contract to George Reed, Inc. (P/W to handle)

CONSENT

13. Consider authorization for the purchase of one water desanding unit for Pump Station No. 38 at the Procter & Gamble site.
(Memo with agenda. Resolution authorizing purchase of one water desanding unit for Pump Station No. 38 needed)

ACTION: Res. 71-346 adopted authorizing the issuance of a purchase order for one water desanding unit. (P/W to handle)

CONSENT

14. Approve plans, specifications and call for bids for replacement of curb and gutter on Enslen Ave. and Sherwood Avenue between Orangeburg Avenue and Granger Avenue.
(Bid opening May 11, 1971 at 10:00 A.M. Resolution approving plans, specifications and bid call needed. Estimated cost $12,325 (Contract $10,718; Engineer, $1,607) Funds budgeted in Account 321-51-101, Construction Materials)

ACTION: Res. 71-347 adopted approving plans and specs and bid call. (Clerk to handle)

HEARINGS

15. Hearing on appeal by Central-Cal Enterprises from denial of request for P-D zoning to permit construction of 27 one-story 4-plex units at northeast corner of Kruger & Granada. 7:35 P.M.

ACTION: By motion (Dixon/Smith, unan.) rezoning request referred back to P/C to work out details of changes proposed by applicant. (Planning to handle)

HEARINGS (Continued)

16. Hearing on amendment to Section 19-3-9 of zoning map to rezone from R-2 to P-D for a 22-unit 1 and 2-story apartment complex on west side of Tully between Orangeburg and Pearl. (Champion) 7:40 PM

ACTION: By motion (Smith/Robinson, unan.) Ord. No. 1103-C.S. introduced amending Sec. 19-3-9 of zoning map. (Clerk to handle) Res. 71-348 adopted (Smith/Robinson, unan.) approving development plan. (Planning to handle)

17. Hearing on amendment to Section 22-3-9 to rezone from R-1 to R-2 (Sam T. Ucello) (Property located on the south side of Wylie Drive east of Rose Avenue) 7:45 P.M.

ACTION: By motion (Newton/Mitchell, unan.) Ord. No. 1104-C.S. introduced amending Sec. 22-3-9 of zoning map. (Clerk to handle)

18. Hearing on amendment to Section 22-3-9 to prezone to R-2 (Arthur J. Wylie, Jr.) (Property located north and south of E. Orangeburg Ave. extending west from Rose Ave.) 7:50 P.M.

ACTION: By motion (Mitchell/Newton, unan.) Ord. No. 1105-C.S. introduced amending Sec. 22-3-9 of zoning map. (Clerk to handle)

19. Continued hearing on annexation of Norwegian No. 1 Addition to City. 7:55 P.M.

ACTION: Res. 71-349 adopted (Mitchell/Robinson, unan.) declaring that no majority protest has been made.

Res. 71-350 adopted (Mitchell/Robinson, unan.) calling Special Election to be held June 29, 1971. (Clerk to handle)

20. Matters for the good of the community, 8:00 P.M.
(These may be presented by interested people in the audience)

ACTION: Mayor Davies invited the members of the Council to attend the Mayors' and Councilmens' Institute in Sacramento, May 10, 11 and 12. He requested any interested members of the Council, including the newly-elected members, to contact the C/Mgr's office. The Mayor requested that the Deputy C/Mgr attend if possible.

By motion (Dixon/Smith, unan.) C/Mgr directed to arrange a joint meeting with the Ceres City Council. (C/Mgr to handle)

It was reported that the old house which is thought to be one of the oldest houses in Modesto and which was placed on the proposed auditorium site was being torn down bit by bit. By motion (Simon/Dixon, unan.) staff directed to investigate and report to Council in one week. (P & R to handle)

Councilman Dixon congratulated Mayor Davies on his reelection.

Res. 71-351 adopted (Robinson/Smith, unan.) authorizing C/Mgr to negotiate the sale of materials from city-owned building at 532-534 Bodem. (Finance to handle)

Paul La Vine, member of the Farm City Advisory Committee, was introduced.

Walter Witherspoon requested the Council to guarantee that special buses running from downtown Modesto to Mancini Park during the Mancini Park Dedication Ceremonies would not lose money for the operator. This was referred to staff for report on April 27. (P & T to handle)

Mellis Chief of the Airport Fire Station attended meeting relative to serving a member of the CAC Board of Directors.

ORDINANCES

CONSENT

21. Final adoption of Ordinance No. 1102-C.S. (Amendment to Section 12-3-8 of zoning map (Kaiser-Aetna)
(Motion with roll call vote needed)

ACTION: By motion Ord. No. 1102-C.S. adopted. (Clerk to handle)

OLD BUSINESS

22. Further consideration of request of Second Baptist Church, northeast corner of California and Marshall Avenue to connect to the city sewer system through the abandoned line which exists in Mellis Park.
(Memo with agenda. Motion directing staff needed)

ACTION: By motion (Newton/Dixon, unan.) further consideration delayed for one week to permit staff to make further efforts to arrive at a mutually satisfactory solution to this request. (P/W to handle)

23. Recommendation from Public Relations Committee re Modesto Centennial Committee's request.
(Copies of report with agenda. Resolution approving appropriation transfer of $8,660 needed)

ACTION: Res. 71-352 adopted (Mitchell/Smith, unan.) approving appropriation transfer of $8,660 from Account 60-101 to Account 470-61-101 to pay remaining bill for printing of centennial books. It is understood that the City will acquire all remaining books and souvenirs. (Finance to handle)

24. Golf course report - special rates for senior citizens.
(Memo with agenda. Motion directing staff needed)

ACTION: By motion (Smith/Simon, unan.) staff directed to issue monthly tickets at 1/2 price to anyone who is 65 or over and a resident of Modesto (within city limits) with the understanding that the 1/2 price monthly tickets will not be good for play on Saturdays, Sundays and holidays. (P & R to handle)

24A. Further consideration of bids received for collection of garbage.

ACTION: Res. 71-353 adopted (Simon/Dixon, maj. - Mitchell and Smith, no) rejecting all bids.
(Simon/Dixon, maj.)
By motion/staff directed to negotiate with present franchised garbage collectors for a temporary extension of the franchises and for City control of commercial rates. (P/W to handle)

NEW BUSINESS

CONSENT

25. Request for council approval to submit a letter of intent to the California Council on Criminal Justice for the purpose of determining if an application should be filed for federal funds for the School Resource Officer Program.
(Copies of letter with agenda. Motion approving submission of letter needed)

ACTION: By motion submission of letter approved. (C/Mgr to handle)

CONSENT

26. A resolution approving final map of Carver Manor 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. This subdivision is located on the north side of Rumble Road west of Carver Road. It contains 14.89 acres. Resolution approving final map and authorizing execution of agreement needed)

ACTION: Res. 71-354 adopted approving final map of Carver Manor No. 1. (Clerk to handle)

CONSENT

27. Consider request of Price Enterprises for permission to construct a temporary fence across Ladona Court in Granada Park Subdivision. (Memo with agenda. Motion approving request needed)

ACTION: Res. 71-355 adopted granting encroachment permit to permit fence. (P/W to handle)

CONSENT

28. Two-week extension of lease agreement with Billy W. and Carol Hammons for lease of house at 534 Bodem.
(The Council, at its April 5th meeting, approved the lease of the house at 534 Bodem, which was acquired for the Bodem-Sunrise project, to Billy W. and Carol Hammons for the period April 1 through April 30. The teneants have requested a two-week extensions and Public Works indicates that this extension will not interfere with the street project. It is recommended that this extension be approved for a rental of $20 a week. The amended agreement authorizes the City Manager to extend the agreement if a similar situation should occur. Resolution approving lease agreement needed)

ACTION: Res. 71-356 adopted approving lease agreement. (Finance to handle)

CONSENT

29. Consider authorizing staff to issue 60-day notice of cancellation of lease agreements between City and Darold Jolliff as an individual, Jolliff and Foutain, and Standard Oil Co., at City-County Airport. (The necessity to cancel existing lease agreements arises from the dissolution of partnership of Jolliff and Fountain, and the intention of Mr. Jolliff to continue in business as an individual and to construct a jet fuel farm at the airport. Memo with agenda. Motion authorizing staff to issue 60-day notice of cancellation of lease agreements between City and Darold Jolliff, Jolliff and Fountain; and Standard Oil Co.)

ACTION: By motion staff authorized to issue 60-day notice of cancellation of lease agreements with Darold Jolliff; Jolliff and Fountain; and Standard Oil Co. (P/W to handle)

CONSENT

30. Consider requests for sewer service to properties outside the City.
(The property owners have signed agreements to annex when requested. Properties are not contiguous to the City but sewer lines exist to serve them)

(a) 2104 O'Farrell Street (Norman and Monalie Wolff)
(Resolution approving agreement needed)

ACTION: Res. 71-357 adopted approving agreement. (P/W to handle)

(b) 809 Lombardo Street (Alfonso and Martha Lara)
(Resolution approving agreement needed)

ACTION: Res. 71-358 adopted approving agreement. (P/W to handle)

(c) 1518 Paulette Avenue (Ralph C. and Doretta A. Bowland)
(Resolution approving agreement needed)

ACTION: Res. 71-359 adopted approving agreement. (P/W to handle)

REPORTS

31. Farewell remarks by Vice Mayor Mitchell and Councilman Robinson.

ACTION: Vice Mayor Mitchell named the Council and staff in office when he first took office as a Councilman. Councilman Robinson commented on the phenomonal growth of Modesto. Both of the retiring Council members expressed their appreciation to the staff. Mayor Davies announced that there would be a luncheon meeting to honor the two.

REPORTS FROM THE PLANNING COMMISSION

CONSENT

32. Vacation and abandonment of the 9-foot wide public alley in Block 911.
(Planning Commission Resolution 71-27 adopted March 2, 1971 recommends to the Council the vacation and abandonment of the 9-foot wide public alley in Block 911. Resolution of Intention to Vacate and Abandon and setting May 17, 1971 at 4:05 P.M. for public hearing needed)

ACTION: Res. of Int. No. 329 (1181-S.P.) adopted setting hearing. (Clerk to handle)

CONSENT

33. Uninhabited annexation of Riverside No. 5 Addition to City of Modesto.
(The LAFC Commission has authorized this annexation without notice or public hearing - April 16, 1971. Resolution annexing addition to City needed)

ACTION: Res. 71-360 adopted annexing Riverside No. 5 Addition to City of Modesto. (Clerk to handle)

CONSENT

34. Recommend amendment to Section 31-3-9 of zoning map (Byron Lane Courts)
(Planning Commission Resolution 71-50 adopted April 20, 1971 recommends an amendment to Section 31-3-9 of the zoning map as requested by Byron Lane Courts, to rezone from One-family Residential Zone, R-1 to Two-family Residential Zone, R-2, property located around Byron Lane, east of Emerald Avenue. Resolution setting May 24, 1971 at 7:35 P.M. for public hearing needed)

ACTION: Res. 71-361 adopted setting hearing. (Clerk to handle)

CONSENT

35. Recommend amendment to Section 27-3-9 of the zoning map (O.F.C. Properties)
(Planning Commission Resolution No. 71-49 adopted April 20, 1971 recommends an amendment to Section 27-3-9 of the zoning map as requested by O.F.C. Properties to rezone from Multiple-family Residential Zone, R-3, to Planned Development Zone, P-D, property located on the north side of Scenic Drive approvimately 250 feet west of Rose Avenue, to allow construction of a 44-unit, two-story apartment complex. Resolution setting May 24, 1971 at 7:40 P.M. for public hearing needed)

ACTION: Res. 71-362 adopted setting hearing. (Clerk to handle)

APPROPRIATION TRANSFERS

CONSENT

36. Appropriation transfer to purchase new striping machine.
(Present striping machine has failed just prior to completing the striping for Spring 1971. Also, to assure getting a new machine for the fall striping period in October, an order should be placed now. It is suggested that the new striping machine, planned for the 1971-72 fiscal year, be purchased now. Resolution approving transfer of $7,500 needed)

ACTION: Res. 71-363 adopted approving appropriation transfer of $7,500 from Account 60-512 to Account 5436-48-512. (Finance to handle)

CONSENT

37. Appropriation transfer of $1,100 for additional funds needed in the Xerox rent and supplies account. Machine usage was much greater than anticipated during the 1970-71 fiscal year, due largely to work on the new improvement districts and on drug abuse. (Resolution needed)

ACTION: Res. 71-364 adopted approving appropriation transfer of $1,100 from Account 60-101 to Account 217-9-101. (Finance to handle)

MISCELLANEOUS

38. Legislation.

ACTION: By motion (Simon/Newton, unan.) AB1208 opposed. (C/Mgr to handle)

39. Appointments.

ACTION: Res. 71-365 adopted (Dixon/Smith, unan.) appointing William C. Ulm as a member of the Farm City Adivsory Committee to replace Rae Codoni whose term expires 5/1/72. (Clerk to handle)

Adjournment at 11:55 P.M. to Tuesday, April 27, 1971 at 4:00 P.M.

ATTEST: W. T. Chynoweth

W. T. CHYNOWETH, City Clerk

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR ADJOURNED MEETING OF MODESTO CITY COUNCIL, APRIL 27, 1971

Roll Call Present: Dixon, Mitchell, Robinson, Simon, Mayor Davies

Absent: Newton, Smith

1. Further consideration of request for use of buses for activities at Frank and Ione Mancini Park, May 2-9, 1971.

ACTION: By motion (Dixon/Mitchell, unan.) use of City buses approved with provision that no fares are to be charged, but that Modesto Motor Bus Service will be reimbursed by the Creative Arts Council at the rate of $5.00 per hour for up to 33 hours of operation and that payment will be made from funds allocated to the Creative Arts Council for the Arts Festival. (P & T to handle)

2. Confirmation of canvass of votes of General Municipal Election held April 20, 1971 (Mayor, Councilmen and Governing Board Members)
(Resolution needed)

ACTION: Res. 71-365A adopted (Mitchell/Simon, unan. - Newton and Smith, absent) confirming canvass of votes cast at General Municipal Election. (Clerk to handle)

3. Confirmation of canvass of votes of Special Municipal Election held April 20, 1971 (Charter amendments)
(Resolution needed)

ACTION: Res. 71-365B adopted (Simon/Dixon, unan. - Newton and Smith, absent) confirming canvass of votes cast at Special Municipal Election.

4. Installation of newly-elected officers.

ACTION: The City Clerk administered the oath of allegiance to the following:

Lee H. Davies	--	Mayor
Robert T. Elliott, Ed. D.		Councilman (Chair 1)
Clyde H. Dunlap, Jr.		Councilman (Chair 3)
Raymond C. Simon		Councilman (Chair 6)
Elbert W. Rose		Member, Board of Education

Adjournment at 4:30 P.M.

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

CITY OF MODESTO MINUTES AND ACTION AGENDA
AGENDA FOR COUNCIL MEETING OF MONDAY, MAY 3, 1971 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 Fellers, Centenary Methodist Church.

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2, 3, 5, 6, 7, 8, 12, 13, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26
Simon/Smith, unan.

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

APPROVAL OF MINUTES

CONSENT
1. Minutes of April 26, 1971 (regular meeting) and April 27, 1971 (adjourned regular meeting).
ACTION: By motion, minutes approved. (Clerk to handle)

PETITIONS, REMONSTRANCES AND CORRESPONDENCE

CONSENT
2. Resignation of Mrs. Carolyn Osterholm from Library and Culture Commission.
(Resolution accepting with regret needed)
ACTION: Res. No. 71-366 adopted accepting resignation with regret. (Clerk to handle)

CONSENT
3. Notice from Pacific Gas & Electric Company that request has been made to Public Utilities Commission for increase in rates for gas service.
(Motion referring to staff needed)
ACTION: By motion, referred to staff. (P & T to handle)

4. Request of Californians for Revenue Sharing for adoption of resolution supporting concept of revenue-sharing.
(Adoption of resolution needed)
ACTION: By motion (Simon/Newton, unan.) staff directed to supply new Councilmen with information received from Washington on this before decision is made. (C/Mgr. to handle)

Councilman Smith requested a staff report on proposed legislation concerning city income taxes. (C/Mgr. to handle)

CONSENT

5. Request for abandonment of alley in Block 1308, Strathmore Unit No. 1. (Resolution referring to Planning Commission needed)

ACTION: Res. 71-367 adopted referring request to Planning Commission (Planning to handle)

5A. Letter from Downtown Improvement District concerning development of new Social Security Building.

ACTION: Res. 71-368 adopted (Simon/Smith,unan) urging placement of building at 12th & M Streets (Clerk to handle)

5B. Letter from M.I.D. re sharing of lighting costs.

ACTION: Res. 71-369 adopted (Dixon/Smith, unan.) requesting Board of Supervisors to require street lights in county subdivisions (C/Mgr. to handle)

BIDS

CONSENT

6. Consider approval of plans and specifications for installation of water lines in Hagstrom Park No. 2, Brentwood Estates No. 3 and Carver Manor No. 1 subdivisions.
(Costs: Construction, $31,523.00; connection charges, $19,475.00; net revenue, $2,480.00) Suggested bid opening, May 18, 1971 at 10:00 A.M. Resolution approving plans, specifications and bid call needed. Estimated cost, $31,523 (Materials $18,500; labor $13,023) Funds budgeted in Account 6804-50-101, Water Line Extension)

ACTION: Res. 71-370 adopted approving plans, specifications and bid call (Clerk to handle)

CONSENT

7. Consider acceptance of Valley Construction's contract for construction of 16th Street sewer, H to J Streets.
(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. Original contract $9,730; final cost, $9,730; funds budgeted in Account 6572-212, 16th Street Relief Sewer)

ACTION: Res. 71-371 adopted accepting contract.(Clerk to handle)

CONSENT

8. Approve plans and specifications and call for bids for the improvement of Bodem-Sunrise connection.
(Bid opening date May 18, 1971 at 10:00 A.M. The Bodem-Sunrise connection 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 $27,564 (Contract $23,969; Engr. $3,595) Funds budgeted in Account 6680-207, Bodem-Sunrise Connection)

ACTION: Res. 71-372 adopted approving plans, specifications and bid call. (Clerk to handle)

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

ACTION: The councilmen were requested to study the various council committees and submit their 1-2-3 choices to the Mayor.

By motion (Dixon/Simon, unan.) staff directed to express appreciation of Council for public service contributions made by news media and League of Women Voters during recent election. (Clerk to handle)

The Director of Parks & Recreation introduced Jerry Ferrera and John Yoshida who have been appointed P & R Superintendents for recreation and trees and parks respectively.

Councilman Dixon announced that he would be resigning from the C.A.C. He congratulated Councilman Newton upon his election as C.A.C. Chairman. Mayor Davies thanked Councilman Dixon for his efforts as a member of the C.A.C. Board.

Frank Andrews spoke.

OLD BUSINESS

10. Further consideration of disposition of first house moved to Modesto.
(Oral report will be made at meeting)

ACTION: By motion (Smith/Dunlap, unan.) further discussion delayed for two weeks to permit staff to report on questions raised by Council. (P. & R. to handle)

11. Further consideration of sewer service to Second Baptist Church.
(Oral report will be made at meeting)

ACTION: By motion (Simon, Smith, unan.) staff directed to prepare an agreement whereby City would refurbish present sewer line across park and assume maintenance for all of the line which is on city property (from where gravity line starts) and the church to build and maintain the line from the park boundary to the church. (C/Atty to handle)

NEW BUSINESS

CONSENT

12. Consider requests for sewer service to properties outside the City. The property owners have signed agreements to annex when requested to do so. Properties are not contiguous to the City but sewer lines exist to serve them:

3112 Scenic Drive - Thomas & Wylma Zoslocki.
(Resolution approving agreement needed)
ACTION: Res. 71-373 adopted approving agreement. (P/W to handle)

3116 Scenic Drive - Thomas & Wylma Zoslocki.
(Resolution approving agreement needed)
ACTION: Res. 71-374 adopted approving agreement. (P/W to handle)

CONSENT

13. (a) Lease agreement for a new parking lot on 12th Street replacing lot on 13th Street.

(b) Installation of parking meters on south side of I Street, 15th-16th Streets.

(a) Our landlord, Mr. Griffin, will be trading his 13th Street parking lot to the Telephone Co. for 12th Street property and wishes the City to operate the new lot. The City is to be reimbursed for all expenses.
(b) Due to the main entrance of the library being on I Street, there will be a considerable demand for spaces on I Street. Resolution approving new lease needed; ordinance revising parking meter zoning map needed; resolution revising the resolution establishing municipal off-street parking lots needed)

ACTION: Res. 71-375 adopted approving lease agreement with John Griffin et ux.

Ord. 1106-C.S. introduced revising parking meter map. (Clerk to handle)

Res. 71-376 adopted establishing off-street parking lots and rescinding Res. No. 71-144. (P & T to handle)

14. Consider offer to wreck city-owned house at 101 Hackberry.
(Memo with agenda. Resolution accepting offer needed)

ACTION: Res. 71-377 adopted (Dixon/Simon, unan.) awarding contract to wreck house to Pete A. Woods. (Finance to handle)

Councilman Smith requested a report on insurance coverage required of persons farming city property. (Finance to handle)

15. Presentation of 1971-72 preliminary budget.
(Preliminary budget will be distributed at meeting. Council normally meets two afternoons a week from 4:00 P.M. to 5:30 P.M. to consider budget. Resolution setting May 17, 1971 at 4:20 P.M. for public hearing needed. Motion setting times for consideration of budget by Council needed)

ACTION: Res. 71-378 adopted (Simon/Dixon, unan) setting May 17, 1971 at 4:20 P.M. for public hearing.

By motion (Dixon/Smith, unan.) budget sessions set for Wednesdays and Fridays from 4:00 P.M. to 5:30 P.M., first session to start on May 14, 1971.

16. Consider setting public hearing during a joint Modesto City Council-Stanislaus County Board of Supervisors meeting on May 19, 1971 at 7:30 P.M., in the City Council Chambers, regarding the Brighton Avenue alignment between Scenic Drive and Yosemite Boulevard.
Resolution setting hearing needed)

ACTION: Res. 71-379 adopted (Dixon/Elliott, unan.) hearing set for May 19, 1971 at 7:30 P.M. (Clerk to handle)

CONSENT

17. Report of Superintendent of Streets on cost of installation of curbs and gutters and/or sidewalks at the locations listed below. (Resolutions setting 4:10 P.M., May 17, 1971 for hearings needed. Contract costs listed below with properties. Funds budgeted in Account 5302-51-101, Curbs and gutters, Special)

(a) Curb, gutter and sidewalk at 518 Hunter Ave. (Mr. Edward B. Gebhardt - $505.15)
(Resolution setting hearing needed)

ACTION: Res. 71-380 adopted setting hearing. (P/W to handle)

(b) Curb and gutter on Del Vale Avenue at 1600 Pearl St. (Mr. Donald D. Hamilton - $238.35)
(Resolution setting hearing needed)

ACTION: Res. 71-381 adopted setting hearing (P/W to handle)

(c) Curb and gutter at 1445 Del Vale Ave. (Mr. Donald J. Harper - $209.70)
(Resolution setting hearing needed)

ACTION: Res. 71-382 adopted setting hearing (P/W to handle)

(d) Curb, gutter and sidewalk on Lucern Avenue and on El Terino Ave. at 1133 Lucern Ave. (Mr. William L. Klaproth - $932.33)
(Resolution setting hearing needed)

ACTION: Res. 71-383 adopted setting hearing (P/W to handle)

(e) Curb and gutter at 536 Covena Ave. (Mr. Senter A. Nunley - $258.00)
(Resolution setting hearing needed)

ACTION: Res. 71-384 adopted setting hearing (P/W to handle)

(f) Sidewalk on Santa Cruz Ave. at 1222 Roble Ave.
(Mr. Jack E. Rice - $175.00)
(Resolution setting hearing needed)

ACTION: Res. 71-385 adopted setting hearing (P/W to handle)

(g) Sidewalk on Pearl Street and on Kearney Ave. at 1501 Pearl St. (Mr. Cecil Wagoner - $482.50)
(Resolution setting hearing needed)

ACTION: Res. 71-386 adopted setting hearing (P/W to handle)

(h) Curb, gutter and sidewalk at 526 Hunter Ave. (Mrs. Alice G. Boulay - $460.98)
(Resolution setting hearing needed)

ACTION: Res. 71-387 adopted setting hearing (P/W to handle)

(i) Curb, gutter and sidewalk on Hunter Ave. and Esgar Ave. at 527 Hunter Ave. (Mr. John R. Bradley - $911.63)
(Resolution setting hearing needed)
ACTION: Res. 71-388 adopted setting hearing (P/W to handle)

(j) Curb, gutter and sidewalk at 530 Hunter Ave. (Mrs. Edith Capps - $460.45)
(Resolution setting hearing needed)
ACTION: Res. 71-389 adopted setting hearing (P/W to handle)

(k) Curb and gutter and sidewalk at 522 Hunter Ave. (Mr. Charles D. Golvin - $462.95)
(Resolution setting hearing needed)

ACTION: Res. 71-390 adopted setting hearing (P/W to handle)

(l) Curb, gutter and sidewalk at 536 Hunter Ave. (Mrs. Leona Henderson - $297.25)
(Resolution setting hearing needed)
ACTION: Res. 71-391 adopted setting hearing (P/W to handle)

(m) Curb, gutter and sidewalk at 543 Hunter Ave. (Mrs. Janet M. Reed - $310.00)
(Resolution setting hearing needed)
ACTION: Res. 71-392 adopted setting hearing (P/W to handle)

(n) Curb, gutter and sidewalk at 541 Hunter Ave. (Mrs. Wendolyn J. Wilson - $310.00)
(Resolution setting hearing needed)
ACTION: Res. 71-393 adopted setting hearing (P/W to handle)

CONSENT

18. 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 4:15 P.M., May 17, 1971 for hearings needed)

(a) Sidewalk at 1111 F Street, a portion of Block 81 (Mr. Frank Andrews)
(Resolution setting hearing needed)

ACTION: Res. 71-394 adopted setting hearing (P/W to handle)

(b) Sidewalk on Lucern Ave. at 601 Castle St., Lot 1 of Block 609 (Mr. Linden A. Dunlop)
(Resolution setting hearing needed)

ACTION: Res. 71-395 adopted setting hearing (P/W to handle)

(c) Sidewalk on Edison Ave. at 811 Edison Ave., Lot 1 of Block 672. (Mr. James Elkins)
(Resolution setting hearing needed)

ACTION: Res. 71-396 adopted setting hearing (P/W to handle)

(d) Curb and gutter at 518 Johnson St., Lot 18 of Block 573. (Mr. Leonard Harrington)
(Resolution setting hearing needed)

ACTION: Res. 71-397 adopted setting hearing (P/W to handle)

(e) Sidewalk on Pearl Street at 1452 College Ave., Lot 17 of Block 6070 (Mrs. Margaret H. Lind)
(Resolution setting hearing needed)

ACTION: Res. 71-398 adopted setting hearing (P/W to handle)

(f) Sidewalk on Locke Road at Lot A of Block 1025. (Maz/Ann Land Co.)
(Resolution setting hearing needed)

ACTION: Res. 71-399 adopted setting hearing (P/W to handle)

(g) Sidewalk on Locke Road at 701 Rose Ave., a portion of Block 1025 (Mr. Leland C. McCafferty)
(Resolution setting hearing needed)

ACTION: Res. 71-400 adopted setting hearing (P/W to handle)

(h) Sidewalk at 710 Castle St., Lot 11 of Block 608. (Mr. Harold Meyering)
(Resolution setting hearing needed)

ACTION: Res. 71-401 adopted setting hearing (P/W to handle)

CONSENT

19. Consider right of way acquisition - Needham Street, Minnie Woo.
(Memo with agenda. Resolution approving right of way agreement and deed needed. Estimated cost $1,655)

ACTION: Res. 71-402 adopted approving agreement and accepting deed (Clerk to handle)

CONSENT

20. Consider approval of two sewer agreements with Modesto Irrigation District.
(Sewer Improvement District No. 18 has two locations where the sewer lines are on M.I.D. property. The agreements provide access for the City to construct and maintain the sewer lines. Two resolutions approving agreements needed. Estimated cost $20 ($10 each). Funds budgeted in Account 6593-212, Improvement District No. 18)

ACTION: Res. 71-403 adopted approving agreement (Sec. 16-3-9)

Res. 71-404 adopted approving agreement (Sec. 23-3-9) (Clerk to handle)

CONSENT

21. Right of way, Sunrise-Bodem extension - Williams.
(Memo with agenda. Resolution approving right of way agreement. Estimated cost $5,991)

ACTION: Res. 71-405 adopted approving agreement with J. W. Williams et ux and accepting grant deed (Clerk to handle)

CONSENT

22. Resolution setablishing rates and conditions of play on the Municipal Golf Course and the Dryden Municipal Golf Course.
(This is a new resolution to include the special rates for senior citizens approved by the City Council on April 26, 1971. Resolution needed)

ACTION: Res. 71-406 adopted establishing rates for play at municipal golf courses. (P & R to handle)

REPORTS

CONSENT

23. Quarterly report of Greater Modesto Chamber of Commerce.

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

REPORTS FROM THE PLANNING COMMISSION

CONSENT

24. Approve draft letter regarding open space contract implications, two county rezoning referrals to city staff.
(Since the Council's adopted policy calls for review of contracts on a case-by-case basis in the Phase II area, and since the subject properties are located in the Phase II area, it is suggested that the Council's approval be given the attached letter. Motion approving draft letter needed)

ACTION: By motion draft letter approved (Planning to handle)

APPROPRIATION TRANSFERS

CONSENT

25. Consider request for appropriation transfer of $1,100 from General Reserve to Account No. 223-52-101, Sewers, Maintenance and Repair, Equipment, Other.
(An electrical failure at the Thousand Oaks pumping plant started a chain of events which destroyed the control panel on the emergency generator. Funds are needed to replace the panel and install fail-safe devices to prevent a recurrence. Resolution approving transfer needed. Estimated cost $1,100)

ACTION: Res. 71-407 adopted approving appropriation transfer of $1,100 from General Reserve to Account 223-52-101. (Finance to handle)

CONSENT

26. Request for appropriation transfer of $5,000 to the curb & gutter, special account.
(The number of property owners who have put in curb, gutter and/or sidewalk has increased beyond the Public Works Department estimates during the past two months. In order to allow the construction program to continue to operate for the remainder of the fiscal year it is estimated that an additional $5,000 will be required. Resolution needed)

ACTION: Res. 71-408 adopted approving appropriation transfer of $5,000 from Account 60-101 to Account 5302-51-101 (Finance to handle)

MISCELLANEOUS

27. Legislation.

By motion (Simon/Newton, unan) SB 190 opposed (C/Mgr. to handle)

By motion (Dixon/Simon, unan) SB 1437 and HR 7072 (both are federal legislation) supported (P/W to handle)

28. Appointments.

None

Adjournment at 5:35 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 10, 1971 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: Rev. Ben Jennings, Prescott Bible Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items, 1, 2, 4, 5, 6, 8, 9, 10, 16, 18, 19, 20, 21, 21A, 22, 23, 24, 27
Simon/Smith, unan.

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

APPROVAL OF MINUTES

CONSENT
1. Minutes of May 3, 1971.
(Motion approving needed)

ACTION: By motion minutes approved.

PETITIONS, REMONSTRANCES AND CORRESPONDENCE

CONSENT
2. Notice that Greyhound Lines - West has applied for increase in fares and package express charges.
(Motion referring to staff needed)

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

3. Request of Rudy Bonzi for permission to negotiate with City on garbage collection.

ACTION: By motion (Simon/Dixon, unan.) C/Atty directed to review request of Rudy Bonzi and report to Council in one week. It was agreed that a report on negotiations with the present garbage collectors would be made in two weeks.

CONSENT
4. Request for abandonment of Professional Court.
(Resolution referring to Planning Commission needed)

ACTION: Res. 71-409 adopted referring to P/C. (Planning to handle)

CONSENT

5. Request of Downtown Improvement District for permission to conduct Spring Sidewalk Sale May 13, 14 and 15,
(Resolution granting request needed)

ACTION: Res. 71-410 adopted permitting sidewalk sale May 13, 14 and 15, 1971. (Clerk to handle)

CONSENT

6. Appeal from Board of Zoning Adjustment denying request for variance to setback requirement for building on 9th Street between C & D Streets. (Berberian)
(Resolution setting May 24, 1971 at 7:45 P.M. for hearing needed)

ACTION: Res. 71-411 adopted setting hearing. (Clerk to handle)

7. Letter from Library & Culture Commission re budget for museum and art center,
(Motion referring to proper budget session needed)

ACTION: By motion (Dixon/Simon, unan.) referred to proper budget session. (Finance to handle)

BIDS

CONSENT

8. Consider award of bid for installation of water lines in Woodland Avenue between Ninth Street and Emerald Avenue,
(Bids were opened April 27 and the low bid of Valley Construction Company which is 3% above the Engineer's Estimate is considered acceptable. It is recommended that bid be awarded to low bidder. Resolution awarding bid needed. Contract cost $7,995; funds budgeted in Account 6804-50-101, Water Line Extensions)

ACTION: Res. 71-412 adopted awarding contract to Valley Construction Company. (P/W to handle)

CONSENT

9. Accept as complete A.C. Construction Company's contract for replacement of curb and gutter on Coronado Way and Balboa Way from Enslen Ave. to Sherwood Ave,
(All work on this contract has been completed to the satisfaction of the Public Works Department. It would be in order to accept the work as complete and authorize the City Clerk to file notice of completion.
Resolution accepting work as complete needed. Original contract cost, $8,527.71; final contract cost, $8,720.16. Funds budgeted in Account 321-51-101, Construction Materials)

ACTION: Res. 71-413 adopted accepting contract. (Clerk to handle)

CONSENT

10. Accept as complete Krebs Engineers' contract for furnishing of one horizontal type water desanding unit for Pump Station No. 37. (All work on this contract has been completed to the satisfaction of the Public Works Department. It would be in order to accept the work as complete and authorize the City Clerk to file notice of completion. Resolution accepting work as complete needed. Actual cost $3,547. Funds budgeted in Account 6809, Well & Pump Station, Rose Ave.)

ACTION: Res. 71-414 adopted accepting contract. (Clerk to handle)

11. Approval of plans and specifications of furniture for the Modesto-Stanislaus Library.
(City Manager will report bid opening date at council meeting. Resolution approving plans, specifications and bid call needed)

ACTION: By motion (Simon/Newton, unan.) action withheld for one week.

HEARINGS

12. Hearing on annexation of East Orangeburg Addition No. 4. 7:35 P.M.

ACTION: Res. 71-415 adopted (Smith/Simon, unan.) declaring no majority protest made.

Ord. 1107-C.S. adopted (Smith/Simon, unan.) annexing E. Orangeburg No. 4 Addition to City of Modesto. (Clerk to handle)

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

ACTION: Larry Carter, member of the Farm-City Advisory Committee was introduced.

The possibility of either a Council Committee or a citizens' group studying the problems connected with persons being arrested for crimes and committing additional crimes while awaiting trial was discussed. It was ordered by the Mayor that Mr. Bartholomew and the Crime Stop Committee study a report by the CCCJ and report to the Council. (C/Mgr to handle)

It was pointed out that the Utility Tax did not apply to out of state telephone calls.

Councilman Dixon reported on the large number of out of state autos at a farm labor camp in Empire and wondered if these people are receiving welfare and food stamps.

Councilman Smith reported that a White House Conference on Aging had been held in Turlock today and that information on what took place will be available later.

14. Hearing on assessment of Improvement District No. 16. 8:00 P.M.

ACTION: Res. 1182-S.P. adopted (Simon/Dixon, unan.) confirming assessment. (Clerk to handle)

15. Hearing on formation of Improvement District No. 17. 8:00 P.M.

ACTION: Res. 1183-S.P. adopted (Dixon/Newton, unan.) determining that public convenience and necessity require improvement.

Res. 1184-S.P. adopted (Dixon/Newton, unan.) ordering work.

Res. 1185-S.P. adopted (Dixon/Newton, unan.) calling for bids. (Clerk to handle)

The Director of P/W agreed to see if the light at 1147 Grantland Court could be moved to the property line. (P/W to handle)

ORDINANCES

CONSENT

16. Final adoption of Ordinance No. 1106-C.S. (parking meter zoning map)
(Motion adopting needed)

ACTION: By motion Ord. No. 1106-C.S. adopted. (Clerk to handle)

OLD BUSINESS

17. Further consideration of request for resolution supporting concept of revenue sharing.

ACTION: A resolution (Simon/Dunlap) in support of revenue sharing failed as only Simon and Dunlap voted aye.

CONSENT

NEW BUSINESS

18. Accept improvements in Applegate No. 1 Subdivision and authorize the City Clerk to file notice of completion and release bond upon expiration of statutory lien period.
(This subdivision is located south of Rumble Road between Carver Road and Prescott Road. All improvements have been completed to the satisfaction of the Public Works Department and all fees paid. Resolution accepting improvements and authorizing the City Clerk to file notice of completion needed)

ACTION: Res. 71-416 adopted accepting improvements. (Clerk to handle)

CONSENT

19. Proposed annexation of Riverside No. 5 Addition to the Modesto Municipal Sewer District No. 1 and naming a time and place for hearing.
(Riverside No. 5 Addition has been annexed to the City of Modesto and it is now necessary to commence proceedings to annex this area to Modesto Municipal Sewer District No. 1. Suggested hearing date June 28, 1971 at 7:35 P.M. Resolution setting hearing (2/3 affirmative vote needed)

ACTION: Res. 71-417 adopted setting hearing. (Clerk to handle)

CONSENT

20. A resolution setting a public hearing on the Needham Street project, McHenry to Hackberry.
(Memo with agenda. Resolution setting public hearing for June 14, 1971 at 7:35 P.M. needed)

ACTION: Res. 71-418 adopted setting hearing. (Clerk to handle)

CONSENT

21. Consider requests for sewer service to property outside the City limits.
(Resolutions approving agreements needed. The property owners have signed agreements to annex when requested to do so. A sewer line exists to serve the properties.

(a) Property not contiguous to the City at 547 Curry Avenue; owners, Del and Eddie Lee Walker.

ACTION: Res. 71-419 adopted approving agreement. (P/W to handle)

(b) Property contiguous to the City at 2416 Ada Street, owners, Merle A. and Minnie M, Halstead.

ACTION: Res. 71-420 adopted approving agreement. (P/W to handle)

CONSENT

21A. Letter from Yosemite Area Council Boy Scouts of America requesting use of Kewin Park for day camp program.
(Motion granting request needed)

ACTION: By motion use of Kewin Park on June 22, 23 and 24 approved.
(P & R to handle)

REPORTS

CONSENT

22. Presentation of financial statement for April 1971.
(Statement with agenda. Motion accepting needed)

ACTION: By motion report accepted.

CONSENT

23. Report on swimming program operation.
(Report with agenda. Motion accepting report needed)

ACTION: By motion report accepted.

CONSENT
24. Report on Pacific Gas & Electric gas rate increase proposal. (Report by Director of Parking and Traffic with agenda, Motion accepting report needed)

ACTION: By motion report accepted.

REPORTS FROM THE PLANNING COMMISSION

25. Additional information on planned development zoning by Central California Enterprises.
(On April 26, 1971 the City Council referred this P-D zoning application to the Planning Commission to determine conditions to be applied to the planned development zoning. A request was also made for a staff report on the traffic and storm drainage implications of this P-D zone. Information attached. Direction to staff needed)

ACTION: By motion (Dixon/Newton, unan.) staff directed to prepare ordinance and resolution amending zoning map to permit construction of 27 single-story four-plex units on property at northeast corner of Kruger and Granada and approving development plan. (C/Atty to handle)

APPROPRIATION TRANSFERS

CONSENT
27. Consider request for appropriation transfer of $10,000 from Service Division Reserve Appropriation; $6,000 to Account No. 332-48-512, Equipment Parks, and $4,000 to Account 334-48-512, Damage Repairs, (Due to major overhauls required and significant price increases in equipment parts, insufficient funds exist in the Equipment Parks account to complete the year. The Damage Repairs account is a new account which reflects funds to be reimbursed to City by insurance. Resolution approving transfer needed. Estimated cost $10,000)

ACTION: Res. 71-421 adopted approving appropriation transfer of $10,000 from Account 60-48-512 to Account 332-48-512 ($6,000) and Account 334-48-512 ($4,000). (Finance to handle)

MISCELLANEOUS

28. Legislation.

None.

29. Appointments.

ACTION: Res. 71-422 adopted (Simon/Newton, unan.) appointing Smith and Dixon as Council representatives on Stanislaus Area Association of Governments with Dunlap and Elliott as alternates. (Clerk to handle)

30. Executive session regarding salaries and fringe benefits, and authorize staff to begin negotiations with Employees' Associations.

ACTION: The Council retired to executive session at 9:10 P.M. and returned to open session at 9:28 P.M.

By motion (Simon/Newton, unan.) staff authorized to begin negotiations with Employees' Associations. (C/Mgr to handle)

Res. 71-423 adopted (Dixon/Simon, unan.) appointing G. Dale Smith as Vice Mayor. (Clerk to handle)

Adjournment at 9:30 P.M.

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

Modesto City Council
May 14, 1971

The Council of the City of Modesto met in special session this date at 4:00 P.M., in the Council Chambers, City Hall, 801 Eleventh Street, Modesto, California, as provided by Sec. 2-1.02 of the Modesto Municipal Code to consider the preliminary budget for fiscal year 1971-72.

Present: Councilmen: Dixon, Dunlap, Elliott, Simon, Smith, Mayor Davies
Absent: Councilmen: Newton

The City Attorney introduced Bruce Liedstrand, newly appointed Assistant City Attorney.

A request of the City Attorney that he be excused from attending budget sessions was granted.

The budget message for the 1971-72 Budget was reviewed by the City Manager.

It was agreed that supplemental requests would be considered separately after review of the preliminary budget.

The following budgets were reviewed and given tentative approval:

CITY COUNCIL - 7 (P. 27) It was pointed out that passage of the Charter Amendment providing for additional compensation for members of the Council would increase Item 120 to $8,400 and the total City Council budget to $12,750.

CITY MANAGER - 8 (P. 29)

TYPING POOL AND RECORDS - 9 (P. 31)

CITY ATTORNEY - 13 (P. 33)

CITY CLERK & AUDITOR - 14 (P. 35)

FINANCE - 15 (P. 39) The enforcement of revenue and regulatory ordinances was explained. Councilman Simon requested a list of complaints received in connection with this and the disposition of the complaints.

PERSONNEL - 17 (P. 41) The suggestion was made that suggestion awards be made on the basis of a specific scale based on savings. It was pointed out that this was one of several factors used in arriving at the amount of an award.

PLANNING - 18 (P. 43) Councilman Dixon urged that members of the P/C be given every opportunity to attend conferences.

FIRE - 21 (P. 49)

POLICE - 22 (P. 53) Rental charges for pool equipment were explained.

DISASTER & CIVIL DEFENSE - 26 (P. 55)

PARKS & RECREATION, KING KENNEDY MEMORIAL CENTER - 30 (P. 57)

PARKS & RECREATION, ADMINISTRATION - 31 (P. 59) It was announced that the typist clerk position was changed to steno clerk with a $260 increase. Item 110 was changed to $61,330; Total Salaries & Wages - $62,230 and Total Administration $65,980.

PARKS & RECREATION, RECREATION - 32 (P. 63) It was agreed an annual Mancini Park Arts Festival could be considered as a supplemental request if asked for. Councilman Elliott expressed concern over the wide area of activities subsidised by the City.

PARKS & RECREATION, MADDUX YOUTH CENTER - 33 (P. 65)

PARKS & RECREATION, COMMUNITY SERVICE CENTER - 34 (P. 67)

PARKS & RECREATION, PARKS - 35 (P. 71)

PARKS & RECREATION, STREET TREES - 36 (P. 73) The possibility of judging the amount of work performed by the field crews was discussed. The possibility of evaluating this on a work-unit basis by the use of a computer was also discussed.

PARKS & RECREATION, 9-Hole GOLF COURSE - 37 (P. 77)

PARKS & RECREATION, DRYDEN PARK GOLF COURSE - 38 (P. 81)

PARKS & RECREATION, SENIOR CITIZENS CENTER - 39 (P. 83)

CITY HALL - 19 (P. 45)

Adjourned at 5:25 P.M. to 4:00 P.M. on May 21, 1971.

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

5/14/71

MINUTES AND ACTION AGENDA

CITY OF MODESTO
AGENDA FOR COUNCIL MEETING OF MONDAY, MAY 17, 1971 AT 4:00 P.M.

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

Absent: Dixon

Pledge of allegiance to the Flag
Invocation: A moment of silent prayer was observed.

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2, 4, 6, 7, 8, 9, 10, 16, 17, 18, 19, 22, 23, 24, 25, 26, 27, 29, 30, 31, 32, 33, 35
Items 4, 18, 25, 28 and 31 removed from Consent.
Smith/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 May 10, 1971.
(Motion approving needed)

ACTION: By motion minutes approved.

PETITIONS, REMONSTRANCES AND CORRESPONDENCE

CONSENT
2. Request for inclusion of $295 in 1971-72 budget for Pop Warner Football Program.
(Motion referring to proper budget session needed)

ACTION: By motion request referred to proper budget session. (Finance to handle)

3. Recommendation by Citizens' Community Center Committee that City take any necessary steps to obtain a federal grant for a community center.

ACTION: By motion (Newton/Dunlap, unan.) letter approved. (C/Mgr to handle)

CONSENT
4. Letter from Guy R. Cook requesting city assistance in preventing construction of two-story apartments on vacant land south of Standiford and east of Tully Road.
(Motion referring to staff for report needed)

ACTION: By motion (Smith/Newton, unan.) referred to staff to meet with interested persons to discuss this matter. (Planning to handle)

5. Request of Red Top Taxi for discussion of rates.

ACTION: By motion (Smith/Simon, unan.) request for increase in rates referred to staff for study and report. (P & T to handle)

CONSENT

6. Approve plans and specifications and call for bids for furniture for the Modesto-Stanislaus library.
(Bid opening June 3, 1971 at 2:00 P.M. Resolution approving plans, specifications and bid call needed. Funds budgeted in Account 6063-50-101, New Library Building)

ACTION: Res. 71-424 adopted approving plans and specs and bid call. (Clerk to handle)

CONSENT

7. Consider acceptance of Osterberg & Stewart's contract for drilling, casing and developing Well No. 38.
(All work in conjunction with this contract has been completed to the satisfaction of the Public Works Department, and it is in order to accept the work as complete. Resolution accepting work needed. Final cost, $5,475.40; funds budgeted in Account 6806-50-101, Well No. 38)

ACTION: Res. 71-425 adopted accepting contract. (Clerk to handle)

CONSENT

8. Consider award of bid for replacement of curb and gutter on Enslen Avenue and Sherwood Avenue from Orangeburg Avenue to Granger Avenue.
(Bids were opened May 11, 1971. The low bid submitted by Lee Cain, which is 7.8% below the Engineer's Estimate, is considered acceptable. It is recommended by the Public Works Department that the bid be awarded the low bidder. Resolution needed. Estimated cost $11,910.60 (Contract $10,303.60; Engr., $1,607). Funds budgeted in Account 321-51-101, Construction Materials)

ACTION: Res. 71-426 adopted awarding contract to Lee Cain. (P/W to handle)

CONSENT

9. Consider award of bid for Pump Station No. 38 facilities.
(Bids were opened May 4, 1971. The low bid was submitted by Howk Well & Equipment Co., which is 10.4% below the Engineer's Estimated, is considered acceptable. It is recommended by Public Works Department that bid be awarded to low bidder. Estimated cost $13,889.00; funds budgeted in Account 6809-50-101, Well & Pump Station, Procter & Gamble)

ACTION: Res. 71-427 adopted awarding contract to Howk Well and Equipment Co. (P/W to handle)

CONSENT

10. Approve plans, specifications and call for bids for planting and irrigation at Moose Park.
(Bid opening June 1, 1971 at 10:00 A.M. Resolution approving plans, specifications and bid call needed. Estimated cost $40,000; funds budgeted in Account No. 6321-31-321, Moose Park Dev., State 2; 6321-324, Moose Park Dev., Stage 2/3)

ACTION: Res. 71-428 adopted approving plans and specs and bid call. (Clerk to handle)

HEARINGS

11. Hearing on abandonment of a 9-foot alley in Block 911. 4:05 P.M.

ACTION: Res. 1186-S.P. adopted (Elliott/Smith, unan. - Dixon, absent) vacating and abandoning alley in Block 911. (Clerk to handle)

12. Hearings on cost of installation of curbs and gutters and/or sidewalks at the following locations. 4:10 P.M.

(a) Curb, gutter and sidewalk at 518 Hunter Avenue. (Mr. Edward B. Gebhardt - $505.15 - payment over ten year period recommended)

ACTION: Res. 71-429 adopted (Newton/Simon, unan. - Dixon, absent) confirming report, assessing costs and directing method of collection. (over a ten year period) (Finance to handle)

(b) Curb and gutter on Del Vale Ave. at 1600 Pearl St. (Mr. Donald D. Hamilton - $238.35)

ACTION: Res. 71-430 adopted (Newton/Simon, unan. - Dixon, absent) confirming report, assessing costs and directing method of collection. (Finance to handle)

(c) Curb and gutter at 1445 Del Vale Ave. (Mr. Donald J. Harper - $209.70)

Dropped as costs have been paid.

(d) Curb, gutter and sidewalk on Lucern Avenue and on El Terino Avenue at 1133 Lucern Ave. (Mr. William L. Klaproth - $932.33 - payment over ten year period recommended)

ACTION: Res. 71-431 adopted (Newton/Simon, unan. - Dixon, absent) confirming report, assessing costs and directing method of collection. (over a ten year period) (Finance to handle)

(e) Curb and gutter at 536 Covena Avenue. (Mr. Senter A. Nunley - $258.00)

ACTION: Res. 71-432 adopted (Newton/Simon, unan. - Dixon, absent) confirming report, assessing costs and directing method of collection. (Finance to handle)

(f) Sidewalk on Santa Cruz Avenue at 1222 Roble Avenue. (Mr. Donald W. Locke - $176.00)

ACTION: Res. 71-433 adopted (Newton/Simon, unan. - Dixon, absent) confirming report, assessing costs and directing method of collection. (over a three year period) (Finance to handle)

12. Hearings on cost of installation of curbs, gutters and/or sidewalks at the following locations:(continued) 4:10 P.M.

(g) Sidewalk on Pearl Street and on Kearney Avenue at 1501 Pearl Street.
(Mr. Cecil Wagoner - $482.50)

ACTION: Res. 71-434 adopted (Newton/Simon, unan. - Dixon, absent) confirming report, assessing costs and directing method of collection. (Finance to handle)

(h) Curb, gutter and sidewalk at 526 Hunter Avenue.
(Mrs. Alice G. Boulay - $460.98)

Dropped as costs have been paid.

(i) Curb, gutter and sidewalk on Hunter Avenue and Esgar Avenue at 527 Hunter Avenue.
(Mr. John R. Bradley - $911.63 - payment over a ten year period recommended)

ACTION: Continued to May 24, 1971.

(j) Curb, gutter and sidewalk at 530 Hunter Avenue.
(Mrs. Edith Capps - $460.45 - payment over a ten-year period recommended)

ACTION: Res. 71-435 adopted (Newton/Simon, unan. - Dixon, absent) confirming report, assessing costs and directing method of collection. (over a ten year period) (Finance to handle)

(k) Curb, gutter and sidewalk at 522 Hunter Avenue.
(Mr. Charles D. Golvin - $462.95 - payment over a ten-year period recommended)

ACTION: Res. 71-436 adopted (Newton/Simon, unan. - Dixon, absent) confirming report, assessing costs and directing method of collection. (over a ten year period) (Finance to handle)

(l) Curb, gutter and sidewalk at 536 Hunter Avenue.
(Mrs. Leona Henderson - $297.25)

ACTION: Res. 71-437 adopted (Newton/Simon, unan. - Dixon, absent) confirming report, assessing costs and directing method of collection. (Finance to handle)

(m) Curb, gutter and sidewalk at 543 Hunter Avenue.
(Mrs. Janet M. Reed - $310.00 - payment over a six-year period recommended)

ACTION: Res. 71-438 adopted (Newton/Simon, unan. - Dixon, absent) confirming report, assessing costs and directing method of collection. (over a six year period) (Finance to handle)

(n) Curb, gutter and sidewalk at 541 Hunter Avenue.
(Mrs. Wendolyn J. Wilson - $310.00)(Payment over a six-year period recommended)

ACTION: Res. 71-439 adopted (Newton/Simon, unan. - Dixon, absent) confirming report, assessing costs and directing method of collection. (over a six year period) (Finance to handle)

13. Hearings on requirement of curbs and gutters and/or sidewalks at the following locations: 4:15 P.M.

(a) Sidewalk at 1111 "F" Street, a portion of Block 81. (Mr. Frank Andrews)

ACTION: Res. 71-440 adopted (Simon/Smith, unan. - Dixon, absent) ordering work done. (P/W to handle)

(b) Sidewalk on Lucern Avenue at 601 Castle Street, Lot 1 of Block 609. (Mr. Linden A. Dunlop)

ACTION: Res. 71-441 adopted (Simon/Smith, unan. - Dixon, absent) ordering work done. (P/W to handle)

(c) Sidewalk at 811 Edison Avenue, Lot 1 of Block 672. (Mr. James Elkins)

ACTION: Res. 71-442 adopted (Simon/Smith, unan. - Dixon, absent) ordering work done. (P/W to handle)

(d) Curb and gutter at 518 Johnson Street, Lot 18 of Block 573. (Mr. Leonard Harrington)

ACTION: Res. 71-443 adopted (Simon/Smith, unan. - Dixon, absent) ordering work done. (P/W to handle)

(e) Sidewalk on Pearl Street at 1452 College Avenue, Lot 17, Block 6070. (Mrs. Margaret H. Lind)

ACTION: Res. 71-444 adopted (Simon/Smith, unan. - Dixon, absent) ordering work done. (P/W to handle)

(f) Sidewalk on Locke Road at Lot A, Block 1025. (Max/Ann Land Co.)

ACTION: Res. 71-445 adopted (Simon/Smith, unan. - Dixon, absent) ordering work done. (P/W to handle)

(g) Sidewalk on Locke Road at 701 Rose Avenue, a portion of Block 1025. (Mr. Leland C. McCafferty)

ACTION: Res. 71-446 adopted (Simon/Smith, unan. - Dixon, absent) ordering work done. (P/W to handle)

(h) Sidewalk at 710 Castle Street, Lot 11 of Block 608. (Mr. Harold Meyering)

ACTION: Res. 71-447 adopted (Simon/Smith, unan. - Dixon, absent) ordering work done. (P/W to handle)

14. Hearing on budget for 1971-72. 4:20 P.M.

ACTION: Frank Andrews spoke briefly. As no others wished to speak, the hearing was closed.

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

ACTION: Earl Reneaux requested the appointment of a Citizens' Police Review Board, and also requested Council support for the freeing of Angela Davis. No action was taken on either request.

The C/Mgr reported that City Police worked 296½ hours in connection with the Frog Jump in Calaveras County. As this was a mutual aid request, it was at Modesto's expense.

Mayor Davies requested that anyone having the name of a young person who might be considered for a Young American Medal for Courage and Bravery to submit the name to the C/Mgr.

The Director of Planning and Chief Building Inspector reported on the status of the FACE program.

ORDINANCES

CONSENT
16. Final adoption of the following ordinances:

(a) Ordinance No. 1103-C.S. (amendment to Section 19-3-9 of zoning map - Champion)
(Motion adopting needed)

ACTION: By motion Ord. No. 1103-C.S. adopted. (Clerk to handle)

(b) Ordinance No. 1104-C.S. (amendment to Section 22-3-9 of zoning map - Uccello)
(Motion adopting needed)

ACTION: By motion Ord. No. 1104-C.S. adopted. (Clerk to handle)

(c) Ordinance No. 1105-C.S. (amendment to Section 22-3-9 of zoning map (Wylie)
(Motion adopting needed)

ACTION: By motion Ord. No. 1105-C.S. adopted. (Clerk to handle)

CONSENT
17. Consider revision to fee schedule in sign ordinance.
(The proposed revision to the municipal code would establish a flat fee of $2.00 each for painted wall signs regardless of size and would establish a flat fee of $5.00 for all other signs regardless of size. Ordinance needed)

ACTION: Ord. No. 1108-C.S. introduced amending Sec. 9-6.04(i) of the Modesto Municipal Code. (Clerk to handle)

CONSENT

18. Consider revision to fee schedules for electrical, mechanical and plumbing codes.
(Proposed revisions in memo with agenda. Ordinance amending Sections 9-3.106 and 9-2.111 (1.12(c) of the municipal code, and rescinding Section 9-7-108 of the municipal code, needed)

ACTION: By motion Ord. No. 1109-C.S. introduced (Smith/Simon, unan. - Dixon, absent) amending Sec. 9-3.106 of the Modesto Municipal Code.

By motion Ord. No. 1110-C.S. introduced (Smith/Simon, unan. - Dixon, absent) amending Sec. 9-2.111 of the Modesto Municipal Code.

By motion Ord. No. 1111-C.S. introduced (Smith/Simon, unan. - Dixon, absent) amending Sec. 9-7.108 of the Modesto Municipal Code. (Clerk to handle)

CONSENT

19. (a) An ordinance amending Section 22-3-9 of the zoning map of the City of Modesto reclassifying certain property located thereon. (Dr. Zane Gard).

ACTION: Ord. No. 1112-C.S. introduced amending Sec. 22-3-9 of the zoning map. (Clerk to handle)

(b) A resolution approving a development plan for Planned-Development Zone (P-D (88) (Dr. Zane Gard)

ACTION: Res. 71-448 adopted approving development plan for P-D (88). (Planning to handle)

(This rezoning matter was considered by the Council at its meeting of May 10, 1971 at which time further information was furnished by the Planning Commission and the Director of Parking and Traffic as a result of a request by the Council made at its meeting of April 26, 1971. As a result of the information furnished, the Council directed that an ordinance and resolution be prepared rezoning the property owned by Dr. Gard for which P-D zoning was requested, and that such documents be brought back to the meeting of the Council on May 17, 1971)

OLD BUSINESS

20. Report on Centennial House.
(Report with agenda. If necessary, further oral report will be made at meeting. Motion directing staff needed)

ACTION: By motion (Simon/Dunlap, unan.) final action delayed until such time as staff can get written commitments from those who will share in the costs. (P & R to handle)

21. Further consideration of request of Rudy Bonzi re garbage collection.

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

NEW BUSINESS

CONSENT

22. Resolution of Intention to call special election for annexation of Rouse No. 2 Addition to the City of Modesto.
(A petition containing 154 valid signatures and requesting that the Rouse No. 2 Addition be annexed to the City of Modesto has been filed with the City Clerk. This represents 41.5% of the registered voters. Resolution setting June 14, 1971 at 7:40 P.M. for hearing protests to this annexation)

ACTION: Res. 71-449 adopted setting June 14, 1971 at 7:40 P.M. as time for hearing protests. (Clerk to handle)

CONSENT

23. Service Officer.
(Recommendation for the assignment of a Service Officer to be assigned in the Police Building to handle routine type case reports where an officer's presence is not needed at the scene. Resolution approving recommendation and resolution approving appropriation transfer of $1,340 from General Reserve needed)

ACTION: Res. 71-450 adopted approving assignment of police personnel as "Security Officers." (Police to handle)
Res. 71-451 adopted approving appropriation transfer of $1,340 from Account 60-101 to Accounts 204(294), 224(10), 301(23), 302(83), 5516(254), 5517(124), 5518(107) and 5201(445). (Finance to handle)

CONSENT

24. Consider authorizing Purchasing Officer to join with Stanislaus County agent in a consolidated call for bids for furnishing annual requirements of gasoline for period commencing July 1, 1971.
(The total requirements of this ninth joint venture is expected to exceed 1,400,000 gallons. The City portion is about 300,000 gallons. Motion needed. Estimated cost $55,000.00. Funds budgeted in Account 330-48-512, Gas, oil, lubricants and other accounts, p. 133 preliminary budget)

ACTION: Res. 71-452 adopted authorizing Purchasing Officer to join with Stanislaus County Purchasing agent in bid call for gasoline for 1971-72 fiscal year. (Finance to handle)

XXXXXXXXX

25. Letter from The Christian Reformed Church Mission Fest Committee (Ronald Assink, Sec.-Treas., 434 South Walnut, Ripon California) requesting use of Graceada and Enslen Parks.
(The Christian Reformed Church Mission Fest Committee is requesting permission to hold a "Mission Fest" meeting in Graceada and Enslen Parks on Saturday, July 3, 1971. Motion granting request needed)

ACTION: By motion (Smith/Simon, unan.) request granted with omission of reservations for ball diamonds, tennis courts and horseshoe pits. (P & R to handle)

CONSENT

26. Consider request for refund of mill tax paid by Diamond National. Diamond National moved outside the city limits on August 15, 1971 but continued to pay city business license tax. Since they were using a post office box address, the license division was not aware of the move. A refund of $536.48 has been requested, which has been verified by the staff as an over-payment. The code provides that business license tax refunds of over $500 must be approved by the Council. It is recommended that the refund be approved. Resolution needed)

ACTION: Res. 71-453 adopted approving refund. (Finance to handle)

27. Consider agreement with John Mathewson, 1419 Pleasanton Place, Oakdale, for the demolition of city-owned house at 101 Hackberry Ave. (Memo with agenda. Resolution approving agreement and rescinding Resolution No. 71-377 needed)

ACTION: Res. 71-454 adopted (Simon/Elliott, unan.) approving agreement with Brooks Construction Co. for demolition at a cost of $1,073. (Finance to handle)

XCONSENTX
28. Consider sale of surplus property adjacent to Downey Park. (Memo with agenda. Resolution needed)

ACTION: Res. 71-455 adopted (Elliott/Simon, unan. - Dixon, absent) approving sale of surplus real property adjacent to Downey Park to Dr. Zane R. Gard for $6,500, and authorizing C/Mgr to consent to the application of Dr. Gard for rezoning of the property. (Finance and C/Mgr to handle)

CONSENT
29. Resolution approving amendment to agreement between County of Stanislaus and City of Modesto relating to operation of a new Modesto area central library.
(Memo with agenda. Resolution needed)

ACTION: Res. 71-456 adopted approving amendment to agreement. (Clerk to handle)

CONSENT
30. Letter from Lawrence Robinson, Jr. offering to deed park land to City.
(Resolution accepting offer and motion directing staff to take necessary steps to construct fence needed. Estimated cost $2,300. Funds to be requested later from Special Fund for Capital Outlays when exact cost of fence is determined)

ACTION: Res. 71-457 adopted accepting dedication. (P & R to handle)

By motion staff directed to erect fence (chain link) to separate park land from property retained by Mr. Robinson. (P & R to handle)

XCONSENTX
31. Fix prices to be charged by City for centennial books and souvenirs. (Memo with agenda. Resolution establishing prices needed)

ACTION: Res. 71-458 adopted (Smith/Newton, unan. - Dixon, absent) establishing prices for centennial books and souvenirs as set forth in price schedule dated May 10, 1971, a copy of which is on file with the City Clerk. (Finance to handle)

CONSENT
32. Letter from Shooting Star 4-H Club.
(Letter requests permission to plant flowers and to do some clean up in Mellis Park. The staff has discussed this with the 4-H leader, and we would recommend approval. Motion granting request needed)

ACTION: By motion permission granted. (P & R to handle)

CONSENT

33. Agreement with Ribera & Sue.
(Agreement provides that Ribera & Sue, Landscape Architects, will prepare a master plan for Rose Avenue Park for a lump sum figure of $4,500. The agreement is the standard agreement which we use for all master plans. Resolution approving agreement needed, Estimated cost $4,500. Funds budgeted in Account 6352-31-321, Plans and Studies, Mark Twain and Rose Avenue Parks)

ACTION: Res. 71-459 adopted approving agreement with Ribera & Sue. (Clerk to handle)

34. Presentation by Alan H. Strauss on "no-fault" insurance.

ACTION: As Mr. Strauss did not appear, the matter was dropped. He may submit his proposal in writing.

APPROPRIATION TRANSFERS

CONSENT

35. Consider appropriation transfer of $18,000 from General Reserve to Account No. 321-51-101, Streets, Construction Materials. (Funds are requested to continue program of repairing curbs and gutters damaged by street trees. Request is made at this time so that surveys and plans can be started. Money is proposed to be carried over into 1971-72 budget. Resolution approving transfer needed. Estimated cost $18,000)

ACTION: Res. 71-460 adopted approving appropriation transfer of $18,000 from Account 60-101 to Account 321-51-101. (Finance to handle)

MISCELLANEOUS

36. Legislation.

ACTION: Councilmen who are opposed to SB333 were urged to contact their legislators.
By motion (Smith/Newton, unan.) SB1352 and AB1098 opposed. (C/Mgr to handle)

37. Appointments.

ACTION: Mayor Davies requested suggestions from the Council as to a successor for Clyde Dunlap as a member of the P/C.

Adjournment at 5:30 P.M. to May 19, 1971 at 7:30 P.M. in the Council Chambers.

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

May 19, 1971

MINUTES OF JOINT MEETING OF MODESTO CITY COUNCIL AND STANISLAUS COUNTY BOARD OF SUPERVISORS

The Modesto City Council and the Stanislaus County Board of Supervisors met in joint meeting pursuant to adjournment. The purpose of the meeting was to hold a public hearing on the selection of a specific plan for the alignment of Brighton Avenue between Scenic Drive and Yosemite Blvd.

The meeting was convened at 8:00 P.M. with Vice Mayor Smith presiding.

PRESENT: Councilmen: Dixon, Dunlap, Newton, Vice Mayor Smith
Supervisors: Paul, Thurman, Vander Wall, Vice Chairman Franzen

ABSENT: Councilmen: Elliott, Simon, Mayor Davies
Supervisors: Chairman Fahey

Vice Mayor Smith introduced the Councilmen present and Acting Vice Chairman Vander Wall introduced the Supervisors.

Vice Mayor Smith outlined the purpose of the meeting and the manner in which it would be conducted.

Wm. Nichols, Director of Planning of the City of Modesto, Richard Hosegood, Assistant City Engineer, Ross Campbell, Director of Public Works, City of Modesto, and Martin Schueller, Stanislaus County Planning Director, made presentations. The reasons for the selection of a specific plan, the alternate routes, the costs and the tentative development schedule were discussed.

Following a period during which persons in the audience spoke for or against the various alternatives and asked questions of the staff, the public hearing was closed.

The Council and Board then discussed the proposed plan.

By motion (Dixon/Dunlap, unan. - Elliott, Simon and Mayor Davies, absent) Ord. No. 1113-C.S. selecting Alternate B (Four travel lanes on Rosina Avenue) for the alignment of Brighton Avenue from Scenic Drive to Yosemite Blvd. was introduced.

The Board of Supervisors then adopted a resolution (Vander Wall/Paul, unan. - Fahey, absent) selecting Alternate B for the alignment.

The meeting adjourned at 9:35 P.M.

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

5/19/71

The Council of the City of Modesto met in adjourned special session this date in the Council Chamber, City Hall, 801 11th Street, Modesto, California, to consider further the preliminary budget for fiscal year 1971-72, Vice Mayor Smith presiding.

Present: Councilmen: Dunlap, Elliott, Newton, Vice Mayor Smith
Absent: Councilmen: Dixon, Simon, Mayor Davies

The meeting was called to order at 4:00 P.M.

The following budgets were considered and given tentative approval:

PUBLIC WORKS - ENGINEERING & ADMINISTRATION - 41 (P. 87)

PUBLIC WORKS - BUILDING INSPECTION - 42 (P. 91)

PUBLIC WORKS - ELECTRICAL - 43 (P. 93)

PUBLIC WORKS - WATER - 50 (P. 95)

PUBLIC WORKS - STREETS - 51 (P. 97)

PUBLIC WORKS - SEWER - 52 (P. 101)

PUBLIC WORKS - WATER QUALITY CONTROL - 53 (P. 105)

PUBLIC WORKS - GARDEN REFUSE - 54 (P. 107)
(The Director of Public Works explained that a study of crew assignments showed that one man/one truck was the most efficient.)

PUBLIC WORKS - AIRPORT - 46 (P. 127)

PUBLIC WORKS - SERVICE - 48 (P. 133)

PARKING & TRAFFIC - 56 (P. 109)

PARKING & TRAFFIC - OFFICE SERVICES - 58 (P. 111)

PARKING & TRAFFIC - PARKING FUND - 209 (P. 123)

DOWNTOWN IMPROVEMENT DISTRICT - Fund 218 (P. 125)
(A corrected page 125 was furnished.)

LIBRARY - Fund 201 - 62 (P. 121)

INSURANCE & RETIREMENT - 64 (P. 115)

MUSIC & PROMOTION - 61 (P. 113)
(It was agreed to consider item 447 - Industry, Business and Jobs at a later meeting to permit representatives of the Greater Modesto Chamber of Commerce to be present.

MISCELLANEOUS UNCLASSIFIED - 65 (P. 117)

BOND REDEMPTION & INTEREST REQUIREMENTS - (P. 129)

The following supplemental requests were considered and given tentative approval:

FINANCE - (P. 37)
($11,824 for a computer was approved in principle with the final details such as type of equipment and program to be decided later. There is a possibility that the cost will be changed.)

PLANNING - (P. 42)

FIRE - (P. 47)
(It was pointed out that no money was in the budget at this time to take care of the request of the Firefighters Association for a reduction in the work week from 63 to 56 hours per week.)

POLICE - (P. 51)
(It was decided that the request for eleven additional policemen, together with the recommendation of the City Manager for four additional policemen, should be considered at a regular Council meeting. The suggestion was made that the Mayor appoint a Crime Study Committee immediately and have Council ratification of the appointments later.

The revenue item "Police Training Reimbursement" was changed from $23,235 to $46,365 and the item "Other Special Charges (P. 52)" was changed from $13,095 to $11,025.)

The meeting was adjourned at 5;30 P.M. to Wednesday, May 26, 1971 at 4:00 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 24, 1971 AT 7:30 P.M.

Roll Call Present: Dixon, Dunlap, Elliott, Newton, Simon, Smith, Mayor Davies
Absent: None
Councilman Dixon arrived at 7:40 P.M.
Pledge of allegiance to the Flag
Invocation: Reverend Richard Washington, First Church of the Nazarene

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 24, 26, 27, 28, 29, 30, 31, 32, 33, 34, 38, 39, 40, 41

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 May 17,1971 (regular meeting) and May 14, 1971 (special meeting)

ACTION: By motion minutes approved.

PETITIONS, REMONSTRANCES AND CORRESPONDENCE

CONSENT
2. Request of Modesto City Employees Association for council approval of payroll deductions to buy U. S. Savings Bonds.
(Motion granting request needed)

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

CONSENT
3. Request of William Mitchell on behalf of Mistlin Buick, that portion of sign ordinance dealing with freestanding and projecting signs in H-1 zones be referred to Planning Commission for study.
(Motion referring to Planning Commission needed)

ACTION: By motion request referred to P/C. (Planning to handle)

CONSENT
4. Claim of Eldridge E. Coats, Jr. in the amount of $350,000 for willful assault, false arrest and personal injuries.
(The City's insurance carrier has requested a formal rejection of the claim. Resolution needed)

ACTION: Res. 71-461 adopted rejecting claim. (Clerk to handle)

CONSENT
5. Request of Head Rest for use of city parking lot at 17th and Eye for yard sale on May 28 - 29, 1971.
(Motion granting request needed)

ACTION: By motion request granted. (P & T to handle)

6. Petition requesting council action to stop construction of two-story apartments east of Tully and south of Standiford.

ACTION: It was agreed that the Council could not legally stop this construction. The Mayor directed that staff meet with the Board of Realtors, developers, builders, etc. to see what can be done to better inform prospective buyers of adjacent zoning and what can be built with that zoning. (Planning to handle)

CONSENT

7. Letter from Frank Andrews concerning dangerous power lines in City. (Motion referring to staff needed)

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

BIDS

CONSENT

8. Consider approval of specifications and authorize call for bids to be opened June 8, 1971 at 10:15 A.M. for furnishing annual requirements of liquid chlorine.
(The requirements of the cities of Turlock and Oakdale are included in our specifications. Resolution needed. Estimated cost $77,000; funds budgeted in Account 312-53-101, Chemicals, Drugs and Lab Supplies, p. 105 preliminary budget)

ACTION: Res. 71-462 adopted approving specs and bid call. (Clerk to handle)

CONSENT

9. Consider approval of specifications and authorize call for bids to be opened June 8, 1971 at 10:30 A.M. For furnishing annual requirements of liquid anhydrous ammonia.
(Resolution needed. Estimated cost $4,500; funds budgeted in Account 312-53-101, Chemical Drugs & Lab Supplies, p. 105, Preliminary Budget)

ACTION: Res. 71-463 adopted approving specs and bid call. (Clerk to handle)

CONSENT

10. Consider approval of specifications and authorize call for bids to be opened June 8, 1971 at 10:45 A.M. for furnishing annual requirements of lamps.
(The requirements of the County of Stanislaus, Modesto City Schools and Yosemite Junior College District are included in our specifications. Resolution needed. Estimated cost $6,500; funds budgeted in Account 438-512 (not shown in budget) Distributed and charged to many accounts and departments (Service Revolving Fund)

ACTION: Res. 71-464 adopted approving specs and bid call. (Clerk to handle)

CONSENT

11. Consider approval of specifications and authorize call for bids to be opened June 8, 1971 at 2:00 P.M. for furnishing annual requirements of rock, sand and gravel.
(Resolution needed. Estimated cost $18,000; 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. 71-465 adopted approving specs and bid call. (Clerk to handle)

CONSENT

12. Consider approval of specifications and authorize call for bids to be opened June 8, 1971 at 2:15 P.M. for furnishing annual requirements of liquid and emulsified asphalts.
(Resolution needed. Estimated cost $23,000; funds budgeted in Account 321/51/101, Constr. Material, p. 97 preliminary budget and other miscellaneous accounts)

ACTION: Res. 71-466 adopted approving specs and bid call. (Clerk to handle)

CONSENT

13. Consider approval of specifications and authorize call for bids to be opened June 8, 1971 at 2:30 P.M. for furnishing annual requirements of ready-mixed concrete.
(Resolution needed. Estimated cost $9,000; funds budgeted in Account 321/51/101, Constr. Material, p. 97, preliminary budget and other misc. accounts)

ACTION: Res. 71-467 adopted approving specs and bid call. (Clerk to handle)

CONSENT

14. Accept as complete the George Reed, Inc. contract for asphalt concrete resurfacing of various city streets, Spring 1971.
(All work on this contract has been completed to the satisfaction of the Public Works Department. It would be in order to accept the work as complete and authorize the City Clerk to file notice of completion. Resolution needed. Original constract cost, $11,723; final contract cost $11,935.27. Funds budgeted in Accounts 6657-321, Various Residential Streets and 6660-207, Concrete Overlay/Misc. Resurfacing)

ACTION: Res. 71-468 adopted accepting contract. (Clerk to handle)

CONSENT

15. Consider award of bid for installation of water lines in Hagstrom Park No. 2, Brentwood Estates No. 3, and Carver Manor No. 1.
(Bids were opened May 18, 1971 and the low bid of George F. Schuler Co., which is 22% below the Engineer's Estimate is considered acceptable. It is recommended that the bid be awarded to low bidder. Resolution needed. Estimated cost $15,602.30 (Mains $10,992.30; Ser. $4,610) Funds budgeted in Account 6804-50-101, Water Line Extensions, and 5301-50-101, New Services)

ACTION: Res. 71-469 adopted awarding contract to George F. Schuler Co. (P/W to handle)

CONSENT

16. Consider award of bid for improvement of the Bodem-Sunrise connection.
(Bids were opened May 18, 1971 at 10:10 A.M. The low bid submitted by B.G. Engineering Contractors, Inc., which is 0.5% above the Engineer's Estimate, is considered acceptable. It is recommended by Public Works Department that the bid be accepted. Resolution awarding bid needed. Estimated cost, contract, $24,159; funds budgeted in Account 6680-207, Bodem-Sunrise Connection)

ACTION: Res. 71-470 adopted awarding contract to B.G. Engineering Contractors, Inc. (P/W to handle)

CONSENT

17. Consider acceptance of Rutan Company contract for installation of water lines for Fire Hydrant Installations at Scenic Hospital and City Hospital.
(Original contract $6,236.25. All work in conjunction with 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 accepting work needed. Final cost $6,900.28; funds budgeted in Account 6125-321, Fire Hydrant Installations)

ACTION: Res. 71-471 adopted accepting contract. (Clerk to handle)

CONSENT

18. Consider award of bid to Photo and Sound Company of San Francisco to furnish film inspection and projection equipment for new library building.
(Memo with agenda. Resolution awarding bid subject to approval of agreement by Stanislaus County needed. Estimated cost $10,774; funds budgeted in Account 6303/301, Capital Outlay Fund, p. 72)

ACTION: Res. 71-472 adopted awarding contract to Photo and Sound Company of San Francisco subject to approval of agreement by Stanislaus County. (Finance to handle)

CONSENT

19. Consider award of bid to Eastman Kodak Company to furnish microfilm equipment for new library building.
(Memo with agenda. Resolution awarding bid subject to approval of agreement by Stanislaus County needed. Estimated cost $15,404; funds budgeted in Account 6063-301, Capital Outlay Fund, p. 72)

ACTION: Res. 71-473 adopted awarding contract to Eastman Kodak Company subject to approval of agreement by Stanislaus County. (Finance to handle)

HEARINGS

20. Hearing - proposed amendment of Section 31-3-9 of zoning map to rezone property from R-1 to R-2 (Byron Lane Courts) 7:35 P.M.

ACTION: By motion (Dixon/Elliott, unan.) Ord. No. 1114-C.S. introduced amending Sec. 31-3-9 of zoning map. (Clerk to handle)

21. Hearing - proposed amendment to Section 27-3-9 of zoning map to rezone property from R-3 to Planned Development (O.F.C. Properties) 7:40 P.M.

ACTION: By motion (Newton/Smith, unan.) Ord. No 1115-C.S. introduced amending Sec. 27-3-9 of zoning map. (Clerk to handle)
Res. 71-474 adopted (Newton/Smith, unan.) approving development plan. (Planning to handle)

22. Hearing-appealing decision of Board of Zoning Adjustment denying request for variance to the setback requirement on 9th Street between C & D Streets. 7:45 P.M.

ACTION: Res. 71-475 adopted (Simon/Smith, unan.) granting variance to Isabel Berberian Corp. and Haig Berberian to permit 4-foot sidewalk on 9th Street between C & D Streets. (P/W to handle)

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

ACTION: Res. 71-476 adopted (Simon/Dunlap, unan.) resetting hearing on widening of Needham Avenue between Hackberry and McHenry for June 28, 1971 at 7:40 P.M. and rescinding Res. No. 71-418. (Clerk to handle)

John Funnel, member of the Farm City Advisory Committee, was introduced.

Questions on whether or not the construction of a Civic Center using a Federal Grant would be voted on by the people and whether other projects would be delayed (such as sewer lateral development) were discussed. It was pointed out that at this time, there is no available Federal money and that a sewer project would be funded from other sources.

The blocking of one lane of traffic on McHenry Avenue by cars waiting to enter the car wash at Grand Auto was discussed. No formal action was taken, but it was suggested that the BZA study this with a view toward better standards for situations of this type.

ORDINANCES

CONSENT

24. Final adoption of the following ordinances:

(a) Ordinance No. 1108-C.S. - (fee schedule for signs)
(Motion approving needed)

ACTION: By motion Ord. No. 1108-C.S. adopted. (Clerk to handle)

(b) Ordinance No. 1109-C.S. - (fee schedule - electrical code)
(Motion approving needed)

ACTION: By motion Ord. 1109-C.S. adopted. (Clerk to handle)

(c) Ordinance No. 1110-C.S. - (Fee Schedule - plumbing code)
(Motion approving needed)

ACTION: By motion Ord. No. 1110-C.S. adopted. (Clerk to handle)

(d) Ordinance No. 1111-C.S. - (Fee schedule - mechanical code)
(Motion approving needed)

ACTION: By motion Ord. No. 1111-C.S. adopted. (Clerk to handle)

OLD BUSINESS

25. Further consideration of cost of installation of curb, gutter and sidewalk on Hunter and Esgar Avenues at 527 Hunter (John R. Bradley, $691.00, - payment over a ten-year period recommended)

ACTION: Res. 71-477 adopted (Smith/Elliott, unan.) confirming report, assessing costs and directing method of collection (over a ten year period) (Finance to handle)

NEW BUSINESS

CONSENT

26. Report of Superintendent of Streets on the cost of installation of curbs and gutters and/or sidewalks at the locations listed below. (Resolutions setting 4:05 P.M., June 7, 1971 for hearings needed. Funds budgeted in Account 5302-51-101, Curbs and Gutters, Special)

(a) Curb, gutter and sidewalk at 1131 Lucern Avenue, portion of Block 1038 (Mr. Wesley C. Bingaman - $281.65)
(Resolution setting hearing needed)

ACTION: Res. 71-478 adopted setting hearing. (P/W to handle)

(b) Curb, gutter and sidewalk at 545 Hunter Ave., Lot 1 of Block 1003. (Mr. Benjamin F. Fox - $400)
(Resolution setting hearing needed)

ACTION: Res. 71-479 adopted setting hearing. (P/W to handle)

(c) Curb, gutter and sidewalk at 2608 McAdoo Ave., Lot 10 of Block 7252. (Mr. James T. McGuire - $244.00)
(Resolution setting hearing needed)

ACTION: Res. 71-480 adopted setting hearing. (P/W to handle)

(d) Curb, gutter and sidewalk at 706 El Terino Avenue, portion of Block 1037. (Mrs. Adeline L. Medline - $275.00)
(Resolution setting hearing needed)

ACTION: Res. 71-481 adopted setting hearing. (P/W to handle)

(e) Curb, gutter and sidewalk on Lucern Avenue at 602 El Camino Avenue, Lot 1 of Block 1039. (Mr. Thomas W. Oxford - $625.52)
(Resolution setting hearing needed)

ACTION: Res. 71-482 adopted setting hearing. (P/W to handle)

(f) Curb, gutter and sidewalk at 621 El Terino Avenue, portion of Block 1038. (Mr. Mike R. Rivera - $269.88)
(Resolution setting hearing needed)

ACTION: Res. 71-483 adopted setting hearing. (P/W to handle)

(g) Curb, gutter and sidewalk at 2704 McAdoo Ave., Lot 14 of Block 7252. (Mr. Earl C. Roush - $299.00)
(Resolution setting hearing needed)

ACTION: Res. 71-484 adopted setting hearing. (P/W to handle)

(h) Curb, gutter and sidewalk at 1509 Grape Avenue, Lot 7 of Block 6107. (Reverend Joseph H. Steenburgh - $360.00)
(Resolution setting hearing needed)

ACTION: Res. 71-485 adopted setting hearing. (P/W to handle)

CONSENT

27. Consider request for sewer service to property outside the City at 3124 Scenic Drive.
(Property owners - Alton L. and Peggy M. Traylor. The property owners have signed an agreement to annex 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. 71-486 adopted approving agreement. (P/W to handle)

CONSENT

28. A resolution approving final map of Renee Manor No. 4 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 agreement has been signed and all fees paid. Renee Manor No. 4 Subdivision is located north of Delphine Avenue, east of Carver Road. It contains 4.07 acres. Resolution approving final map and agreement needed)

ACTION: Res. 71-487 adopted approving final map. (Clerk to handle)

CONSENT

29. A resolution approving final map of Riverside North No. 4 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 south of Hamble Lane and west of Riverside Drive. It contains 18.79 acres. Resolution approving final map and agreement needed)

ACTION: Res. 71-488 adopted approving final map. (Clerk to handle)

CONSENT

30. Accept improvements in Northwood Manor Subdivision and authorize City Clerk to file notice of completion and release bond upon expiration of the statutory lien period.
(Northwood Manor Subdivision is located south of Woodrow Avenue between Sherwood Avenue and McHenry. 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. 71-489 adopted accepting improvements. (Clerk to handle)

CONSENT

31. Consider revision of curb, gutter and sidewalk program.
(Memo with agenda. Motion approving recommendation needed)

ACTION: By motion recommendation approved to expand program to include areas where 50% of improvements have not been completed. (P/W to handle)

CONSENT

32. Approval of agreement between City of Modesto and Stanislaus County for services of Lamar Bartholomew for three months beginning June 1, 1971.
(Agreement provides that the County will reimburse the City for all salary, fringe benefits, mileage, and out-of-pocket expenses incurred by Mr. Bartholomew during his tour of duty with the County. Resolution approving agreement needed)

ACTION: Res. 71-490 adopted approving agreement. (Clerk to handle)

CONSENT

33. Right of way agreement and grant deed - McHenry Ave. (Doreen Burke)
(Memo with agenda. Resolution authorizing City Manager to execute agreement needed. Estimated cost $50)

ACTION: Res. 71-491 adopted approving agreement and accepting deed. (Clerk to handle)

CONSENT

34. Resolution approving agreement with M.I.D. for strip park development along Lateral No. 2.
(Memo with agenda. Resolution needed)

ACTION: Res. 71-492 adopted approving agreement. (Clerk to handle)

35. Proposal by Universal By-Products, Inc, re garbage collection.

ACTION: By motion (Simon/Newton, unan.) referred to staff. (P/W to handle)

REPORTS

36. Report on negotiations with garbage collectors.

ACTION: By C/Mgr reported that negotiations were proceeding on schedule and that he hoped to make a full report to the Council on June 7, 1971.

37. Report on Greyhound's request for fare and rate increase.
(Report with agenda. Motion directing staff needed)

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

REPORTS FROM THE PLANNING COMMISSION

CONSENT

38. Recommend to the Council an amendment to Chapter 2 of Title X of the Modesto Municipal Code (Zoning Regulations - Bench Signs and Construction Signs)
(By Resolution No. 71-62 adopted May 18, 1971 the Planning Commission recommends an amendment to the zoning regulations relating to bench signs and construction signs. Resolution setting June 7, 1971 at 4:10 P.M. for public hearing needed)

ACTION: Res. 71-493 adopted setting hearing. (Clerk to handle)

CONSENT

39. Recommend to the Council an addition to Article 16 of Chapter 2 of Title X of the Municipal Code (zoning regulations - automobile oriented setbacks).
(Planning Commission Resolution 71-61 adopted May 18, 1971 recommends an addition to the zoning regulations - Automobile oriented setbacks. Resolution setting June 7, 1971 at 4:15 P.M. for public hearing needed)

ACTION: Res. 71-494 adopted setting hearing. (Clerk to handle)

CONSENT

40. Recommend to the Council the adoption of specific plan lines for those sections of Standiford Avenue and Sylvan Avenue.
(On May 18, 1971 at its regular meeting, the Planning Commission adopted Resolution No. 71-63 recommending to the City Council the adoption of specific plan lines for those sections of Standiford Avenue and Sylvan Avenue located within the Modesto city limits. Resolution setting June 14, 1971 at 7:45 P.M. for public hearing needed)

ACTION: Res. 71-495 adopted setting hearing. (Clerk to handle)

CONSENT

41. Recommend approval of 30-foot part-width Street in Coffee Terrace No. 3 Subdivision.
(Memo with agenda. Resolution approving 30-foot part-width street, with 4/5/ vote of Council required)

ACTION: Res. 71-496 adopted approving 30-foot part-width for that portion of Rose Avenue extending approximately 200 feet north of Floyd Avenue. (Planning to handle)

42. Recommendation from Planning Commission regarding installation of curb, gutter and sidewalk, northwest corner of Rumble and Prescott.
(Memo with agenda. Motion directing staff needed)

ACTION: By motion (Dixon/Smith, unan.) staff directed to proceed in accordance with new program approved under Item 31. (P/W to handle)

APPROPRIATION TRANSFERS

None.

MISCELLANEOUS

43. Legislation.

(a) AB-515 (Environmental Planning Councils)

ACTION: By motion (Smith/Dixon, unan.) AB-515 opposed.
By motion (Smith/Elliott, unan.) AB-1209 opposed.
By motion (Newton/Simon, unan.) AB-1303 opposed.
Action on SB-565 was withheld until copies of the bill are received. (C/Mgr to handle)

44. Appointments.

ACTION: Res. 71-497 adopted (Simon/Elliott, Unan.) appointing William Hawley as a member of the D.I.D. Advisory Board, Area E, and reappointing Earl C. Egolf as a member of the D.I.D. Advisory Board for terms expiring March 28, 1975. (Clerk to handle)

The Council then retired to executive session at 10:10 P.M. to consider appointments and returned to open session at 10:30 P.M.

Res. 71-498 adopted (Simon/Smith, unan.) approving the following appointments:
PUBLIC PROJECTS COMMITTEE, Dunlap (Chmn.), Smith and Dixon.
COUNCIL SUPERVISORS LIAISON COMMITTEE, Davies and Simon.
CITY-COUNTY COMMITTEE, Elliott and Dixon.
STANISLAUS AREA ASSOCIATION OF GOVERNMENTS (SAAG), Smith and Dixon, Elliott (#1 Alt.) and Dunlap (#2 Alt.)
CRIMINAL JUSTICE COMMITTEE, Smith
COMMUNITY ACTION COMMISSION, Newton and Elliott - Simon and Dixon (Alts.)

CERES-MODESTO LIAISON COMMITTEE, Davies and Newton
COMPREHENSIVE HEALTH PLANNING COUNCIL OF STANISLAUS COUNTY
REPRESENTATIVE, Dixon
LOCAL AGENCY FORMATION COMMISSION (LAFCO), Simon (Alt.)
EXECUTIVE COMMITTEE OF THE CENTRAL VALLEY DIVISION OF THE LEAGUE OF CALIFORNIA CITIES, Smith - Newton (Alt.)
STANISLAUS COUNTY HIGHWAY ADVISORY COMMITTEE, Newton
ECONOMIC DEVELOPMENT ACTION COMMITTEE, Simon
CIVIL DEFENSE PROGRAM, Newton and Elliott
TUOLUMNE RIVER REGIONAL PARK PLAN COMMITTEE, Davies and Dunlap
CHAMBER OF COMMERCE BOARD OF DIRECTORS LIAISON, Simon
SISTER CITY LIAISON COMMITTEE, Dunlap
GOVERNOR'S COUNCIL ON AGING LIAISON, Elliott
METROPOLITAN POLICE FORCE, Davies and Simon

45. Executive session to discuss salary and fringe benefits negotiations.

ACTION: The Council retired to executive session at 10:35 P.M. with the announcement that it would not return to open meeting.

Adjournment at 10:35 P.M.

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

The Council of the City of Modesto met in adjourned special session this date in the Council Chamber, City Hall, 801 Eleventh Street, Modesto, California, to consider further the preliminary budget for fiscal year 1971-72, Mayor Davies presiding.

Present: Councilmen: Dixon, Dunlap, Elliott, Newton, Mayor Davies

Absent: Councilmen: Simon, Smith

The meeting was called to order at 4:00 P.M.

Representatives of the Greater Modesto Chamber of Commerce were present to discuss Item 447 - Industry, Business & Jobs of Music & Promotion - 61 (P. 113). Councilman Dixon suggested that possibly a team composed of representatives of government and the private sector would have more success in encouraging "ideal" industries (i.e. year around and nonpollutant types) to come to this area than the normal method of sending information by mail. He then requested the Chamber staff to submit a proposal to him that would be along these lines and suggested that copies of the proposal be furnished the rest of the Council also. During a discussion on this subject later in the meeting, it was stressed that there should be no inference that additional funds for the Chamber were promised in connection with this request and the City Manager was instructed to clarify this with the Chamber.

The following supplemental requests were considered and given tentative approval:

LIBRARY AND CULTURE COMMISSION
(Tentative approval subject to availability of funds after all supplemental have been considered was given to a proposed budget prepared by the Director of Finance in the amount of $19,027 for six months or $32,054 for all of 1971-72.)

PARKS & RECREATION - ADMINISTRATION (P. 58 & 61)
(Councilman Dunlap requested that the ball parks be given better groundskeeping. It was agreed that Parks & Recreation personnel would look into this.)

PARKS & RECREATION - PARKS (P. 69)

PARKS & RECREATION - 9-HOLE GOLF COURSE (P. 75)

PARKS & RECREATION - DRYDEN MUNICIPAL GOLF COURSE (P. 79)

PARKS & RECREATION - RECREATION (P. 63)
(Item 120 was reduced from $96,496 to $96, 121.
Item 315 was increased from $10,371 to $10,431.
Total Salaries & Wages was reduced from $100,584 to $100,209.
Total Operating Expense was increased from $19,162 to $19,222.
Total Recreation was reduced from $119,746 to $119,431.)

A request for additional funds to pay scorekeepers for the Youth Baseball Programs was discussed but no action was taken.

Councilman Elliott suggested that consideration be given to the City reducing its participation to only furnishing facilities rather than equipment, man-power or trophies.

At the suggestion of Councilman Dunlap it was agreed that a letter should be sent by the Mayor thanking Robert Nard for his contribution to the baseball programs.

PUBLIC WORKS - ENGINEERING & ADMINISTRATION (P. 85)

PUBLIC WORKS - BUILDING INSPECTION (P. 89)

PUBLIC WORKS - ELECTRICAL (P. 92)

PUBLIC WORKS - WATER (P. 94)

PUBLIC WORKS - STREETS (P. 96)
(The condition of Rumble Road was discussed and the Assistant Director of Public Works agreed to check into why it seems to be dug up so often.)

It was announced that after adjournment the Council planned to meet at the King's Bench for the purpose of holding an executive session to discuss salary negotiations.

The meeting adjourned at 5:35 P.M. to 4:00 P.M. on May 28, 1971.

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

Modesto City Council
May 28, 1971

The Council of the City of Modesto met in adjourned special session this date in the Council Chamber, City Hall, 801 Eleventh Street, Modesto, California, to consider further the preliminary budget for fiscal year 1971-72, Mayor Davies presiding.

Present: Councilmen: Dixon, Dunlap, Elliott, Simon, Mayor Davies

Absent: Councilmen: Newton, Smith

The following supplemental requests were considered and given tentative approval:

PUBLIC WORKS - CITY HALL (P. 44)
(The City Manager was requested to inform the Council as to the manner in which confidential records are disposed of.)

PUBLIC WORKS - SEWERS (P. 99)

PUBLIC WORKS - WATER QUALITY CONTROL (P. 103)
(The Assistant Director of Public Works explained the operation of a pilot plant testing program and the use of effluent for irrigation. The Assembly Bill introduced by Assemblyman La Coste which would ban the use of phosphates in detergents was discussed. It was pointed out that this could cause a problem locally as sodium chloride (salt) replaces the phosphates and the discharge of salt into the river could make the water unfit for use in irrigation.)

PUBLIC WORKS - AIRPORT (P. 126)

PUBLIC WORKS - SERVICE DIVISION (P. 130 - 131)
(The paint striping machine ($7,500) was deleted as it has already been purchased with Council approval.
Mayor Davies raised the question as to whether or not City repair costs have been compared with costs at private garages.)

INSURANCE & RETIREMENT (P. 114)

MISCELLANEOUS UNCLASSIFIED (P. 116)
(By motion (Dixon/Simon, unan.) the Comprehensive Health Planning Council request for $3,500 was approved in the amount of $2,500. It was informally agreed that in the event the additional $1,000 is requested later, the Council should be more fully informed as to the activities and accomplishments of this group.

POLICE - (P. 51-52)
(A report was requested on the activities of the foot patrolmen in the downtown area.
It was agreed that these supplemental requests would be considered at the June 2 meeting.)

LIBRARY & CULTURE COMMISSION
(Action on this supplemental request was delayed to the June 2 meeting.)

MUSIC & PROMOTION - 61 (P. 113)
(Coincilman Simon announced that he had been requested to initiate Council action whereby any funds allocated to the Chamber of Commerce under Account No. 447 be used only for "music, publicity and promotion" as provided for in Section 200 of the Charter. He pointed out that some local Chamber funds are sent to the State Chamber and that, on occasions, the State Chamber has lobbied against labor unions.
Action on a motion (Simon/Dixon) to require that City funds furnished the Chamber of Commerce be used only for those expenditures permitted by the Charter was delayed to June 2.)

The meeting adjourned at 6:00 P.M. to 4:00 P.M. on June 2, 1971.

ATTEST: W. T. Chynoweth

W. T. CHYNOWETH, City Clerk

Modesto City Council
June 2, 1971

The Council of the City of Modesto met in adjourned special session this date in the Council Chamber, City Hall, 801 Eleventh Street, Modesto, California, to consider further the preliminary budget for fiscal year 1971-72, Mayor Davies presiding.

Present: Councilmen: Dixon, Elliott, Simon, Smith, Mayor Davies

Absent: Councilmen: Dunlap, Newton

The following supplemental requests were considered:

POLICE - (P. 51)
(By motion (Dixon/Simon, unan.) supplemental requests, including eleven additional policemen, approved.
It was agreed that every effort should be made to initiate programs by which citizens would assist in police matters without becoming involved to the extent of interfering with the operations of the Police Department or exposing themselves or others to risks. The Police Chief reported that several programs of this type were being investigated and that progress reports would be made to the Council.)

LIBRARY AND CULTURE COMMISSION
(By motion (Smith/Dixon, majority - Simon, no) tentative approval given to a budget allocation of $19,027. It was agreed that this was to cover a period of approximately six months and that the City Manager should work with the Library and Culture Commission in setting up a satisfactory program for the operation of a museum. The suggestion was made that savings might be accomplished by having a retired teacher or other professional person act as director.

The Council was informed that Account 235 in the regular Police Budget (22-P. 53) had to be increased by $1,000 due to a new State law which requires payment by the City to veterinarians for treatment of injured animals.

It was announced that the Council would hold an executive session following the meeting to discuss wage negotiations and would not return to open meeting.

The meeting adjourned at 6:10 P.M. to June 4, 1971 at 4:00 P.M.

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

The Council of the City of Modesto met in adjourned special session this date in the Council Chamber, City Hall, 801 Eleventh Street, Modesto, California, to consider the Capital Improvement Program for fiscal years 1971-72 through 1976-77, Mayor Davies presiding.

Present: Councilmen: Dixon, Elliott, Newton, Mayor Davies

Absent: Councilmen: Dunlap, Simon, Smith

The meeting was called to order at 4:00 P.M.

Following consideration of the Capital Improvement Program, the following action was taken:

By motion (Elliott/Newton, unan.) the Capital Improvement Program approved with Project 400, Fund 321 (Del Webb Field Shower & Dressing Room - $50,000) changed from 1971-72 to 1972-73, and Project 402, Fund 321 (Muni Golf/New Building - $40,000) changed from 1973-74 to 1971-72. (Finance to handle)

The Director of Public Works was requested to furnish the Council with any pertinent information concerning the fire access road which is scheduled for 1972-73 in the Capital Improvement Program.

The meeting was adjourned at 5:00 P.M.

ATTEST: W. T. Chynoweth
W. T. CHYNOWETH
City Clerk

CITY OF MODESTO MINUTES AND ACTION AGENDA

AGENDA FOR COUNCIL MEETING OF MONDAY, JUNE 7, 1971 AT 4:00 P.M.

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

Pledge of allegiance to the Flag
Invocation: ~~Reverend Theodore Ness, Bethel Church~~
A moment of silent prayer was observed.

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 3, 4, 5, 7, 8, 9, 11, 12, 13, 14, 15, 16, 17, 22, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 39, 40, 41, 42, 43

Smith/Simon, unan. - Dunlap, 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 - Collier-Trombetta Addition annexation election held June 1, 1971.
(Ballots for this election will be canvassed on June 4, 1971 by the City Clerk; unofficial results are as follows: No. of registered voters in area - 103; no. of persons voting - 91; no. of yes votes - 29; No. of no votes - 62. Resolution confirming canvass and declaring results of election needed)

ACTION: Res. 71-499 adopted confirming canvass and declaring that Collier-Trombetta Addition annexation election did not carry (Clerk to handle)

2. Suggestion awards: (1) $100 award to Ted Hawes (Public Works Department) for odor control device he designed for Woodland sewage lift station.

(2) $50 award to Richard Perow (Public Works Department) for apparatus he made for safer handling of fairway mowers when being repaired.

(3) $35 award to Jack Herzer (Public Works Department) for idea to use IBM equipment to print delinquen notices on overdue utility payments.

(Mayor to present awards. Funds budgeted in Account 236-17-101, Suggestion System)

ACTION: The above awards were presented by Mayor Davies who commended the three employees.

APPROVAL OF MINUTES

CONSENT

3. Minutes of May 19, 1971 (adjourned regular meeting); May 21, 1971 (adjourned special meeting); May 24, 1971 (regular meeting); May 26 and 28, 1971 (adjourned special meetings).
(Motion approving needed)

ACTION: By motion minutes approved (Clerk to handle)

PETITIONS, REMONSTRANCES AND CORRESPONDENCE

CONSENT

4. Resignation of S. M. Angelo from Unsafe Structure Code Board of appeals.
(Resolution accepting with regret needed)

ACTION: Res. 71-500 adopted accepting resignation with regret. (Clerk to handle)

CONSENT

5. Offer of Modesto Garden Club to establish a memorial rose garden at Frank & Ione Mancini Park.
(Motion accepting offer needed)

ACTION: By motion offer accepted (P & R to handle)

6. Petitions for the installation of mid-block cross-walk on 12th Street between H & I Streets.

ACTION: By motion (Smith/Simon, maj.) referred to staff for study and recommendation. (P & T to handle)

CONSENT

7. Request of McClatchy Newspapers for encroachment permit to run an overhead cable feedline across alley running parallel to 14th Street between H & I Streets.
(Resolution setting June 14, 1971 at 7:35 for hearing needed)

ACTION: Res. 71-501 adopted setting hearing. (Clerk to handle)

BIDS

CONSENT

8. Consider approval of specifications and authorize call for bids to be opened June 22, 1971 at 10:15 A.M. for furnishing one new golf course gasoline tractor.
(Resolution needed. Estimated cost $2,800; funds budgeted in Account 5409-48-512, Service Division Capital Outlay, p. 78)

ACTION: Res. 71-502 adopted approving specs. and bid call. (Clerk to handle)

CONSENT

9. Consider approval of specifications and authorize call for bids to be opened at 10:30 A.M. June 22, 1971 to furnish one new self-propelled traffic line striping machine.
(Resolution needed. Estimated cost $7,500; funds budgeted in Account 5436-48/512, Service Division Capital Outlay (not shown in budget). Appropriation approved April 26, 1971)

ACTION: Res. 71-503 adopted approving specs. and bid call. (Clerk to handle)

10. Report on bids received for furniture for new library.

ACTION: Res. 71-504 adopted (Smith/Simon, unan. - Dunlap absent) awarding contract to Healey & Popovich. (P/W to handle)

CONSENT

11. Consider acceptance of Valley Construction Company's contract for installation of water lines in Winmoore Way and Northgate No. 7. (All work in conjunction with this contract has been completed to the satisfaction of the Public Works Department. It is in order to accept the work as complete. Original contract $8,546.95. Resolution accepting work needed. Final cost $8,315.84 (6804: $6,930.84; 5301: $1,385) Funds budgeted in Accounts 6804-50-101 Waterline Extension; 5301-50-101, New Services)

ACTION: Res. 71-505 adopted accepting contract. (Clerk to handle)

CONSENT

12. Consider acceptance of Ferrero Electric's contract for modernization of electrical controls at Pump Stations 11, 12, 13, and 14. (Original contract $6,935. All work in conjunction with this contract is completed to the satisfaction of the Public Works Department and it would be in order to accept the work as complete. Resolution accepting work needed. Final cost %6,935 (6844 - $2,500; 6846 - $4,435) Funds budgeted in Account 6844-50 and 6846-50, Modern. Elect. Cont. 11 & 12 and Modern. Elect. Cont. 13 & 14)

ACTION: Res. 71-506 adopted accepting contract. (Clerk to handle)

CONSENT

13. Approve plans and specifications and call for bids for construction of golf cart storage building at Dryden Municipal Golf Course. (The building is needed to protect the golf carts from vandalism and exposure to the weather. Resolution needed. Estimated cost, Alternative #1 $5,500; Alternative #2, $8,500). Funds to be requested later from Fund 321, Golf Cart Storage Bldg.)

ACTION: Res. 71-507 adopted approving plans and specs. and call for bids to be received June 22, 1971 at 10:10 A.M.(Clerk to handle)

CONSENT

14. Consider award of bid for installation of planting & irrigation at Moose Park.
(Bids were opened June 1, 1971. The low bid was submitted by Albert Biehl, which is 50% under the Landscape Architects estimate, is considered acceptable. It is recommended by the Public Works Department that the bid be awarded to low bidder. Resolution needed. Estimated cost $20,742; funds budgeted in Account 6321-321, Moose Park Development, Stage 2, and Account 6321-324)

ACTION: Res. 71-508 adopted awarding contract to Albert Biehl. (P/W to handle)

CONSENT

15. Consider approval of plans and specifications for installation of water lines in Walnut Terrace, Riverside North No. 4 and Greenfield Village No. 2.
(Suggested bid opening June 22, 1971 at 11:00 A.M. Costs, Walnut Terrace, construction $7,328; water main chgs. $4,375; net revenue, $560; Riverside No. 4, Construction $18,632; water main chgs. $11,740; net revenue, $1,533. Greenfield No. 2, construction, $9,534; water main chgs., $4,100; net revenue, $656. Resolution needed. Estimated cost $35,494 (Materials $21,900; labor, $13,594; funds budgeted in Account 6804-50-101, Water Line Extensions)

ACTION: Res. 71-509 adopted approving plans and specs. and bid call. (Clerk to handle)

CONSENT

16. Downey Park Development - bid opening June 22, 1971 at 2:00 and 2:05 P.M.
(Approve plans and specifications and call for bids for Downey Park Development - irrigation, turf, electrical and restroom. Resolution approving plans, specs. and call for bids needed. Estimated cost $65,000; funds budgeted in Accounts 6290-321 and 6290-324, Downey Park Development, Stage 1 and 2)

ACTION: Res. 71-510 adopted approving plans and specs./for turf and irrigation and bid call to be opened June 22, 1971 at 2:05 P.M. (Clerk to handle)
Res. 71-511 adopted approving plans, specs. for electrical facilities and restroom and bid call for June 22, 1971 at 2:00 P.M. (Clerk to handle)

CONSENT

17. Consider approval of specifications and authorize call for bids to be opened June 22, 1971 at 10:45 A.M. for painting Fire Station No. 1.
(Resolution needed. Estimated cost $6,700; funds budgeted in Account 224-21-101 ($2,400) M&R Bldgs. & Grounds. Additional funds needed to be requested later when bids have been received and exact amount known)

ACTION: Res. 71-512 adopted approving specs. and bid call. (Clerk to handle)

HEARINGS

18. Hearings on cost of installation of curbs, gutters and/or sidewalks at the following locations: 4:05 P.M.

(a) Curb, gutter and sidewalk at 1131 Lucern Avenue, portion of Block 1038 (Mr. Wesley C. Bingaman - $281.65) (Payment over a six-year period recommended)

ACTION: Res. 71-513 adopted confirming report, assessing costs and directing method of collection over a six-year period. (Finance to handle)

(b) Curb, gutter and sidewalk on Hunter Avenue at 545 Hunter Avenue, Lot 1 of Block 1003 (Mr. Benjamin F. Fox - $400.00)

ACTION: Res. 71-514 adopted confirming report, assessing costs, and directing method of collection over an eight-year period. (Finance to handle)

(c) Curb, gutter and sidewalk at 2608 McAdoo Avenue, Lot 10, Block 7252 (Mr. James T. McGuire - $244.00)

ACTION: Res. No. 71-515 adopted confirming report, assessing costs, and directing method of collection over a five-year period.(Finance to handle)

(d) Curb, gutter and sidewalk at 706 El Terino Avenue, portion of Block 1037 (Mrs. Adeline L. Medlin - $275.00) (Payment over six-year period recommended)

ACTION: Res. No. 71-516 adopted confirming report, assessing costs, and directing method of collection over a six-year period. (Finance to handle)

(e) Curb, gutter and sidewalk on Lucern Avenue at 602 El Camino Avenue, Lot 1, Block 1039 - (Mr. Thomas W. Oxford - $625.52)

ACTION: Res. No. 71-517 adopted confirming report, assessing costs, and directing method of collection.(Finance to handle)

(f) (f) Curb, gutter and sidewalk at 621 El Terino Avenue, portion of Block 1038 (Mr. Mike R. Rivera - $269.88)

ACTION: Res. No. 71-518 adopted confirming report, assessing costs, and directing method of collection. (Finance to handle)

(g) Curb, gutter and sidewalk at 2704 McAdoo Avenue, Lot 14, Block 7252 (Mr. Earl C. Roush - $299.00)

ACTION: Res. No. 71-519 adopted confirming report, assessing costs, and directing method of collection over a six-year period. (Finance to handle)

(h) Curb, gutter and sidewalk at 1509 Grape Ave., Lot 7, Block 6107 (Reverend Joseph H. Steenburgh - $360.00)

ACTION: Res. No. 71-520 adopted confirming report, assessing costs, and directing method of collection over a seven-year period. (Finance to handle)

19. Hearing on amendment to Chapter 2 of Title X of Municipal Code relating to bench and construction signs. 4:10 P.M.

ACTION: Ord. No. 1116-C.S. introduced (Simon/Elliott, unan.- Dunlap absent) (Clerk to handle)

20. Hearing on addition to Article 16 of Chapter 2 of Title X of municipal code relating to auto-oriented setbacks. 4:15 P.M.

ACTION: Ord. No. 1117-C.S. introduced (Elliott/Dixon, unan. - Dunlap absent) (Clerk to handle)

21. Matters for the good of the community. 4:20 P.M.
(These may be presented by interested persons in the audience)

Councilman Dixon suggested that serious consideration be given to allocating additional funds to the Greater Modesto Chamber of Commerce for the purpose of permitting local people to contact prospective industries at their headquarters. It was informally agreed that the Committee of the Future should study this matter and that Council action be deferred until such a study has been made.

ORDINANCES

CONSENT

22. Final adoption of Ordinance 1113-C.S. relating to specific plan for Brighton Avenue.
(Motion with roll call vote needed)

ACTION: By motion Ord. No. 1113-C.S. adopted. (Clerk to handle)

OLD BUSINESS

23. Consideration of Red Top Taxi application for rate increase.
(Report with agenda. Council could change the rates or set the matter for hearing by motion)

ACTION: Res. 71-521 adopted (Newton/Simon, unan. - Dunlap absent) setting June 21, 1971 at 4:10 P.M. for hearing on request. (Clerk to handle)

24.a. Letter from four garbage companies.

b. Letter from Rudy Bonzi.

c. Letter from Universal By-Products.

ACTION: By motion (Simon/Dixon, unan.) intention declared to continue present operations for one year and staff directed to prepare necessary documents for this purpose. (C/Atty to handle). It was explained that this was due to the possibility of a City-County operation, a possible garbage-garden refuse operation and factors concerning ecology.

CONSENT

25. Renewal of group life insurance policy for 1971-72.
(Renew group life insurance policy and supplemental life plan with current carrier for period effective June 29, 1971. Resolution needed. Estimated cost $771 (additional funds) Funds budgeted in Account 64-423, Group Life Insurance)

ACTION: Res. 71-522 adopted approving renewal of policy. (Personnel to handle)

CONSENT

26. Request to establish procedure for paying for damage to uniforms in the line of duty.
(Memos with agenda. Motion approving request needed)

ACTION: By motion C/Mgr. authorized to reimburse police officers for uniform damages occurring on duty and he is authorized to draw up regulations governing this. (C/Mgr. to handle)

CONSENT

27. Resolution approving final map of Walnut Terrace Subdivision and authorizing an agreement with subdividers as required by the Modesto municipal code.
(The subdivision agreement has been signed and all fees paid. This subdivision is located on the north side of Orangeburg Ave., east of Coffee Road. It contains 7.33 acres. Resolution approving final map needed)

ACTION: Res. 71-523 adopted approving final map (Clerk to handle)

CONSENT

28. A resolution approving final map of Greenfield Village No. 2 Subdivision and authorizing agreement with subdividers as required by the Modesto Municipal Code.
(The subdivision agreement has been signed and all fees paid. This subdivision is located east of Rose Ave. at East Orangeburg Ave. It contains 8.83 acres)

ACTION: Res. 71-524 adopted approving final map (Clerk to handle)

CONSENT

29. A resolution determing that the public interest and convenience require that East Orangeburg No. 4 Addition be annexed to the Modesto Municipal Sewer District No. 1 and naming a time and place for hearing.
(East Orangeburg No. 4 Addition has been annexed to the City and it is now necessary to commence proceedings to annex the area to the Sewer District No. 1. Resolution setting hearing July 26, 1971 at 7:35 P.M. needed (2/3 affirmative vote required)

ACTION: Res. 71-525 adopted setting hearing (Clerk to handle)

CONSENT
30. 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 $15,904.80 for expenditures by the City on community recreation for the fiscal year 1970-71. (This is a decrease of $486.25 from last year's allocation) Adoption of resolution authorizing agreement needed)

ACTION: Res. 71-526 adopted approving agreement (Clerk to handle)

CONSENT
31. Right of Way Agreement--Needham Street--Vera B. Langstroth.
(Memo with agenda. Resolution approving the Right of Way Agreement and accepting the Grant Deed needed)

ACTION: Res. 71-527 adopted approving agreement and accepting deed. (Clerk to handle)

CONSENT
32. Right of Way Agreement--Sewer Project, McHenry Avenue.
(Memo with agenda. Resolution approving the Right of Way Agreement and accepting the Grant Deed needed)

ACTION: Res. 71-528 adopted approving agreement with Marvin H. Hardin, et al and accepting deed. (Clerk to handle)

CONSENT
33. 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., June 21, 1971 for hearings needed.)

(a) Sidewalk on Fusco Avenue at 1835 Uccello Avenue, a portion of Block 2158. (Mr. Fred G. Cavener)

ACTION: Res. 71-529 adopted setting hearing. (P/W to handle)

CONSENT
(b) Curb and gutter at 148 and 150 Drake Avenue, Lot 24 of Block 1191. (Mr. Hira L. Hari)

ACTION: Res. 71-530 adopted setting hearing (P/W to handle)

CONSENT
(c) Curb and gutter at 144 Drake Avenue, Lot 25 of Block 1191. (Mr. Bruce P. Rice)

ACTION: Res. 71-531 adopted setting hearing. (P/W to handle)

CONSENT
(d) Curb and gutter at 2717 Garvey Avenue, Lot 26 of Block 7252. (Mr. Harold B. Shaffer)

ACTION: Res. 71-532 adopted setting hearing (P/W to handle)

CONSENT
(e) Sidewalk on Walnut Street at 710 S. Franklin Street, Lots 1 and 2 of Block 402. (Mr. Willie C. Stone)

ACTION: Res. 71-533 adopted setting hearing. (P/W to handle)

CONSENT

34. Accept improvements in Morningside Estates Subdivision and authorize City Clerk to file notice of completion and release bond upon expiration of statutory lien period.
(This subdivision is located on the east side of Oakdale Road south of Morningside 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. 71-534 adopted accepting improvements. (Clerk to handle)

CONSENT

35. Consider lease agreement between Edward L. Earnhart and the City of Modesto for rental of approximately 40 acres of land at the Airport. (Memo with agenda. Resolution authorizing City Manager to execute agreement needed)

ACTION: Res. 71-535 adopted approving lease agreement. (Clerk to handle)

CONSENT

36. College Work Study Program.
(To permit City of Modesto to use students from Modesto Junior College and Stanislaus State College under the federally funded Work Study Program. (Two resolutions authorizing City Manager to sign agreements with M.J.C. and S. S. C. needed)

ACTION: Res. 71-536 adopted approving agreement with Modesto Junior College.
Res. 71-537 adopted approving agreement with Stanislaus State College. (Personnel to handle)

CONSENT

37. Accept improvements in Coffee Plaza No. 3 Subdivision and authorize City Clerk to file notice of completion and release bond upon expiration of statutory lien period.
(This subdivision is located south of Floyd Ave. between Vera Cruz Drive and Bahia Way. All improvements have been completed to the satisfaction of the Public Works Department and all fees paid. Resolution accepting improvements needed)

ACTION: Res. 71-538 adopted accepting improvements. (Clerk to handle)

REPORTS

38. Report by Alan H. Strauss on "no-fault" auto insurance.
Mr. Strauss presented information on "no-fault" auto insurance but did not request council action as this matter will not be considered further by the legislature this year.

CONSENT

39. Presentation of financial statement for May 1971.
(Copies of report will be presented at meeting. Motion accepting report needed)
ACTION: By motion report accepted.

REPORTS FROM THE PLANNING COMMISSION

CONSENT

40. Uninhabited annexation to the City of Modesto - East Orangeburg No. 5 Addition:
(The LAFC Commission has authorized this annexation without notice or public hearing - April 16, 1971. Resolution approving annexation needed)

ACTION: Res. 71-539 adopted annexing East Orangeburg No. 5 Addition to City of Modesto. (Clerk to handle)

CONSENT

4. Glendale-Miller Addition (inhabited) - referral to Planning Commission. (Annexation has been requested by residents of the unincorporated area located south of Haddon Ave. The area is approximately 16.1 acres in size. Memo and map with agenda. Resolution referring to Planning Commission needed)

ACTION: Res. 71-540 adopted referring to Planning Commission. (Planning to handle)

CONSENT

42. Uninhabited annexation to the City of Modesto - Coffee-Floyd Addition.
(The LAFC Commission has authorized this annexation without notice or public hearing - May 21, 1971. Resolution approving annexation needed)

ACTION: Res. 71-541 adopted annexing Coffee-Floyd Addition to City of Modesto.

APPROPRIATION TRANSFERS

CONSENT

43. Consider appropriation transfer of $2,400 from General Reserve to Account 235-53-101, Water Quality Control, Services, Professional & Other, and authorizing City Manager to execute agreement with BOYNA Engineering and Research Company.
(This concerns a portion of an item tentatively approved in the preliminary budget for 1971-72 which provides for rental of a microfilter this summer as a part of the pilot plant testing program at the remote ponding site. It is desirable to get the installation made the last week in June or first week in July. Resolution approving transfer needed. Resolution needed approving agreement.

ACTION: Res. 71-542 adopted approving appropriation transfer of $2,400 from Account 60-101 to Account 235-53-101. Res. 71-543 adopted approving agreement with BOHNA Engineering & Research Co. (P.W. to handle)

MISCELLANEOUS

44. Legislation.
Action: Res. 71-544 adopted supporting AB 2366 (Dixon/Newton, unan); By motion SB 565 supported (Simon/Dixon, unan); SB 1383 opposed (Simon/Dixon unan); AB 2294 opposed (Dixon/Simon, unan); SB 249 supported (Smith/Simon, unan); SB 1174 opposed (Elliott/Smith, unan). (City Manager to handle)

45. Appointments.

ACTION: The Council retired to executive session at 5:15 P.M. to consider appointments and returned to open session at 5:28 P.M. Res. 71-545 adopted (Simon/Dixon, unan. - Dunlap absent) appointing John E. Griffin Jr. a member of the Planning Commission, replacing Clyde Dunlap, for a term expiring January 1, 1972. (Clerk to handle)

ADJOURNMENT at 5:30 P.M. to executive session to consider salaries with the announcement that the Council would not return to open meeting.

ATTEST: W. T. Chymoweth
W. T. CHYMOWETH
City Clerk

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, JUNE 14, 1971 AT 7:30 P.M.

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

Absent: Simon

Pledge of allegiance to the Flag

Invocation: ~~Reverend Gary Christopherson (Orangeburg Avenue Baptist Church)~~ A moment of silent prayer was observed.

CONSENT ITEMS - roll call vote required: 1, 6, 11, 12, 14, 16, 17, 18, 19, 20, 21, ~~22~~, 23, 24, 25
Item 22 dropped from agenda.

Newton, Smith, unan. - Dixon, Simon absent

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

APPROVAL OF MINUTES

CONSENT

1. Minutes of June 2 and 4, 1971 (adjourned special meetings) and June 7, 1971 (regular meeting)

   ACTION: By motion, minutes approved.

PETITIONS, REMONSTRANCES AND CORRESPONDENCE

2. Request of Stanislaus Drug Abuse Coordinating Council for $3,000 for 1971-72 fiscal year.
   ACTION: By motion (Smith/Dixon, unan.) action delayed for one week to permit staff report to be made. (C/Mgr. to handle)

3. Presentation by Stanislaus County Legal Assistance regarding law enforcement agencies.

   ACTION: The Council was informed that there is a meeting scheduled for June 30 at the King-Kennedy Memorial Center for the purpose of attempting to improve police relations in the community. It was agreed that the Vice Mayor and another member of the Council would be asked to attend.

4. Complaint from Eddie Thomas concerning his assessment in connection with Improvement District No. 16.

   No action taken as time for protests had passed.

5. Request of Ecology Action Educational Institute for use of Lincoln School site on June 26 and July 3 for a farmers' market.

   ACTION: By motion (Dunlap/Newton, unan.) City Attorney directed to prepare agreement for this purpose. (C/Atty to handle)

BIDS

CONSENT

6. Consider adoption of the following resolutions regarding Improvement District No. 17 (Street Lighting in various areas of the City)

   (a) (M17-16 Resolution awarding contract to Modesto Industrial Electrical Co., Inc. whose bid is 20% below the Engineer's Estimate.

   (b) (M17-16A) Resolution authorizing Superintendent of Streets to order certain changes to the work, under Section 5236, Streets and Highways Code.

   (Adoption of resolutions M17-16 and M17-16A needed. Estimated cost $167,405 - Contract $139,504.08: 1/3 to I.D. 17; 1/3 cost to M.I.D.; 1/3 cost to City. Funds budgeted in Account 6622-321, Street Lights Unlighted Area, Stages 1 & 2)

   ACTION: (a) Resolution 1187-S.P. adopted awarding contract. (P/W to handle)

   (b) Resolution 1188-S.P. adopted authorizing Superintendent of Streets to order changes in work. (Public Works to handle)

HEARINGS

7. Hearing on request of McClatchy Newspapers for encroachment permit to run an overhead cable feedline across alley running parallel to and between 13th and 14th Streets and between H & I Streets. 7:35 P.M.

   ACTION: Resolution 71-546 adopted (Elliott/Dixon, unan., Simon absent) granting encroachment permit subject to conditions recommended by Director of Public Works. (P/W to handle)

8. Hearing on annexation of Rouse No. 2 Addition to City of Modesto. 7:40 P.M.

   ACTION: By motion (Dunlap/Smith, unan.) hearing continued to June 28, 1971 at 7:50 P.M. (Clerk to handle)

9. Hearing on specific plan lines for Standiford and Sylvan Avenues. 7:45 P.M.

   ACTION: Ordinance No.1118-C.S. introduced (Smith/Elliott, unan., Simon absent) adopting specific plan lines for those portions of Standiford and Sylvan Avenues that are within the city limits. (Clerk to handle)

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

SEE PAGE 8

ORDINANCES

CONSENT

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

(a) Ord. 1114-C.S. (amending Section 31-3-9 - Byron Lane Courts)
ACTION: By motion Ord. No. 1114-C.S. adopted (Clerk to handle)

(b) Ord. 1115-C.S. (amending Section 27-3-9 - O.F.C. Properties)
ACTION: By motion, Ord. No. 1115-C.S. adopted (Clerk to handle)

(c) Ord. 1116-C.S. (bench signs)
ACTION: By motion, Ord. No. 1116-C.S. adopted (Clerk to handle)

(d) Ord. 1117-C.S. (auto-oriented setbacks)
ACTION: By motion, Ord. No. 1117-C.S. adopted (Clerk to handle)

CONSENT

12. An ordinance amending Section 2 of Ordinance No. 1110-C.S. entitled (An Ordinance amending Section 9-2.111 of Chapter 2 of Title IX of Modesto Municipal Code relating to the Plumbing Code"
(The ordinance increased charges for plumbing permits from $3.50 to $8.00 and the effective date is June 23, 1971. On July 1, 1971 the sewer connection charges increase from $175 to $200. Many property owners have been notified of the fees and told the plumbing permit is $3.50. It is recommended the effective date for the plumbing permit increase coincide with the July 1 connection charge increase. Adoption of an emergency ordinance needed (five affirmative votes needed).

ACTION: Ord. No. 1119-C.S. adopted setting July 1, 1971 as effective date for new charges for plumbing permits. (Clerk to handle)

OLD BUSINESS

13. Further consideration of mid-block crosswalk on 12th Street between H and I Streets.
(Report with agenda. Installation not recommended. Motion denying the request or a resolution authorizing the mid-block crosswalk needed. Estimated cost $30; funds budgeted in Account 56-321, Construction Materials, and 56-110, Salaries and Wages)

ACTION: Res. No. 71-547 adopted (Dixon/Smith, maj. - Dunlap, Elliott no - Simon absent) authorizing a mid-block crosswalk. (P & T to handle)

CONSENT

14. Resolution approving issuance of bonds pursuant to certificate of issue of City Treasurer (Improvement District No. 15 - sewer improvements in 13 separate areas of the City) (M15-34A)
(Adoption of resolution needed)

ACTION: Res. No. 1189-S.P. adopted approving issuance of bonds. (Finance to handle)

15. Discussion concerning vacant lots north of H Street between Ninth and Tenth which have exposed basements.
(Memo with agenda)

(a) Letter from Downtown Improvement District.

ACTION: By motion (Smith/Dixon, unan.) staff directed to proceed with getting exposed basements filled. (P/W to handle)

CONSENT

16. Resolution authorizing notification of cancellation of license to collect garbage - Orange Line Sanitation Company.
(Memo with agenda. Resolution needed)

ACTION: Res. No. 71-548 adopted authorizing staff to notify Orange Line Sanitation Co. of cancellation of license effective December 31, 1971. (Clerk to handle)

CONSENT

17. McHenry Library bookdrop.
(Memo with agenda. Resolution needed declaring surplus to needs of City and approving donating to County)

ACTION: Res. No. 71-549 adopted declaring bookdrop surplus to City needs and donating it to Stanislaus County. (City Mgr. to handle)

CONSENT

18. Agreement with County and Sylvan Union School District for installing traffic signals at Coffee and Rumble Roads and appropriation transfer.
(The above agreement has been approved and signed by the County and School District. It is recommended that it be approved and executed by the City. Also, it is recommended that an appropriation transfer of $14,700 be approved. Resolution authorizing execution of agreement and resolution approving appropriation transfer needed. Estimated cost $14,700)

ACTION: Res. No. 71-550 adopted approving agreement (Clerk to handle)
Res. 71-551 adopted approving appropriation transfer of $9,568 and $5,132 from Accouts 6151 and 6154 respectively, of Dept. 56, Fund 321, to Account 6141-56-321. (Finance to handle)

CONSENT

19. A resolution approving the final map of the Wainwright Village 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 at the northwest corner of Norwegian Avenue and Coffee Road. It contains 3.23 acres. The subdivision agreement has been signed and all fees paid. Resolution approving final map and authorizing execution of agreement by City needed)

ACTION: Res. No. 71-552 adopted approving final map of Wainwright Village. (Clerk to handle)

CONSENT

20. A resolution approving final map of Aspen Manor No. 2 Subdivision and authorizing an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code.
(The subdivision is located south of Woodrow Avenue at Woodrow Avenue School. It contains 2.13 acres. The subdivision agreement has been signed and all fees paid. Resolution approving final map and authorizing execution of agreement by City needed)

ACTION: Res. 71-553 adopted approving final map of Aspen Manor No. 2 subdivision. (Clerk to handle)

CONSENT

21. 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. June 28, 1971 for hearings needed. Contract costs listed below with properties. Funds budgeted in Account No. 5302-51-101, Curb & Gutters, Special)

(a) Sidewalk at 432 Balboa Way, Lot 7 of Block 6064, (Mr. E. W. Costello - $169.60)
(Resolution setting hearing needed)
ACTION: Res. No. 71-554 adopted setting hearing. (P/W to handle)

(b) Sidewalk at 439 Balboa Way, Lot 13 of Block 6065. (Mr. A. Ben Goss - $169.60)
(Resolution setting hearing needed)
ACTION: Res. No. 71-555 adopted setting hearing. (P/W to handle)

(c) Sidewalk at 445 Coronado Way, Lot 14 of Block 6064 (Mr. Leo W. Habers - $161.20)
(Resolution setting hearing needed)
ACTION: Res. No. 71-556 adopted setting hearing. (P/W to handle).

(d) Sidewalk at 501 Balboa Way, Lot 15 of Block 6065. (Mr. Douglas E. Hendrox - $169.60)
(Resolution setting hearing needed)
ACTION: Res. No. 71-557 adopted setting hearing. (P/W to handle)

(e) Sidewalk at 427 Coronado Way, Lot 11 of Block 6064. (Mr. Samuel Jacobs - $161.20)
(Resolution setting hearing needed)
ACTION: Res. No. 71-558 adopted setting hearing.(P/W to handle)

(f) Sidewalk at 445 Balboa Way, Lot 14 of Block 6065. (Mr. Charles Kincaid - $169.60)
(Resolution setting hearing needed)
ACTION: Res. No. 71-559 adopted setting hearing. (P/W to handle)

(g) Sidewalk at 513 Balboa Way, Lot 17 of Block 6065. (Mr. Richard H. Lamoreaux - $169.60)
(Resolution setting hearing needed)
ACTION: Res. No. 71-560 adopted setting hearing. (P/W to handle)

(h) Sidewalk at 438 Balboa Way, Lot 6 of Block 6064. (Dr. W. Lawrence Meek - $227.60)
(Resolution setting hearing needed)
ACTION: Res. No. 71-561 adopted setting hearing. (P/W to handle)

(i) Sidewalk at 500 Balboa Way, Lot 4 Block 6064. (Mr. Richard Navarro- $169.60) (Resolution setting hearing needed)
ACTION: Res. No. 71-562 adopted setting hearing. (P/W to handle)

(j) Sidewalk at 439 Coronado Way, Lot 13 of Block 6064. (Mr. Roy Nevins - $150.00)
(Resolution setting hearing needed)

ACTION: Res. 71-563 adopted setting hearing. (P/W to handle)

(k) Sidewalk at 512 Balboa Way, Lot 2 of Block 6064. (Mr. Walter E. Soper - $169.60)
(Resolution setting hearing needed)

ACTION: Res. 71-564 adopted setting hearing. (P/W to handle)

(l) Sidewalk at 433 Coronado Way, Lot 12 of Block 6064. (Mrs. Christina VanRyn - $161.20)
(Resolution setting hearing needed)

ACTION: Res. 71-565 adopted setting hearing. (P/W to handle)

(m) Sidewalk on Balboa Way and Enslen Avenue at 519 Balboa Way, Lot 18 of Block 6065. (Mr. Edward Yarick - $432.80)
(Resolution setting hearing needed)

ACTION: Res. 71-566 adopted setting hearing. (P/W to handle)

(n) Sidewalk on Coronado Way at 519 Coronado Way, Lot 18 of Block 6064. (Mr. Mohammed H. Zahraie - $164.00)
(Resolution setting hearing needed)

ACTION: Res. 71-567 adopted setting hearing. (P/W to handle)

CONSENT

22. Beautification program.

(a) Approval of six-year beautification program.
(Resolution approving needed)

(b) Authorization to file application to Department of Housing and Urban Development for beautification grant.
(Resolution authorizing filing of application for grant needed)

ACTION: Dropped from agenda.

CONSENT

23. Request to waive bid procedure for the purchase of play equipment. (In order to carry out the theme for Marshall Park it is necessary to purchase this equipment from one manufacturer, as this style is not available elsewhere.
(Resolution waiving formal bid procedure and authorizing the purchase of the equipment with five affirmative votes needed. Estimated cost $3,531. Funds budgeted in Account 6307-325, General Park Improvements, p. 76)

ACTION: Res. 71-568 adopted waiving formal bid procedure and authorizing purchase of equipment from Miracle Playground Equipment of Pinole, California (Finance to handle)

APPROPRIATION TRANSFERS

CONSENT

24. Appropriation transfer of $1,000 from General Fund, General Reserve, to cover costs of legal advertising and printing for balance of fiscal year.
(Amount of legal advertising and printing of ordinances was greater than anticipated. Memo with agenda. Resolution approving appropriation transfer of $1,000 from Account 60-101 to Account 230-14-101 ($700) and Account 235-14-101 ($300).

ACTION: Res. 71-569 adopted approving appropriation transfer of $1,000 from Account 60-101 to Account 230-14-101 ($700) and Account 235-14-101 ($300). (Finance to handle)

CONSENT

25. Request for an additional $1,000 to be appropriated in the City Manager's budget for the 1971-72 fiscal year for the salary for the Administrative Assistant's substitute during the months of July and August.
(A replacement has been hired at $500 per month to continue Mr. Bartholomew's work while he is working for the County. Mr. Bartholomew's salary is being paid by the City, and the City is being reimbursed by the County. This money is placed in a revenue account, however, and is not available to pay a substitute. Motion approving addition of $1,000 to the City Manager's 1971-72 budget needed, to be added to Account 120-8-101, Salaries & Wages, Part-Time)

ACTION: By motion, addition of $1,000 to Account 120-8-101 approved. (Finance to handle)

MISCELLANEOUS

26. Legislation. None

27. Appointments. None

Adjournment at 10:05 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

MATTERS FOR THE GOOD OF THE COMMUNITY 7:50 P.M.

1. Charles Connelly suggested that the City notify people about the possibility of getting refunds on their utility tax payments. The City Manager stated that this will be done later. Mr. Donnelly also commented that the Public Defender's Office should have more staff.

2. Dennis Jackman, representing the Ecology Action Group, presented the results of a survey on ecology.

3. Councilman Dixon discussed possible joint projects, such as garbage collection, data processing, and transportation.

4. The Police Chief reported on a case where an officer had shot a dog which was attacking another dog and which was also attempting to bite the officer and the owner of the dog being attacked. He pointed out that a full report is made and reviewed every time an officer fires a weapon. A further report will be furnished the Council when completed.

5. By motion (Newton/Dixon, unan.) staff directed to contact Board of Supervisors concerning racial disturbances at County Jail and request an investigation. (City Manager to handle)

6. Chief Everett reported on department response to a fire on the West Side of Modesto when the responding trucks were stopped by a train and the crews from the West Side Station were at another fire. It was agreed that a report on plans to furnish more fire protection to the West Side would be made along with a report on how the City ranks as to manpower. (Fire Dept. to handle)

MINUTES AND ACTION AGENDA

CITY OF MODESTO
AGENDA FOR COUNCIL MEETING OF MONDAY, JUNE 21, 1971 AT 4:00 P.M.

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

Absent: Dunlap, Newton
Councilman Dixon arrived at 4:07 P.M.

Pledge of allegiance to the Flag
Invocation: Rev. Douglas Vander Wall, College Ave. Christian Reformed Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 17, 18, 20, 21, 22, 23, 25, 27, 28, 29, 30, 31, 32, 33
Item 6 removed from Consent.

Simon/Smith, unan. - Dixon, 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.)

APPROVAL OF MINUTES

CONSENT
1. Minutes of June 14, 1971.

ACTION: By motion minutes approved.

PETITIONS, REMONSTRANCES AND CORRESPONDENCE

2. Invitation for Mayor and Councilmen to ride in parade on July 5, 1971 (Poll of Council needed)

ACTION: Mayor Davies stated that he would participate.

CONSENT
3. Request of Fourth of July Committee for the following: (1) Barricades; (2) Reviewing stand; (3) P/A system; (4) Del Webb Field; (5) Parade route.

(Resolution granting request needed)

ACTION: Res. 71-570 adopted granting request. (P/W (1), P & R (2 & 4), P & T (5), Fire (4) and Police (5) to handle.

4. Request for suggestions as to candidates for 15-member Citizens' Advisory Committee of Stanislaus Area Association of Governments.

ACTION: It was agreed that the Councilmen would submit suggestions.

BIDS

CONSENT

5. Accept as complete Ferrero Electric, Inc., contract for the installation of street lights on Neece Drive from Rouse Avenue to Fairway Drive.
(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 City Clerk to file Notice of Completion. Resolution accepting work needed. Contract amount, $7,956; final contract $7,856. Funds budgeted in Account 6622-41-321, Street Lights Unlighted Area, Stage 1 and 2)

ACTION: Res. 71-571 adopted accepting contract. (Clerk to handle)

~~CONSENT~~

6. Consider waiving formal bid procedure and authorize purchase of bond preparation services and other supplies for Improvement District No. 15 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 affirmative votes needed. Estimated cost $3,691; funds budgeted in Account 6592-212, Sewer Service Fund, p. 68)

ACTION: Res. 1190-S.P. adopted (Smith/Simon, unan. - Dunlap and Newton, absent) waiving formal bid procedures and authorizing purchase from Carlisle. (Finance to handle)

CONSENT

7. Consider approval of plans, specifications and call for bids for the 1971-72 Street Overlays, Unit No. 1 Select Streets; Unit No. 2, Residential Streets.
(Bid opening July 6, 1971 at 10:00 A.M. This is our yearly program for street overlays, both select streets and residential streets. Memo attached. Resolution approving plans, specifications and bid call needed. Estimated cost $68,491 (Contract $64,421 - Engr. $3,870). Funds budgeted in Accounts 6660-207, Misc. Resurfacing; Var. Residential Sts; A.C. Overlays 71-72 budget, 6657-41-321)

ACTION: Res. 71-572 adopted approving plans and specifications and bid call. (Clerk to handle)

CONSENT

8. Consider award of bid to Klemm Trucking Company to furnish our requirements of ready-mixed concrete for a one-year period ending June 30, 1972.
(Memo with agenda. The low bid this year is slightly more than 3% higher than last year's. Resolution needed. Estimated cost $6,827.00. Funds budgeted in Account 321-51-101, Construction Material, p. 97, prelim. budget and other misc. accounts)

ACTION: Res. 71-573 adopted awarding contract to Klemm Trucking Co. (Finance to handle)

CONSENT

9. Consider awards to low bidders to furnish rock, sand and gravel for a one-year period ending June 30, 1971.
(Successful bidders: Flintkote Co., white plaster sand, $3.50 per ton; fill sand, $1.65 per ton; Putnam Sand & Gravel, concrete mix aggregate $2.30 per ton; drain rock $2.24 per ton. Charles D. Warner & Son, aggregate base material, $2.19 per ton; M.J. Ruddy & Son, crushed rock screenings, $3.80 per ton. Four resolutions awarding bids needed. Estimated cost $19,046.00; 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. 71-574 adopted awarding contract for white plaster sand and fill sand to Flintkote Co.

Res. 71-575 adopted awarding contract for concrete mix aggregate and drain rock to Putnam Sand and Gravel Co.

Res. 71-576 adopted awarding contract for aggregate base material to Charles D. Warner & Son.

Res. 71-577 adopted awarding contract for crushed rock screenings to M. J. Ruddy and Son. (Finance to handle)

CONSENT

10. Consider award of bid to George Reed, Inc. to furnish requirements of liquid and emulsified asphalts for a one-year period ending June 30, 1972.
(Memo with agenda. Resolution needed. Estimated cost $23,482.00; funds budgeted in Account 321-51-101, Construction Material, p. 97 of preliminary budget and other miscellaneous accounts)

ACTION: Res. 71-578 adopted awarding contract for asphalts to George Reed, Inc. (Finance to handle)

CONSENT

11. Consider award of bid to Jones Chemicals Inc. to furnish our requirements of liquid chlorine for a one-year period ending June 30, 1972.
(Memo with agenda. Resolution needed. Estimated cost $84,650.00; Funds budgeted in Account 312-53-101, Chemicals, Drug & Lab Supplies, p. 105 preliminary budget)

ACTION: Res. 71-579 adopted awarding contract for chlorine to Jones Chemicals, Inc. (Finance to handle)

CONSENT

12. Consider award of bid to PureGro Company for requirements of liquid anhydrous ammonia for a one-year period ending June 30, 1972.
(Memo with agenda. Resolution needed. Estimated cost $4,900.00; Supplies, p. 105 Preliminary Budget)

ACTION: Res. 71-580 adopted awarding contract for ammonia to PureGro Company. (Finance to handle)

CONSENT

13. Consider award of bid to Consolidated Electrical Distributors to furnish our requirements of lamps for a one-year period ending June 30, 1972.
(Memo with agenda. Resolution needed. Estimated cost $6,190.00; funds budgeted in Account 438-512, Service Div. Rev. Fund. Not shown in budget book)

ACTION: Res. 71-581 adopted awarding contract for lamps to Consolidated Electrical Distributors. (Finance to handle)

HEARINGS

14. Hearings on requirement of sidewalks and/or curbs and gutters at the following locations: 4:05 P.M.

(a) Sidewalk on Fusco Ave. at 1835 Uccello Avenue, portion of Block 2158 (Fred Cavener)

ACTION: Res. 71-582 adopted (Smith/Elliott, unan. - Dixon, Dunlap and Newton, absent) ordering work done. (P/W to handle)

(b) Curb and gutter at 148 and 150 Drake Avenue, Lot 24 of Block 1191 (Hira Hari)

ACTION: Res. 71-583 adopted (Smith/Elliott, unan. - Dixon, Dunlap and Newton, absent) ordering work done. (P/W to handle)

(c) Curb and gutter at 144 Drake Ave., Lot 25, Block 1191 (Bruce Rice)

ACTION: Res. 71-584 adopted (Smith/Elliott, unan. - Dixon, Dunlap and Newton, absent) ordering work done. (P/W to handle)

(d) Curb and gutter at 2717 Garvey Ave., Lot 26, Block 7252 (Harold Shaffer)

ACTION: Res. 71-585 adopted (Smith/Elliott, unan. - Dixon, Dunlap and Newton, absent) ordering work done. (P/W to handle)

(e) Sidewalk on Walnut at 710 So. Franklin Street, Lots 1 and 2, Block 402 (Willie Stone)

ACTION: Res. 71-586 adopted (Smith/Elliott, unan. Dixon, Dunlap and Newton, absent) ordering work done. (P/W to handle)

15. Informal hearing on request of Red Top Taxi for rate increase. 4:10 P.M.

ACTION: By motion (Simon/Elliott, unan.) hearing continued to July 12 at 7:55 P.M. as this matter will be considered at a meeting of the City/County Liaison Committee on July 2. (Clerk to handle)

16. Matters for the good of the community. 4:15 P.M.
(These may be presented by interested persons in the audience)

ACTION: It was announced that past Councilman Lawrence Robinson, Jr. had been appointed as Director of General Services for the State.

ORDINANCES

CONSENT

17. Final adoption of the following ordinances:

(a) Ordinance No. 1112-C.S. amending Section 2203-9 of the zoning map (Dr. Gard)
(Motion adopting needed)

ACTION: By motion Ord. No. 1112-C.S. adopted. (Clerk to handle)

(b) Ord. No. 1118-C.S. adopting specific plan lines for Sylvan and Standiford Avenues)
(Motion adopting needed)

ACTION: By motion Ord. No. 1118-C.S. adopted. (Clerk to handle)

CONSENT

18. Consider ordinance amending Section 1-2.01 of Chapter 2 of Title 1 of the Modesto Municipal Code relating to violations.
(A memo and copy of ordinance with agenda)

ACTION: By motion Ord. No. 1120-C.S. introduced. (Clerk to handle)

19. Consider adoption of budget for the 1971-72 fiscal year.
(A report has been prepared showing the adjustments to the preliminary budget as amended by the City Council. Copies of the report will be presented at the meeting. Adoption of ordinance needed)

ACTION: By motion (Elliott/Simon, unan.) action delayed for one week. (Clerk to handle)

OLD BUSINESS

CONSENT

20. Further consideration of request of Stanislaus Drug Abuse Coordinating Council for $3,000 for fiscal year 1971-72.
(Request withdrawn. Motion ordering filed needed)

ACTION: By motion request ordered filed.

CONSENT

21. Consider an agreement between the City of Modesto and Ecology Action Educational Institute for the use of the Lincoln School site on June 26, 1971 and July 3, 1971 to sell fresh organic produce.
(This matter was considered by the Council at its meeting of June 14, 1971 at which time the staff was directed to prepare an agreement. Resolution approving agreement needed)

ACTION: Res. 71-587 adopted approving agreement. (Finance to handle)

NEW BUSINESS

CONSENT

22. Application for grant.
(Recommendation for a project which would be for the purpose of studying and developing alternative methods for the administration of law enforcement in the Metropolitan Modesto area which comprises both city and county jurisdictions. Resolution approving recommendation and resolution approving required matching funds to said project needed. Estimated cost $5,000. Funds to be requested later from Fund 101, General Reserve)

ACTION: Res. 71-588 adopted authorizing application for grant and declaring intention to provide required matching funds. (Police to handle)

CONSENT

23. Consider five requests for sewer service to property outside the city limits.
(The property owners have signed an agreement to annex when requested to do so by the City. Five resolutions approving agreements needed)

(a) 3108 Scenic Drive - property owner, John M. Nation.

ACTION: Res. 71-589 adopted approving agreement. (P/W to handle)

(b) 3104 Scenic Drive - property owner, John D. Wylie and Valerie Ann Wylie.

ACTION: Res. 71-590 adopted approving agreement. (P/W to handle)

(c) 3101 Wycliffe Drive - property owners, Gary M. Postma and Katherine Postma.

ACTION: Res. 71-591 adopted approving agreement. (P/W to handle)

(d) 1445 Paulette Avenue - property owners, George D. Keirn and Helen L. Keirn.

ACTION: Res. 71-592 adopted approving agreement. (P/W to handle)

(e) 1315 Holm Avenue - property owners, Ellis Tolbert and Adell Tolbert.

ACTION: Res. 71-593 adopted approving agreement. (P/W to handle)

REPORTS

24. Preliminary report, Dry Creek Park, Phase II.
(Oral report will be made at council meeting. Preliminary report with agenda)

ACTION: By motion (Elliott/Simon, unan.) staff directed to report to Council on July 6 on the amount of money now committed for acquisition and development of park lands. (P & R to handle)

CONSENT

25. Report on proposed Neighborhood Youth Advisory program.
(Copies of proposed program with agenda. Motion approving report needed)

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

REPORTS FROM THE PLANNING COMMISSION

26. Ultimate growth limits for the City of Modesto.
(Letter from the Planning Commission dated June 15, 1971 with attachment with agenda. Resolution concurring with Planning Commission recommendation needed.)

ACTION: By motion (Smith/Dixon, unan.) staff directed to arrange a joint dinner meeting with the P/C to discuss this recommendation. (C/Mgr to handle)

CONSENT

27. Recommend amendment to Section 26-3-9 of the zoning map (Harley Brannan - Encina Avenue)
(By Resolution No. 71-74 adopted June 15, 1971 the Planning Commission recommends an amendment to Section 26-3-9 of the zoning map as requeste by Harley Brannan to rezone from One-family Residential Zone, R-1, to Two-family Residential Zone, R-2, property located on the south side of Encina Avenue between Trask Lane and Riverside Drive. Resolution setting July 12, 1971 at 7:35 P.M. for public hearing needed)

ACTION: Res. 71-594 adopted setting hearing. (Clerk to handle)

CONSENT

28. Recommend amendment to Section 30-3-9 of the zoning map.
(L. L. Loveless)
(By Resolution No. 71-75 adopted June 15, 1971 the Planning Commission recommends an amendment to Section 30-3-9 of the zoning map as requested by L. L. Loveless to rezone from Planned Development Zone (PD(80) to One-family Residential Zone, R-1, and Two-family Residential Zone, R-2, property located on the west side of Franklin Street between Locust Street and Maze Boulevard. Resolution setting July 12, 1971 at 7:40 P.M. needed)

ACTION: Res. 71-595 adopted setting hearing. (Clerk to handle)

CONSENT

29. Recommend amendment to Section 22-3-9 of the zoning map (Central Cal Enterprises)
(By Resolution No. 71-72 adopted June 15, 1971, the Planning Commission recommends an amendment to Section 22-3-9 of the zoning map as requeste by Central Cal Enterprises to rezone from One-family Residential Zone, R-1, to Planned Development Zone, P-D(88), to amend P-D(88) to increase the boundaries thereof to include said property, and to allow construction of two one-story triplexes therein, said additional property being adjacent to the present P-D(88) boundaries, and being located northeast of Crestview Drive. Resolution setting July 12, 1971 at 7:45 P.M. for public hearing needed)

ACTION: Res. 71-596 adopted setting hearing. (Clerk to handle)

CONSENT

30. Recommend amendment to Section 5-4-9 of the zoning map (Mutual Ownership Development Foundation)
(By Resolution No. 71-73 adopted June 15, 1971 the Planning Commission recommends an amendment to Section 5-4-9 of the zoning map as requested by Mutual Ownership Development Foundation to rezone from Two-family Residential Zone, R-2, to Planned Development Zone, P-D, to allow a 146-unit one and two-story multi-family residential complex on property located on the southeasterly side of Roselawn Avenue between Colorado Avenue and Pelton Avenue extended. Resolution setting July 12, 1971 at 7:50 P.M. as date for public hearing needed)

ACTION: Res. 71-597 adopted setting hearing. (Clerk to handle)

CONSENT

31. Recommend commencement of proceedings for the annexation to the City of inhabited territory - Glendale-Miller Addition.
(On June 15, 1971 the Planning Commission adopted Resolution No. 71-69 recommending to the Council the commencement of proceedings for the annexation to the City of inhabited territory (Glendale-Miller Addition) located south of Haddon Avenue. Resolution consenting to commencement of proceedings to annex needed)

ACTION: Res. 71-598 adopted consenting to commencement of proceedings. (Planning to handle)

APPROPRIATION TRANSFERS

CONSENT

32. Appropriation transfer from the General Reserve of the Special Fund for Capital Outlay to Account 6536-41-321, Sanitary Landfill.
(The City has agreed to share equally with the County for the sanitary landfill development. Total cost of development is $84,078.29. The City's share is $42,039.14. We have paid $35,797.11 to date, and the County is now billing us for our remaining share of $6,242. Resolution needed. Estimated cost $6,242. Funds budgeted in Account 6536-41-321 - $93.00. Appropriation transfer for balance of funds, $6,149, needed)

ACTION: Res. 71-599 adopted approving appropriation transfer of $6,149 from Account 60-321 to Account 6536-41-321. (Finance to handle)

CONSENT

33. Appropriation transfer from the General Reserve of the Downtown Improvement District Fund to Account 235, Services, Professional and Other, and Account 237, Business Promotions.
(1) $700 is needed in Account 235, Services, Prof. & Other, to cover the increase in the executive director's salary which was approved by Council in February of 1971. (2) $1,200 is needed in Account 237, Business Promotions, due to increased promotional expense. Total expenditures for promotions will not exceed 60% of the revenue, as specified in the city code. Resolution approving transfer needed)

ACTION: Res. 71-600 adopted approving appropriation transfer of $1,900 from Account 60-218 to Account 235-218 ($700) and Account 237-218 ($1,200) (Finance to handle)

MISCELLANEOUS

34. Consider memoranda of understanding with employees' associations.

ACTION: Res. 71-601 adopted (Elliott/Simon, unan. - Dunlap and Newton, absent) approving memorandum of understanding with Modesto City Employees' Ass'n. and directing staff to prepare necessary documents to implement same.

Res. 71-602 adopted (Elliott/Simon, unan. - Dunlap and Newton, absent) approving memorandum of understanding with Modesto City Fire Fighters Ass'n. and directing staff to prepare necessary documents to implement same.

Res. 71-603 adopted (Elliott/Simon, unan. - Dunlap and Newton, absent) approving memorandum of understanding with Modesto Police Ass'n. and directing staff to prepare necessary documents to implement same. (C/Atty to handle)

35. Legislation.

ACTION: By motion (Dixon/Smith, unan.) AB1947 and AB1205 opposed. (C/Mgr to handle)

36. Appointments.

None

The Council retired to executive session at 6:00 P.M. to consider salaries for Council appointees and department heads, and returned to open meeting at 7:10 P.M.

Res. 71-604 adopted (Elliott/Simon, unan. - Dunlap and Newton, absent) approving the same salary increases (6.3%) and fringe benefits agreed to in Memorandum of Understanding with the three employees' associations for all department heads and Council appointees, granting additional increases to Police Captain (5%), Police Lieutenant (2½%), Police Sergeant (2½%), Office Machine Operator (5%) and Office Machine Supervisor (2½%) and directing staff to prepare necessary documents to implement same. (C/Atty to handle)

Adjournment at 7:15 P.M.

ATTEST: W. T. Chynoweth

W. T. CHYNOWETH, City Clerk

MINUTES AND ACTION AGENDA

CITY OF MODESTO
AGENDA FOR COUNCIL MEETING OF MONDAY, JUNE 28, 1971 AT 7:30 P.M.

Roll Call Present: Dixon, Dunlap, Elliott, Newton, Simon, Smith, Mayor Davies
Absent: None
Councilmen Dixon and Simon arrived at 7:35 P.M.

Pledge of allegiance to the Flag
Invocation: Rev. Harold Knowles, Central Baptist Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2, 3, 6, 7, 8, 9, 10, ~~11~~, 11A, 17, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 35, 36, 37, 38, 39, ~~40~~
Items 11 and 40 removed from consent
Smith/Newton, unan. - Dixon and Simon, absent

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

APPROVAL OF MINUTES

CONSENT
1. Minutes of June 21, 1971.

ACTION: By motion minutes approved.

PETITIONS, REMONSTRANCES AND CORRESPONDENCE

CONSENT
2. Offer of parcel of land at southwest corner of 10th and K Streets to City of Modesto for $45,000.
(Motion referring to staff for review needed)

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

CONSENT
3. Request of John N. Uhl for encroachment permit to allow brick columns to remain in front of 224 Hintze Avenue.
(Resolution setting July 6 at 4:05 P.M. for informal hearing needed)

ACTION: Res. 71-605 adopted setting hearing. (Clerk to handle)

4. Bill from Walter E. Witherspoon in the amount of $660 for his services in connection with Mancini Park Arts Festival.

ACTION: Res. 71-606 adopted (Dixon/Newton, maj. - Elliott, Smith and Mayor Davies, no) authorizing payment of $660 to Walter E. Witherspoon. (Finance to handle)

5. Request of Head Rest for City sponsorship of application for California Council on Criminal Justice grant.

ACTION: Res. 71-607 adopted (Newton/Simon, unan.) approving City sponsorship of application for grant. (C/Mgr to handle)

CONSENT

6. Consider award of bid for construction of water lines in Walnut Terrace, Riverside North No. 4 and Greenfield Village No. 2. (Bids were opened June 22, 1971 and the low bid of Valley Construction which is 21% under the Engineer's Estimate is considered acceptable. Therefore it is recommended that the bid be awarded to them. Resolution awarding bid needed. Estimated cost $16,799.10 (Ext. 11,682.60; Services $5,116.50). Funds budgeted in Account 6804-50-101, Water Line Extension and 5301-50, New Services)

ACTION: Res. 71-608 adopted awarding contract to Valley Construction Co. (P/W to handle)

CONSENT

7. Consider award of bid for construction of restroom, storage area and electrical system at Downey Park. (Bids were opened June 22, 1971. The low bid submitted by B. J. Rommel, which is 25.6% under the Landscape Architect's estimate, is considered acceptable. Therefore, it is recommended by the Public Works Department that the bid be awarded to them. Resolution needed. Funds budgeted in Account 6290-31-321, Downey Park, Stage 1, 2 and 3A)

ACTION: Res. 71-609 adopted awarding contract to B. J. Rommel. (P/W to handle)

CONSENT

8. Consider award of bid for installation of clay infeld, turf and irrigation at Downey Park. (Bids were opened June 22. The low bid submitted by John Birges which is 5.0% under the Landscape Architect's estimate is considered acceptable. It is recommended by Public Works Department that the bid be awarded to low bidder. Resolution needed. Funds budgeted in Account 6290-31-321, Downey Park Stage 1, 2 & 3A)

ACTION: Res. 71-610 adopted awarding contract to John Birges. (P/W to handle)

CONSENT

9. Consider award to low bidder Nance Ford Tractor, Modesto, to furnish one new gasoline powered golf course tractor. (Memo with agenda. Resolution needed. Estimated cost $2,352.00. Funds budgeted in Account 5409-48-512, Service Division-Capital Outlay, p. 78)

ACTION: Res. 71-611 adopted awarding contract to Nance Ford Tractor. (Finance to handle)

CONSENT

10. Accept as complete Lee A. Cain's contract for the replacement of curb and gutter on Enslen Avenue and Sherwood Avenue between Granger Avenue and Orangeburg Avenue.
(All work on this project has been completed to the satisfaction of the Public Works Department. It would be in order to accept the work as complete and authorize the City Clerk to file notice of completion. Resolution accepting work as complete needed. Original contract cost $10,303.60; final contract cost, $10,240. Funds budgeted in Account 321-51-101, Construction Materials)

ACTION: Res. 71-612 adopted accepting contract. (Clerk to handle)

CONSENT

11. Consider waiving formal bid procedures - chain link fence. (Resolution authorizing City Manager to issue purchase order to San Jose Steel Company of Fresno to construct a 6-foot chain link fence on the Lawrence Robinson, Jr. property needed. Memo with agenda.)

ACTION: Res. 71-613 adopted (Elliott/Dixon, unan.) authorizing issuance of purchase order. (Finance to handle)
Res. 71-614 adopted (Elliott/Dixon, unan.) approving appropriation transfer of $2,972 from Account 60-321 to Account 7901-31-321. (Finance to handle)

CONSENT

11A. Consider award of contract to low bidder - Don L. Davis Painting of Modesto - to paint Fire Station No. 1. (Bid - $4,967.00)
(Other bidders: D.C. Vient, Inc., Modesto, $5640.00; Peek Bros., Modesto, $7,300; Engineer's Estimate $6,700. Resolution awarding bid and resolution approving appropriation transfer of $1,175 from General Fund, General Reserve needed. Balance of funds budgeted in Account 224-21-101, M & R - Bldgs. and Grounds)

ACTION: Res. 71-615 adopted awarding contract to Don L. Davis Painting. (Finance to handle)

Res. 71-616 adopted approving appropriation transfer of $1,175 from Account 60-101 to Account 224-21-101. (Finance to handle)

HEARINGS

12. Hearing - annexation of Riverside No. 5 Addition to Sewer District. 7:35 P.M.

ACTION: Res. 71-617 adopted (Smith/Elliott, unan.) annexing Riverside No. 5 Addition to Modesto Municipal Sewer District No. 1. (Clerk to handle)

13. Hearing - Needham Street widening. 7:40 P.M.

ACTION: Following a presentation by the staff which covered all facets of this matter and after all persons were given an opportunity to speak, the public hearing was closed and the public informed that they had ten days in which to present written submissions or maps to the City Clerk.

14. Hearings on cost of installation of curb, gutter and/or sidewalk at the following locations: 7:45 P.M.

(a) Sidewalk at 432 Balboa Way, Lot 7 of Block 6064 (Mr. E. W. Costello - $169.60)

ACTION: Res. 71-618 adopted (Elliott/Smith, unan.) confirming report, assessing costs and determining method of collection. (Finance to handle)

(b) Sidewalk at 439 Balboa Way, Lot 13 of Block 6065 (Mr. A. Ben Goss - $169.60)

ACTION: Res. 71-619 adopted (Elliott/Smith, unan.) confirming report, assessing costs and determining method of collection. (Finance to handle)

(c) Sidewalk at 445 Coronado Way, Lot 14 of Block 6064 (Mr. Leo W. Habers - $161.20)

ACTION: Res. 71-620 adopted (Elliott Smith, unan.) confirming report, assessing costs and determining method of collection. (Finance to handle)

(d) Sidewalk at 501 Balboa Way, Lot 15 of Block 6065 (Mr. Douglas E. Hendrix - $169.60)

ACTION: Res. 71-621 adopted (Elliott/Smith, unan.)confirming report, assessing costs and determining method of collection. (Finance to handle)

(e) Sidewalk at 427 Coronado Way, Lot 11 of Block 6064 (Mr. Samuel Jacobs - $161.20)

ACTION: Res. 71-622 adopted (Elliott/Smith, unan.) confirming report, assessing costs and determining method of collection. (Finance to handle)

(f) Sidewalk at 445 Balboa Way, Lot 14 of Block 6065 (Mr. Charles Kincaid - $169.60)

ACTION: Res. 71-623 adopted (Elliott/Smith, unan.) confirming report, assessing costs and determining method of collection. (Finance to handle)

(g) Sidewalk at 513 Balboa Way, Lot 17 of Block 6065 (Mr. Richard H. Lamoreaux - $169.60)

ACTION: Res. 71-624 adopted (Elliott/Smith, unan.) confirming report, assessing costs and determining method of collection. (Finance to handle)

Hearings - (Continued)

14. (h) Sidewalk at 438 Balboa Way, Lot 6 of Block 6064 (Dr. W. Lawrence Meek - $227.60) 7:45 P.M.

ACTION: Res. 71-625 adopted (Elliott/Smith, unan.) confirming report, assessing costs and determining method of collection. (Finance to handle)

(i) Sidewalk at 500 Balboa Way, Lot 4, Block 6064 (Mr. Richard Navarro - $169.60)

ACTION: Res. 71-626 adopted (Elliott/Smith, unan.) confirming report, assessing costs and determining method of collection. (Finance to handle)

(j) Sidewalk at 439 Coronado Way, Lot 13 of Block 6064 - Mr. Roy Nevins - $150.00)

ACTION: Res. 71-627 adopted (Elliott/Smith, unan.) confirming report, assessing costs and determining method of collection. (Finance to handle)

(k) Sidewalk at 512 Balboa Way, Lot 2 of Block 6064 (Mr. Walter E. Soper - $169.60)

ACTION: Res. 71-628 adopted (Elliott/Smith, unan.) confirming report, assessing costs and determining method of collection. (Finance to handle)

(l) Sidewalk at 433 Coronado Way, Lot 12 of Block 6064 (Mrs. Christina VanRyn - $161.20)

ACTION: Res. 71-629 adopted (Elliott/Smith, unan.) confirming report, assessing costs and determining method of collection. (Finance to handle)

(m) Sidewalk on Balboa Way and Enslen Avenue at 519 Balboa Way, Lot 18 of Block 6065 -(Mr. Edward Yarrick $432.80)

ACTION: Res. 71-630 adopted (Elliott/Smith, unan.) confirming report, assessing costs and determining method of collection. (Finance to handle)

(n) Sidewalk on Coronado Way at 519 Coronado Way, Lot 8 of Block 6064 - Mr. Mohammed H. Zahraie - $164.00)

ACTION: Res. 71-631 adopted (Elliott/Smith, unan.) confirming report, assessing costs and determining method of collection. (Finance to handle)

15. Continued hearing on Rouse No. 2 Addition to City of Modesto. 7:50 P.M.

ACTION: Public hearing closed.

By motion (Dunlap/Elliott, unan.) further consideration delayed to July 6, 1971 to permit Clerk to check protests presented just prior to continued hearing.

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

ACTION: Henry Kamps, a member of the Farm-City Advisory Committee, was introduced.

Al Pelayo, chairman of the local branch of American G. I. Forum, offered the assistance of his group to the City. The American G. I. Forum is composed of Mexican/American war veterans.

Mrs. Gunver Miller requested City sponsorship for a proposed exhibition by the National Gymnast Team of Denmark at the Davis High Gym. By motion (Simon/Dixon, unan.) applicant requested to meet with staff to work out details so this may be done and staff requested to report to Council on July 6. (P & R to handle)

Councilman Dunlap was informed of the completion dates for the entire Needham project.

Arthur Ratman reported on plans he has for a Modesto Free University for Citizenship and Statesmanship.

Councilman Newton introduced Henry Martin, new chairman of NAACP.

ORDINANCES

CONSENT
17. Final adoption of Ordinance No. 1120-C.S. - code violations.
(Motion adopting needed)

ACTION: By motion Ord. No. 1120-C.S. adopted. (Clerk to handle)

18. Adoption of budget for 1971-72 fiscal year.
(Held over from June 21st meeting. Adoption of ordinance needed)

ACTION: Ord. No. 1121-C.S. adopted. (Clerk to handle)

CONSENT
19. Ordinance repealing Section 9-9.04 of Title IX of the Municipal Code relating to substandard buildings.
(Memo of explanation with agenda. Introduction of ordinance needed)

ACTION: By motion Ord. No. 1122-C.S. introduced. (Clerk to handle)

OLD BUSINESS

CONSENT
20. Establish salary schedule and fix compensation for positions in the city service.
(Exhibits are being submitted with the agenda. This will implement the provisions of the memoranda of understanding with the employee organizations as approved by the City Council at its meeting of June 21, 1971. Resolution needed)

ACTION: Res. 71-632 adopted establishing salary schedule and fixing compensation for positions in City service. (Finance to handle)

CONSENT
21. Request by Councilman Elliott for Council approval to be out of state from August 8 to October 2, 1971.
(Motion approving request needed)

ACTION: By motion request approved.

CONSENT
22. Request by City Manager for approval of vacation from August 2-20, 1971.
(Motion approving request needed)

ACTION: By motion request approved.

CONSENT
23. Accept improvements in Kingswood Estates Subdivision and authorize City Clerk to file notice of completion and release bond upon expiration of statutory lien period.
(Kingswood Estates Subdivision is located at the southeast corner of Sylvan 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. 71-633 adopted accepting improvements. (Clerk to handle)

CONSENT
24. A resolution approving final map of Wyldewood Estates No. 1 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. Wyldewood Estates No. 1 Subdivision is located west of Rose Avenue south of Coolidge Avenue. It contains 5.66 acres. Resolution approving final map needed)

ACTION: Res. 71-634 adopted approving final map. (Clerk to handle)

CONSENT
25. Purchase of Thrasher property for Tuolumne River Regional Park.
(Memo with agenda. Resolution authorizing City Manager to execute agreement needed. Estimated cost $32,250.00)

ACTION: Res. 71-635 adopted approving agreement with Richard Franklin Thrasher, et al. (Finance to handle)

CONSENT
26. Renewal of group medical insurance contract with additional coverage and set premium contribution rates for City and employees.
(To renew group medical insurance policy for period July 1, 71 through June 30, 1972. Resolution setting premium contributions rates and resolution renewing policy and adding additional coverage needed. Estimated cost $14,995.83 additional for 1971-72 bueget. Funds budgeted in Account 64-426, Group Health Insurance)

ACTION: Res. 71-636 adopted renewing policy and adding additional coverage. (Personnel to handle)
Res. 71-637 adopted setting premium contribution rates. (Personnel to handle)

CONSENT

27. Consider parking prohibition on J Street - 9th to 12th Streets. (Memo with agenda. There is accident problem of parked cars being sideswiped. Resolution setting July 12, 1971 at 8:00 P.M. for hearing needed)

ACTION: Res. 71-638 adopted setting July 12, 1971 at 8:00 P.M. for hearing. (Clerk to handle)

CONSENT

28. Consider acceptance of agreement for permission to construct a water line extension at Southern Pacific right of way and Woodland Avenue.
(The agreement is required for permission to construct the water line across the railroad right of way. The agreement provides for $100 consideration for use of right of way. Resolution approving agreement needed. Estimated cost $100.00; funds budgeted in Account 6804-50-101, Water Line Extensions)

ACTION: Res. 71-639 adopted approving agreement with Southern Pacific Co. (Clerk to handle)

CONSENT

29. A resolution approving final map of Pleasant View 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 southeast corner of Rose & Floyd. It contains 5.07 acres. Resolution approving final map and authorizing execution of agreement by City needed)

ACTION: Res. 71-640 adopted approving final map. (Clerk to handle)

CONSENT

30. Consider extending lease agreements between City of Modesto and Darold Jolliff, and City of Modesto and Standard Oil Company to July 31, 1971.
(Negotiations for new leases are in progress, but will not be completed before the existing leases expire June 30, 1971. It is anticipated that the new leases will be ready for Council consideration before the end of July, and it is recommended that the existing leases be extended to July 31, 1971. Resolution approving extension of lease agreement with Standard Oil Company and resolution approving extensions of existing lease agreements with Darold Jolliff needed)

ACTION: Res. 71-641 adopted approving extension of lease agreement with Standard Oil Co.

Res. 71-642 adopted approving extension of lease agreements with Darold Jolliff. (P/W to handle)

CONSENT

31. 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, 1972.
(Memo with agenda. Resolution needed. Estimated cost $9,750. Funds Budgeted in Account 230-14-101, Adver. Legal and Other, p. 35 prel. budget)

ACTION: Res. 71-643 adopted approving letter agreement. (Clerk to handle)

CONSENT

32. Resolution accepting grant deed- McHenry Avenue - Mr. and Mrs. Arthur DeGroot.
(Right of way on the west side of McHenry Avenue has been dedicated to the City at no cost other than the usual provision of installation of curbs and gutters. Resolution authorizing City Manager to execute agreement needed)

ACTION: Res. 71-644 adopted accepting grant deed from Arthur DeGroot, et ux. (Clerk to handle)

CONSENT

33. Approval of Geer Road sanitary landfill 1971-72 budget.
(The City-County agreement for the operation of the Geer Road landfill provides that the budget must be submitted to the Council for approval. Copies of the proposed budget prepared by the County with agenda. Staff recommends approval. Resolution approving budget needed)

ACTION: Res. 71-645 adopted approving 1971-72 budget for Geer Road Sanitary Landfill. (Clerk to handle)

34. City swim team participation in invitational meets.
(Memo with agenda. Motion approving participation needed)

ACTION: By motion (Simon/Dunlap, unan.) participation approved at no cost to City. (P & R to handle)

CONSENT

35. Consider approval of FACE program and resolution directing City Manager to file application, execute the necessary documents with the US Government, and requisition funds to accomplish the FACE program, and to carry out the program.
(Memo with agenda. Resolution needed)

ACTION: Res. 71-646 adopted approving FACE program. (P/W to handle)

CONSENT

36. Request by City Attorney for vacation from July 6 through July 16, 1971.
(Motion approving request needed)

ACTION: By motion request approved.

CONSENT

37. Adjust the period of time in which prior service retirement costs for miscellaneous employees shall be funded from 1986 to 2,000, lowering the prior service rate from 2.761% to .93%. (Memo with agenda)

ACTION: Res. 71-647 adopted adjusting period of time re prior service retirement costs from 1986 to 2000. (Finance to handle)

REPORTS

CONSENT

38. Report on sewerage system revenues and expenditures - ten-year period 1971-1981.
(Report from Director of Public Works and memo from City Manager with agenda. Motion accepting report needed)

ACTION: By motion report accepted.

APPROPRIATION TRANSFERS

CONSENT

39. Temporary loan of $260,000 from the Special Fund for Capital Outlays to the McHenry Public Library Capital Outlay Fund.
(Memo with agenda. Resolution needed)

ACTION: Res. 71-648 adopted approving temporary loan. (Finance to handle)

CONSENT

40. Request for appropriation transfer of $3,300.
(Construction costs for Mancini Park ran higher than anticipated. This transfer is necessary to provide sufficient funds to cover these additional costs. Resolution approving appropriation transfer needed. Estimated cost $1,900. Funds to be transferred from 60-321 to 6331-31-321 (General Reserve to Mancini Park Development, Stage 2)

ACTION: Res. 71-649 adopted (Dixon/Dunlap, unan.) approving appropriation transfer of $3,300 from Account 60-321 to Account 6331-31-321. (Finance to handle)

MISCELLANEOUS

41. Legislation.

ACTION: Staff was requested to obtain information on several bills and a proposed constitutional amendment providing for reorganization of trial courts. (C/Mgr to handle)

42. Appointments.

ACTION: Res. 71-650 adopted (Dixon/Elliott, unan.) naming Curtis Church as Chairman and the following as members of the Executive Committee of Project Greater Modesto:
Ecology, Cliff Humphrey; Land Use, Armen Sarquis; Business and Industry, Ray Whitgrove; Employment and Manpower, Andy Rice; Disadvantaged, Gerald Goren; Youth, Gary West; Senior Citizens, Jean Purvis; Transportation, Gene Ellison; Water Resources and Storm Drainage, Les Brooks; Community Services, William Mitchell; Crime and Drugs, Gary Robinson. (Clerk to handle)

Adjournment at 9:30 P.M.

ATTEST: W. T. Chynoweth

W. T. CHYNOWETH, City Clerk

MINUTES AND ACTION AGENDA

CITY OF MODESTO
AGENDA FOR COUNCIL MEETING OF TUESDAY, JULY 6, 1971 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 Herbert Rasski, Modesto Gospel Mission

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2, 3, 4, 5, 6, 7, 10, 13, 14, 15, 17, 18, 19, 20, 21, 23, 24, 25, 26, XX
Item 27 removed from consent
Simon/Smith, unan.

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

CONSENT
1. Confirmation of canvass of ballots - Norwegian No. 1 Addition annexation held June 29, 1971.
(Ballots for this election will be canvassed July 2, 1971 by the City Clerk; unofficial results are as follows: No. of registered voters in area - 153; No. of persons voting - 101. No. of yes votes - 66; No. of no votes - 35. Resolution confirming canvass and declaring results of election and ordinance annexing area needed)

ACTION: Res. 71-651 adopted confirming canvass and declaring results of election.

Ord. No. 1123-C.S. adopted annexing Norwegian No. 1 Addition to City of Modesto.

APPROVAL OF MINUTES

CONSENT
2. Minutes of June 28, 1971.

ACTION: By motion minutes approved.

PETITIONS, REMONSTRANCES AND CORRESPONDENCE

CONSENT
3. Request of Central California Art League, Inc. for use of Graceada Park on August 8, 1971 for third annual Art in the Park.
(Motion granting request needed)

ACTION: By motion request granted. (P & R to handle)

CONSENT

BIDS

4. Consider approval of plans and specifications for installation of water lines in Wyldewood Estates No. 1 and Kruger Drive.
(Suggested bid opening July 20, 1971 at 10:00 A.M. Costs and revenues. Wyldewood #1: Construction cost $7,304; connection charges $3,375; net annual revenue, $432. Kruger: Construction cost $7,416; connection charges $1,559; net annual revenue, $4,046. Estimated cost $14,720 (Materials $9,875; labor $4,845. Funds budgeted in Account 6804-5-101, Water Line Extension)

ACTION: Res. 71-652 adopted approving plans and specifications and bid call. (Clerk to handle)

CONSENT

5. Approve plans and specifications and call for bids for the improvement of College Avenue from Coldwell to Orangeburg Ave. (Bid opening July 20, 1971 at 10:10 A.M. College Avenue is part of the select street system and will be financed from State Gas Tax Funds. Resolution approving plans, specifications and call for bids needed. Estimated cost $90,425 (Contract $82,205 - $8,220) Funds budgeted in Account 6645-207, College, Coldwell to Orangeburg)

ACTION: Res. 71-653 adopted approving plans and specifications and bid call. (Clerk to handle)

CONSENT

6. Consider acceptance of Valley Construction Co.'s contract for installation of water lines in Whitmore Ave., Crows Landing Road, and TSRR. (Original contract $17,651.35. 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. Resolution accepting work as complete needed. Final cost $17,273.48. Funds budgeted in account 6804-50-101, Water Line Extensions, and 6828-50-101, Strengthen the System)

ACTION: Res. 71-654 adopted accepting contract. (Clerk to handle)

CONSENT

7. Consider award to low bidder, Texaco, Inc. to furnish the annual City requirements of gasoline for the period ending June 30, 1972. (Memo with agenda. Resolution awarding bid needed. Estimated cost $55,000; funds budgeted in Account 330-48-512, Gas, Oil & Lubricants, p. 133 preliminary budget and other accounts)

ACTION: Res. 71-655 adopted awarding contract to Texaco, Inc. (Finance to handle)

HEARINGS

8. Hearing on request of John N. Uhl for encroachment permit to allow brick columns to remain on city property in front of 224 Hintze Avenue. 4:05 P.M.

ACTION: Res. 71-656 adopted (Simon/Smith, unan.) granting encroachment permit to John N. Uhl subject to conditions recommended by the Director of Public Works, a copy of which is on file with the City Clerk. (P/W to handle)

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

ACTION: Mayor Davies commented on the Fourth of July Parade and fireworks display.

Res. 71-657 adopted (Dixon/Elliott, unan.) commending Cal Purviance and the Junior Chamber of Commerce for a job well done. (Clerk to handle)

The City Manager reported that the new assessment roll meets the estimates of the City of Modesto.

Councilman Elliott commended staff on the cleanup job done after the fireworks program and Councilman Simon commended the police for the traffic control.

Res. 71-658 adopted (Simon/Dunlap, unan.) commending John Tatoyan for his service as a member of the Personnel Commission. (Clerk to handle)

By motion (Newton/Dixon, unan.) problem of water pollution in canals referred to staff for report. (C/Mgr to handle)

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

Treatment of black inmates in the County Jail was discussed. It was agreed that a report on the booking procedure would be made to Council. (Police to handle) By motion (Smith/Newton, unan.) staff directed to bring the treatment of blacks in the jail to the attention of the Grand Jury. (C/Mgr to handle) Staff was then directed to inform the Sheriff of this discussion. (C/Mgr to handle)

A staff report was requested on restroom facilities available during Little League games. (P & R to handle)

ORDINANCES

CONSENT

10. Final adoption of Ordinance No. 1122-C.S. - substandard buildings. (Motion adopting needed)

ACTION: By motion Ord. No. 1122-C.S. adopted. (Clerk to handle)

OLD BUSINESS

11. Further consideration of Rouse No. 2 Addition to City of Modesto.

ACTION: Res. 71-659 adopted (Simon/Elliott, unan.) declaring that a majority protest has been made. (Clerk to handle)

CONSENT

13. Report on request for sponsorship by City of exhibition by the National Gymnast Team of Denmark.
(Motion accepting report needed)

ACTION: By motion report accepted.

NEW BUSINESS

CONSENT

14. A resolution determining that the public interest and convenience require that Coffee-Floyd Addition be annexed to the Modesto Municipal Sewer District No. 1 and naming a time and place for hearing.
(The Coffee-Floyd Addition was annexed to the City effective June 22, 1971. It is now necessary to annex this area to the Modesto Municipal Sewer District. Suggested hearing date August 23, 1971 at 7:35 P.M. Resolution setting hearing needed (2/3 affirmative vote)

ACTION: Res. 71-660 adopted setting hearing. (Clerk to handle)

CONSENT

15. A resolution determining that the public interest and convenience require that East Orangeburg No. 5 Addition be annexed to the Modesto Municipal Sewer District No. 1 and naming a time and place for hearing.
(This annexation was effective June 22, 1971. It is now necessary to annex this area to the Modesto Municipal Sewer District. Suggested hearing date August 23, 1971 at 7:40 P.M. Resolution setting hearing needed (2/3 affirmative vote)

ACTION: Res. 71-661 adopted setting hearing. (Clerk to handle)

16. Consider reorganization of Service Division.
(The Service Division Superintendent is retiring effective September 1. We propose at that time to reorganize the division, deleting the Superintendent position, upgrading the Shop Foreman salary range, and creating a Stores-Equipment Supervisor position for direct supervision over the stores, equipment dispatch and service yard maintenance. Memo with agenda. Motion directing staff to prepare necessary paper work to implement the reorganization needed)

ACTION: By motion (Smith/Elliott, unan.) staff directed to proceed. (P/W to handle)

CONSENT
17. Consider request for a refund to a property owner who constructed a sewer line in Drake Avenue.
(Resolution authorizing refund needed. Estimated cost $355.00 ($177.50 now; $177.50 in future). Funds budgeted in Account 6561-212, Extend Subtrunk and Perimeter Services)

ACTION: Res. 71-662 adopted authorizing refund. (Finance to handle)

CONSENT
18. Consider request for sewer service to property outside the City at 2039 Lance Street.
(Property owner Delilah F. Gfroerer). The property owner has signed an agreement to annex when requested to do so by the City. The property is contiguous to the City and a sewer line exists to serve it. Resolution approving agreement needed)

ACTION: Res. 71-663 adopted approving agreement. (P/W to handle)

CONSENT
19. Consider approval of agreement with Lance Ellis to provide sewer and water service to a subdivision outside the City.
(Memo with agenda. Resolution approving agreement needed)

ACTION: Res. 71-664 adopted approving agreement. (P/W to handle)

CONSENT
20. Consider city participation in cooperative research project established by American Public Works Association for the development of a Service Equipment Program and Data Bank.
(Memo with agenda. (1) Resolution approving city participation in APWA Project No. 70-1, and (2) Resolution transferring $3,000 from General Fund and appropriating into Service Division Working Capital Fund needed)

ACTION: Res. 71-665 adopted approving City participation. (P/W to handle)

Res. 71-666 adopted approving transfer of $3,000 from Fund No. 101 to Fund No. 512. (Finance to handle)

CONSENT

21. Consider lease agreement with Lloyd E. and Lula Poe for rental of city-owned house at 604 Brighton Avenue on a month-to-month basis. (Memo with agenda. Resolution approving agreement needed)

ACTION: Res. 71-667 adopted approving lease agreement. (Finance to handle)

REPORTS

22. Report on centennial house.
(Memo with agenda. Motion directing staff needed)

ACTION: By motion (Dixon/Elliott, maj. - Dunlap, Newton and Smith, no) consideration of restoration of house declined. It was agreed that staff would contact Historical Society and allow 30 days for removal of house from City property. (P & R to handle)

REPORTS FROM THE PLANNING COMMISSION

CONSENT

23. Vacation and abandonment of the 20-foot public alley adjacent to the east line of Lot 13, Block 1308, Strathmore Unit No. 1 Subdivision.
(Resolution No. 71-64 adopted May 18, 1971 the Modesto Planning Commission recommended to the Council the vacation and abandonment of the 20-foot public alley adjacent to the east line of Lot 13, Block 1308, Strathmore Unit No. 1 Subdivision. Resolution of Intention to vacate and abandon and setting public hearing July 26, 1971 at 7:45 P.M. needed)

ACTION: Res. of Int. 330 (1191-S.P.) adopted setting hearing. (Clerk to handle)

CONSENT

24. Closure to through traffic of the public alley in Block 1304, Scenic Manor and Scenic Vista Estates Subdivision.
(By Resolution No. 71-71 adopted June 16, 1971 the Planning Commission recommended to the Council the closure to through traffic of the public alley in Block 1304, Scenic Manor and Scenic Vista Estates Subdivision. Resolution of Intention to close alley to through traffic and setting July 26, 1971 at 7:45 P.M. for public hearing needed)

ACTION: Res. of Int. 331 (1192-S.P.) adopted setting hearing. (Clerk to handle)

CONSENT

25. Vacation and abandonment of Professional Court as a public street.
(By Resolution No. 71-65 adopted May 18, 1971 the Modesto Planning Commission recommended to the Council the vacation and abandonment of Professional Court as a public street. Resolution of Intention to vacate and abandon, and setting July 26, 1971 at 7:40 P.M. for public hearing needed)

ACTION: Res. of Int. 332 (1193-S.P.) adopted setting hearing. (Clerk to handle)

APPROPRIATION TRANSFERS

CONSENT

26. Consider appropriation transfer of $7,077 from the General Reserve of the Service Division Working Capital Fund to provide funds for the purchase of a paint striping machine and consider award to lowest responsible bidder Unimasco, Inc. of Gardena, California. (Memo with agenda. Resolution awarding bid and resolution approving appropriation transfer needed. Estimated cost $7,077.00)

ACTION: Res. 71-668 adopted approving appropriation transfer of $7,077 from Account 60-48-512 to Account 5426-48-512. (Finance to handle)

~~CONSENT~~

27. Appropriation transfer of $6,960 from General Reserve, General Fund, for employment of secretary for Project Greater Modesto. (Resolution needed)

ACTION: By motion (Smith/Elliott, unan.) C/Mgr authorized to search for secretary for Project Greater Modesto. (C/Mgr to handle)

MISCELLANEOUS

28. Legislation.

ACTION: None but Council was given an explanation of the present status of bills pertaining to fines and forfeitures.

29. Appointments.

None.

The City Attorney was requested to report to Council on whether or not the Council can adopt a policy concerning appointments. (C/Atty to handle)

Adjournment at 6:30 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 12, 1971 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: Reverend J. T. Zamrazil, Christian and Missionary Alliance church

CONSENT ITEMS - roll call vote required. Items 1, 2, 3, 4, 5, 15, 16, 18, 19, 21
Item 2 dropped from consent
Smith/Newton, unan.

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

APPROVAL OF MINUTES

CONSENT
1. Minutes of July 6, 1971.

ACTION: By motion minutes approved.

PETITIONS, REMONSTRANCES AND CORRESPONDENCE

CONSENT
2. Request of Stanislaus County Y-Cyclers for establishment of a bike route on Tully Road from Coldwell to Standiford. (Motion referring to staff for report on July 26 needed)

ACTION: By motion (Dixon/Newton, unan.) referred to staff for report on July 26. (P & T to handle)

BIDS

CONSENT
3. Consider request for change of subcontractors by Mission Pipeline Inc., the contractor for Improvement District No. 18 facilities. (The contractor originally named Aztec Boring Service as the subcontractor for Item 4 of the contract, jacking sewer casing. They have since gone out of business and the contractor is requesting approval of Central Underground, Inc. as the subcontractor. The Public Works Department recommends the request be approved. Resolution approving change in subcontractors needed)

ACTION: Res. 1194-S.P. adopted approving change in subcontractor. (P/W to handle)

CONSENT

4. Consider waiver of formal bid procedure and authorize staff to negotiate for the purchase of a front-end scoop loader. (Memorandum with agenda. Resolution with five affirmative votes needed. Estimated cost $13,694. Funds budgeted in Account 5422-48-512, Service Division Working Capital Fund, adjusted 1971-72 budget)

ACTION: Res. 71-669 adopted waiving formal bid procedure and authorizing purchase. (Finance to handle)

CONSENT

5. Consider award of bid for the 1971-72 street overlays, Units No. 1 and 2 (select and residential).
(Bids were opened July 6, 1971. The low bid submitted by George Reed, Inc., which is 7.9% below the Engineer's Estimate, is considered acceptable. It is recommended that the bid be awarded to low bidder. Resolution awarding bid needed. Estimated cost $ 63,310 (Contract, $ 59,440; Engr. $3,870). Funds budgeted in Account 6660-207, Misc. Resurfacing and 6657-41-321, Var. Residential Sts. Overlays 1971-72 budget)

ACTION: Res. 71-670 adopted awarding contract to George Reed, Inc. (P/W to handle)

6. Consider bid of Great American Insurance Company for City's basic insurance coverage. (Memo with agenda)
(Resolution accepting bid of Great American Insurance Company needed)

ACTION: Res. 71-671 adopted (Smith/Elliott, unan. - Simon, absent) awarding insurance contract to Great American Insurance Co. (Finance to handle)
(Councilman Simon was excused from consideration of this item due to a conflict of interest)

HEARINGS

7. Request for rezoning from R-1 to R-2 of property located on south side of Encina between Trask Lane and Riverside Drive. 7:35 P.M. (Brannan)

ACTION: Ord. No. 1124-C.S. introduced (Dixon/Smith, maj. - Dunlap, Elliott and Newton, no) amending Sec. 26-3-9 of zoning map. (Clerk to handle)

8. Request for rezoning from P-D(80) to R-1 and R-2 of property located north of Maze, west of Franklin and south of Locust. 7:40 P.M. (Loveless)

ACTION: Ord. No. 1125-C.S. introduced (Elliott/Dunlap, unan.) amending Sec. 30-3-9 of zoning map. (Clerk to handle)

9. Request for rezoning from R-1 to P-D to allow construction of two one-story triplex structures northeast of Crestview, south of Kruger (Central Cal Enterprises) 7:45 P.M.

ACTION: Ord. No. 1126-C.S. introduced (Elliott/Newton, maj. - Dixon, no) amending Sec. 22-3-9 of zoning map. (Clerk to handle)

Res. 71-672 adopted (Elliott/Newton, maj. - Dixon, no) approving development plan. (Planning to handle)

10. Request for rezoning from R-2 to P-D to allow construction of a 146-unit 1 and 2 story apartment complex on the east side of Roselawn between Colorado and Pelton Avenue extended (Mutual Ownership Development Foundation) 7:50 P.M.

ACTION: Ord. No. 1127-C.S. introduced (Dunlap/Elliott, unan.) amending Sec. 5-4-9 of zoning map. (Clerk to handle)
Res. 71-673 adopted (Dunlap/Elliott, unan.) approving development plan. (Planning to handle)

11. Continued informal hearing on request of Red Top Taxi for rate increase. 7:55 P.M.

ACTION: At the request of the applicant continued to July 19, 1971 at 4:05 P.M. (Clerk to handle)

12. Informal hearing on proposed parking prohibition on J Street between 9th and 12th Streets. 8:00 P.M.

ACTION: By motion (Elliott/Simon, unan.) it was agreed to take no further action on this matter.

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

ACTION: Jim Talley, representing the Church in the Park, spoke on the present problems of young people in this area and invited members of the Council to accompany representatives of the Church in the Park on some of their work. The group was commended for doing a fine job in helping the young people.

The Presbyterian-Episcopal Program Council requested use of a portion of the Lincoln School site for a garage sale July 23 and 24, 1971. Resolution No. 71-674 adopted (Smith/Simon, unan.) granting request and directing staff to prepare agreement. (C/Atty to handle)

OLD BUSINESS

14. Further consideration of Needham Street widening.

ACTION: By motion (Simon/Newton, unan.) staff authorized to send letter to State Division of Highways requesting State to administer contract. (P/W to handle)
Staff directed to look into charges concerning the manner in which the right of way agent handled negotiations with Reorganized Church of Jesus Christ of Latter Day Saints. (C/Mgr to handle)

CONSENT

15. Further report on Phase II, Dry Creek Park.
(Motion accepting report needed)

ACTION: By motion report accepted.

NEW BUSINESS

CONSENT

16. Amendments to Personnel Rules.
(To change Personnel Rules 13.1, 13.5, and 13.6 to conform with the provisions as agreed upon under the recent Memorandums of Understanding with employee organizations. To change Rule 1.3 to conform with the new provisions of the City Charter as approved by the voters. To change Rule 17.7 to make it in conformance with the State law regarding employer-employee relations. Resolution approving changes to rules needed)

ACTION: Res. 71-675 adopted changing Personnel Rules 13.1, 13.5, 13.6 and 17.7. (Personnel to handle)

17. Resolution certifying to Board of Supervisors of Stanislaus County the amount of money needed by the City of Modesto for payment of principal and interest on bonds of Modesto Municipal District No. 1. (Resolution needed)

ACTION: Res. 71-676 adopted (Simon/Smith, unan.) certifying that $143,000 will be needed for principal and interest on bonds of Modesto Municipal Sewer District No. 1 for 1971-72. (Finance to handle)

CONSENT

18. Consider summer help for Building Inspection Division.
(Memo with agenda. Motion authorizing employment of summer help and resolution approving appropriation transfer of $1,400 from General Fund, General Reserve to Account 120-42-101. Estimated cost $1,400)

ACTION: By motion employment of summer help approved. (Personnel to handle)
Res. 71-677 adopted approving appropriation transfer of $1,400 from Account 60-101 to Account 120-42-101. (Finance to handle)

REPORTS

CONSENT

19. Report on Division of Highways Section 256 Study - additions and deletions to State Highway System.
(Memo with agenda. Motion accepting report needed)

ACTION: By motion report accepted.

20. Report on property at southwest corner of 10th and K Streets offered for sale to the City.
(Memo with agenda. If Council is interested, executive session to instruct staff regarding negotiations would be indicated. Motion to carry to executive session or motion to turn down the offer with thanks needed)

ACTION: By motion (Simon/Elliott, unan.) offer rejected. (P & T to handle)

APPROPRIATION TRANSFERS

CONSENT

21. Consider appropriation transfer of $1,700 from Appropriated Reserve, Service Working Capital Fund to a 1970-71 Vehicle Road Ready Fund, Service Division.
(Nearly all new and replacement vehicles in the 1970-71 budget arrived at the end of the fiscal year. Funds are needed to perform various operations to place these units in service. Resolution approving transfer needed)

ACTION: Res. 71-678 adopted approving appropriation transfer of $1,700 from Account 60-48-512 to Account 5427-48-512. (Finance to handle)

MISCELLANEOUS

22. Legislation.

ACTION: Staff was requested to furnish report to Council on law outlining standards for fire protection in buildings used by the public. (C/Atty to handle)

23. Appointments.

None

Adjournment at 9:40 P.M. to 6:30 P.M. on July 15, 1971 in the Essie Room of the Hotel Covell for the purpose of meeting with members of the Ceres City Council.

ATTEST: W. T. Chynoweth

W. T. CHYNOWETH, City Clerk

Modesto City Council
July 15, 1971

The Council of the City of Modesto met in the Essie Room of the Hotel Covell at 6:30 P.M. pursuant to adjournment. This meeting was for the purpose of joining with members of the Ceres City Council to discuss matters of mutual interest. The following were present:

City of Modesto:

Mayor Davies and Councilmen Dixon, Dunlap, Elliott and Smith, City Manager Keefe, Assistant City Attorney Liedstrand and City Clerk Chynoweth

City of Ceres:

Mayor Scates and Councilmen Bowman, Firestine, Humphries and Sterling, City Administrator Robirds and City Attorney Rushing

Press:

Bill Phillips - Modesto Bee
Lee Roddy - Ceres Courier

Following dinner, Mayor Davies welcomed those in attendance. The first item to be discussed was the Metropolitan Police Study. It was pointed out that plans for this study only include the City of Modesto and the adjacent urbanized area. The suggestion was made that Ceres might want to be included in the study. The thought was expressed that while Ceres might be included in a study of this type, it appeared unlikely that Ceres would become a part of a Metropolitan Police District.

During a discussion on the Tuolumne River Regional Park, it was pointed out that a good portion of the land had been acquired but that no agreement as to construction or maintenance had been formalized.

The large acreage being rezoned for exclusive agricultural use under the Williamson Act was discussed and fear was expressed that this would lead to the City taxpayers having to assume a disproportinate share of the tax burden. Some of those present stated that they hoped the Board of Supervisors would give deep consideration to this situation.

The question was raised as to whether or not the residents of Ceres would be interested in being included in a district formed for the purpose of a civic center complex such as an auditorium and multipurpose facility. Representatives from Ceres indicated that this was unlikely.

Mayor Davies stated that if Ceres would like to appoint some person to attend meetings of Project Greater Modesto this person would be welcome.

It was informally agreed that joint meetings between the two City Councils would be scheduled at about six-month intervals, but if the need arose more frequent meetings could be arranged.

The meeting adjourned at 8:50 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 19, 1971 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: Rev. Ben Jennings, Prescott Bible Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 3, 7, 8, 9, 10, 13, 15, 17, 18, 19, 20, 21, 22, 23, 24, 25, 28

Dixon/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. Presentation of award to John Tatoyan for service as a member of the Personnel Commission.

ACTION: Mayor Davies presented a Distinguished Service Award to Mr. Tatoyan and commended him for his services.

APPROVAL OF MINUTES

CONSENT
2. Minutes of July 12, 1971.

ACTION: By motion minutes approved.

PETITIONS, REMONSTRANCES AND CORRESPONDENCE

CONSENT
3. Letter of appreciation from 4th of July Committee and request for payment of $1,000 budgeted for the Celebration. (Motion authorizing payment needed)

ACTION: By motion payment authorized. (Finance to handle)

4. Letter from J. M. Dallal protesting bill for lot cleaning. (Memo from Fire Chief with agenda)

ACTION: Matter dropped at request of Mr. Dallal.

5. Request of interested groups for reconsideration of action taken by Council concerning old house.

ACTION: A motion (Smith/Dunlap) to reconsider action and to allow the house to become a part of the museum failed. (Councilmen Dixon, Elliott and Simon and Mayor Davies voted against the motion)

6. Request of County Board of Supervisors for Council recommendation of member of City Planning Commission to be appointed as a member of the Stanislaus County Planning Commission.
(Motion referring to Planning Commission for recommendation needed)

ACTION: By motion (Dixon/Simon, unan.) referred to Planning Commission for recommendation. (Planning to handle)

BIDS

CONSENT
7. Accept as complete Stanislaus Pump Company's contract for installing pumping units at Pump Stations 18 and 10.
(Original contract, $5,974. All work has been completed to the satisfaction of the Public Works Department and it would be in order to accept the contract as complete. Resolution accepting work and authorizing City Clerk to file notice of completion needed. Final cost $5,974. Funds budgeted in Account 6830-50-101, Increase Capacity Pump Station No. 18)

ACTION: Res. 71-679 adopted accepting contract. (Clerk to handle)

CONSENT
8. Accept as complete B. G. Engineering Contractors, Inc. contract for the improvement of Bodem-Sunrise connection.
(All work on this project has been completed to the satisfaction of the Public Works Department. It would be in order the accept the work as complete and authorize the City Clerk to file notice of completion. Resolution accepting work as complete needed. Original contract cost $24,159; final contract cost, $23,872.86. Funds budgeted in Account 6680-[illegible]-207, Bodem-Sunrise connection)

ACTION: Res. 71-680 adopted accepting contract. (Clerk to handle)

CONSENT
9. Consider approval of plans and specifications and call for bids for construction of sidewalk and chain link fence on Block 6711 of Briggsmore Avenue, and consider approval of appropriation transfer in the amount of $6,000.
(Bid opening August 3, 1971 at 10:10 A.M. Memo with agenda. Resolution approving plans, specs and call for bids needed; resolution approving appropriation transfer of $6,000 needed. Estimated cost $10,300; funds budgeted in Account 6287-31-321, Briggsmore Beautification-$4,300 budgeted)

ACTION: Res. 71-681 adopted approving plans and specifications and bid call. (Clerk to handle)

Res. 71-682 adopted approving appropriation transfer of $6,000 from Account 60-321 to Account 6287-31-321. (Finance to handle)

CONSENT

10. Consider approval of plans and specifications for installation of water lines in Pleasant View Estates No. 2 Subdivision. (Bid opening August 3, 1971 at 10:00 A.M. Costs and revenues: Construction cost, $5,285; connection charges, $3,250; net annual revenue, $416. Resolution approving plans and specs and call for bids needed. Estimated cost $6,585 (Materials, $4,475, labor, $2,110. Funds budgeted in Account 6804-50-101, Water Line Extension)

ACTION: Res. 71-683 adopted approving plans and specifications and bid call. (Clerk to handle)

HEARINGS

11. Continued informal hearing on request of Red Top Taxi for rate increase. 4:05 P.M.

ACTION: Ord. No. 1128-C.S. introduced (Elliott/Smith, unan.) setting the following rates:

First 1/6 mile	$ .60
Additional distance	.10 per 1/6 mile
Waiting time	.10 per minute

(Clerk to handle)

It was agreed that City rates will be changed to conform to the $ .70 rates to be set by the County when the County has established new rates and reached agreement with Red Top Taxi. (P & T to handle)

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

ACTION: Mayor Davies introduced Mrs. Berry who attends Council meetings frequently.

The Councilmen were invited to attend a meeting in Sacramento on July 22 for the purpose of joining with Barry Goldwater, Jr. and others to exchange ideas on general and special revenue sharing and government reorganization. Any Councilman wishing to attend was asked to notify the City Manager. (C/Mgr to handle)

Res. 71-684 adopted (Elliott/Newton, unan.) approving alteration of contract with Valley Construction Co. for installation of water lines in Woodland Avenue to provide for additional insurance and inspection required by Southern Pacific Railroad Company. (P/W to handle)

ORDINANCES

CONSENT

13. An ordinance amending Section 6-1.130 of Article 1 of Chapter 1 of Title VI of the Modesto Municipal Code relating to refunds. (Memo with agenda. Introduction of ordinance needed)

ACTION: By motion Ord. No. 1129-C.S. introduced. (Clerk to handle)

14. An ordinance amending Chapter 1 of Title II of the Modesto Municipal Code relating to City Council organization and procedures. (Copies of the proposed ordinance with agenda. An earlier draft indicating the proposed amendments, additions and deletions has been distributed to Council)

ACTION: By motion (Dunlap/Smith, unan.) Ord. No. 1130-C.S. introduced. (Clerk to handle)

CONSENT

15. Approve 35 m.p.h. limit on Briggsmore, east of McHenry.
(Memo with agenda. Speed limit is for area(s) entirely within City.
Introduction of ordinance and introduction and adoption of an emergency ordinance (5 affirmative votes needed)

ACTION: By motion Ord. No. 1131-C.S. introduced and adopted. (Clerk to handle)

By motion Ord. No. 1132-C.S. introduced. (Clerk to handle)

OLD BUSINESS

16. Further consideration of Phase II, Dry Creek Park.

ACTION: By motion (Smith/Dunlap, unan.) preliminary report approved, including plans for a new 18-hole golf course. (P & R to handle)

NEW BUSINESS

CONSENT

17. Consider approval of opperative agreement between City, County and State for improvements to McHenry Avenue between Leveland Lane and Robinhood Drive.
(Memo with agenda. Resolution approving agreement needed)

ACTION: Res. 71-685 adopted approving agreement. (Clerk to handle)

CONSENT

18. Consider approval of airport concession agreement with Walser Travel Service.
(Airport Manager has negotiated with Walser Travel Service, Inc. a concession agreement granting the right to Walser to sell air travel insurance at the airport by a "mail in" procedure, using a portion of existing counter space in the terminal building for this activity. The term of the agreement is for one year beginning August 1, 1971 and on a year-to-year basis thereafter unless terminated by either party by 30 days' written notice. Resolution approving agreement needed. Rental consideration of $50 per year)

ACTION: Res. 71-686 adopted approving agreement. (Clerk to handle)

CONSENT

19. Consider approval of installment payments for subtrunk sewer charges on Conant parcel map.
(Memo with agenda. Resolution establishing installment payments needed)

ACTION: Res. 71-687 adopted approving installment payments for subtrunk sewer charges on parcel map to be filed by John R. Conant; approval subject to conditions recommended by Director of Public Works, a copy of which is on file with the City Clerk. (P/W to handle)

CONSENT

20. Request for City Clerk for vacation July 23 and 30 and August 11, 12, and 13, 1971.
(Vacation. Motion granting request needed)

ACTION: By motion request granted.

CONSENT

21. Accept improvements in Brookview Estates No. 1 and authorize City Clerk to file notice of completion and release bond upon expiration of statutory lien period.
(This subdivision is located east of Curry Avenue and north of Ada Street. 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. 71-688 adopted accepting improvements. (Clerk to handle)

CONSENT

22. Consider refund of business license payment to Howard P. Barnhill.
(Memo with agenda. Resolution approving refund needed)

ACTION: Res. 71-689 adopted approving refund of $33.40 to Howard P. Barnhill. (Finance to handle)

CONSENT

23. Consider cancellation of lease agreement with the estate of Gertrude M. Ruddy for the Woodrow Park site.
(Memo with agenda. Resolution approving cancellation of lease needed)

ACTION: Res. 71-690 adopted approving cancellation of lease agreement. (Finance to handle)

CONSENT

24. Resolution authorizing application for a $42,124 grant made available through the Omnibus Crime Control and Safe Streets Act of 1968 administered by the California Council on Criminal Justice.
(Formal adoption of a resolution is now needed)

ACTION: Res. 71-691 adopted authorizing application for grant. (C/Mgr to handle)

CONSENT

25. 9-Hole Municipal Golf Course Clubhouse.
(Memo with agenda. Motion referring to Public Projects Committee for study and report needed. Estimated cost $40,000. Funds budgeted in Special Fund for Capital Outlays Reserve)

ACTION: By motion recommendation that architect be hired to design clubhouse referred to Public Projects Committee for study and report. (C/Mgr to handle)

REPORTS

26. Report on proposed cooperative program to curb water waste and minimize the mosquito problem in the urban area.
(East Side Mosquito Abatement District has asked for the cooperation of Del Este Water Company and the City of Modesto in a concerted effort to curb water waste, thereby eliminating the breeding grounds of mosquitoes. Memo with agenda. Motion accepting report needed)

ACTION: By motion (Simon/Smith, unan.) report accepted. (P/W to handle)

27. Report on status of railroad crossings.
(City staff periodically inspects and inventories the condition of all railroad crossings in the City. Memo and inventory with agenda provide current status of these crossings. Motion accepting report needed)

ACTION: By motion (Smith/Simon, unan.) staff directed to write to railroad companies re needed crossing improvements with copies of letters to Public Utilities Commission. (Clerk to handle)

REPORTS FROM PLANNING COMMISSION

CONSENT

28. Set date for public hearing for annexation to the City of uninhabited territory. (McHenry-Sylvan Addition)
(Approved by LAFC on May 21, 1971. Resolution setting September 13 at 7:35 P.M. for public hearing needed)

ACTION: Res. 71-692 adopted setting hearing. (Clerk to handle)

MISCELLANEOUS

29. Legislation.

ACTION: By motion (Dixon/Elliott, unan.) AB1708 opposed. By motion (Simon/Dixon, unan.) portion of AB2622 requiring transcript of hearings opposed. A motion (Smith/Elliott) to oppose AB844 was tabled for one week by motion (Dixon/Newton, unan.) to permit staff to furnish Council with copies of the bill. (C/Mgr to handle)

30. Appointments.

ACTION: The Council retired to executive session to consider appointments at 5:45 P.M. and returned to open meeting at 5:55 P.M.

Res. 71-693 adopted (Simon/Newton, unan.) appointing Rob Roy Phillips as a member of the Board of Appeals, Dangerous Building Code and Housing Code to replace Steve Angelo for a term ending January 1, 1974. (Clerk to handle)

Adjournment at 5:55 P.M. to Hotel Covell, Mirror Room.

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

MINUTES OF ADJOURNED JOINT CITY COUNCIL AND PLANNING COMMISSION MEETING

July 19, 1971

The Modesto City Council and the Modesto City Planning Commission met jointly in adjourned regular session on Monday, July 19, 1971, in the Mirror Room of the Hotel Covell. The meeting was called to order at 6:42 p.m. by Mayor Lee Davies.

City Councilmen present:	Mayor Lee Davies, James Dixon, Clyde Dunlap, Robert Elliott, Phillip Newton, Ray Simon, Dale Smith
Councilmen absent:	None
Commissioners present:	Merrill Alexander, John Griffin, Kenneth Marple, Frank Muratore, Bill Nicholson, David Ryan
Commissioners absent:	John Sutton (excused)
Also present:	John Keefe, Elwyn Johnson, William Nichols, Bill Kane (Bee); Chuck Mallory, President, and Max Hanney, member Modesto Board of Realtors; Mr. and Mrs. Armen Sarquis, Mrs. Jean Purvis

INVOCATION

Merrill Alexander opened the meeting with the invocation, followed by a round of introductions. After a break for the meal, the meeting continued.

Item I - Discussion of Letter to Council from Planning Commission, dated June 15, 1971, Subject - "Ultimate Growth Limits for the City of Modesto"

The Mayor indicated that this letter from the Planning Commission was the basis for the joint meeting. He noted that in his State of the City Address this year, that while he encouraged economic development within the Modesto Urban Area that he still had concerns about the ecological and social environment of the community. He was a bit concerned with the letter because he did not feel it appropriate that the City draw hard and fast lines as a limit for urban growth. Frank Muratore indicated that the Commission was mainly concerned with quality control of growth rather than an ultimate limit.

David Ryan outlined his reaction to the land use workshop at County Center No. 3 in May and highlighted the farmer's plight of whether to sell out for urban development or whether to continue farming and make long term investments in improvements such as irrigation systems. He pointed out that the farmer, developer, and City resident all need guidelines for how far the City intends to grow. Kenneth Marple continued that the City should be concerned about our prime agricultural land being used for urban development. He suggested that we need more concentration of urban development versus low-density sprawl, that other Cities have set limits, and as a consequence, some of the older sections of communities have been redeveloped. It was his opinion that if the City set limits for growth now, everyone involved in the urban development would more carefully analyze the land resources that exists, in particular parcels that are not used or are under utilized within the urban area.

Merrill Alexander suggested that the City conserve agricultural land and better utilize lands within the City limits. He stated that if the City doubles its size by 1985 the City will definitely need some guidelines for growth and more open space. He reflected disappointment at the denial of the Wolverine Development on Orangeburg Avenue that incorporated open space. He outlined the following suggested actions for Commission and Council.

1. That the staff inventory the amount of land committed to industrial uses, commercial uses and housing, and make projections of need into the future.

2. That the Planning Commission set up two subcommittees - one dealing with the economics of planning; the other dealing with spiritual outreach.

3. That City and County coordinate to project urban growth needs and the amount of agricultural land necessary to sustain our economic base. Once this has been determined, to protect agricultural lands by agricultural rezoning.

Bill Nicholson noted that San Jose in 1962 set limits for urban growth and by 1966, developed far beyond these limits. He indicated that our growth situation is not as explosive as San Jose, but that Modesto will have some of the same problems. He did not think it was feasible to draw a line to control growth, that a more appropriate means would be to provide city incentives for compact growth, such as setting sanitary sewer limits. Based on the Williamson Act he noted a tax shift from agricultural lands to the City residents. There was a question in his mind as to what extent land should be kept agricultural as a consequence.

Armen Sarquis believed that the Land Use Planning Workshop at County Center No. 3 produced a good cross-section of the community on each panel. Even with this diversity he noted a general concensus that urban development should proceed in an orderly manner, that leapfrog subdivision should be ended as well as strip commercial development, that urban growth limits tentatively be set today and reanalyzed on a periodic basis, say five years, to see if they are still realistic in light of urban growth needs.

Chuck Mallory of the Board of Realtors indicated that exclusive agricultural zoning may be a threat to City growth, that the County Planning Commission places 100,000 to 200,000 acres under exclusive agricultural zoning every 3 months. He noted that if the City were to draw a line to contain urban growth, that the lands within that line may increase in value because of supply and demand and development might be detered as a result. He appreciated concerns to keep agricultural lands in production but noted that many of the farmers want the option of selling out for urban development because they cannot make an adequate return on their agricultural crops. He realized that the community has to look at future agricultural needs as well as today's problems of oversupply of peaches. He offered the Board of Realtor's services to serve on any planning committes.

Ray Simon did not feel it was appropriate to draw a line on urban growth, noting that it is highly impractical. He said that the City cannot remain static; that if a line is drawn, land values may sky-rocket within the City limits. He believed that the Local Agency Formation Commission, which determines the reasonableness of annexations to cities, should be the agency involved in this discussion. While limiting urban growth to a reasonable size without leapfrog development was an admirable goal, he suggested that a better way of meeting the objective would be through a thoughtful process that encourages growth within the city limits. Finally, he explained to the Commission that in regard to multiple-family and other rezonings before the Council, that are supported by the Commission, that the rezoning need be thoroughly stated by the developer in their application and substantiated by staff recommendation and Commission action.

Max Hanney noted that the farmers are not very interested in zoning control, but that the general concern for urban containment was a reasonable one. He supported the suggestion by Merrill Alexander that planning decisions be weighed in economics terms in addition to the usual criteria.

James Dixon said that drawing a line on urban growth was not practical but a periodic reassessment of the direction in which the community was growing was quite valid. He believed that the City should project future growth in desirable patterns. He said he was concerned about agricultural zoning and reviewed a Bee article noting that 71,000 acres of County land was proposed for exclusive agricultural zoning at the August, 1971, County Planning Commission rezoning hearings. He said that the County is ignoring the economic impact of these actions and that one-third of the agricultural

lands are presently under open space contracts. He believes that agricultural preservation in the remote Del Puerto Canyon area is more a tax dodge than an agricultural preservation. He suggested City-County cooperation to overcome these problems associated with the open space program.

Councilman Dale Smith was of the opinion that if the City does not control growth, it will defeat many of our goals of community environment as a result. He suggested an economic study of the urban area to determine what business brings in money from outside versus service industry that depends upon money already in the community. He suggested that a study similar to one prepared for Ventura County by Dr. Wood of the University of California would be helpful.

Councilman Newton said that the community's chance for drawing a line on urban growth should have been made quite some time ago and now that the city has grown as large as it has that we cannot stop growth. He indicated that he was not convinced that concentrating housing and other urban development was the answer for it also might concentrate urban problems.

Councilman Dunlap noted that the containment of urban growth was as much a County issue as City issue.

Armen Sarquis said that he could obtain copies of Ventura County study for distribution to the Council and Commission. He also noted that the Land Use Workshop Committee included U.C. Davis Environmental Study Professor, Dr. Tom Dickerson. Dr. Dickerson could work with the City and the County to produce an economic study, similar to the one in Ventura County, using graduate students, at no cost to the community. The Project Greater Modesto and/or SAAG Citizen Committees could be contacted also. Councilman Dixon indicated that unless the County Planning Commission and County Board of Supervisors were with the City on this project that we might be wasting our time.

William Nichols suggested that there is another side to the open space preservation issue which is not being expressed. He noted that the cost of premature development such as Boise-Cascade Rancheros in the foothills could cost the County residents tax dollars also. He indicated that a study of costs of premature subdivision should be used to compare with the tax shift that is more readily determined.

Frank Muratore summed up that the Commission was basically concerned with the A-1 zoning between the City's existing and ultimate sewer service areas, and it is towards this issue that the Council and perhaps the County Board should work toward a solution.

The Mayor's reaction was that there was no simple solution to these problems, that a number of cities have tried to limit growth without great success, and that limitation of urban growth also implies limitation of industrial growth and that if the City were to adopt this position there would be anti-black and anti-poor overtones. He believed that there should be a balance between economic growth and environmental quality and that Frank Muratore had come the closest to the problem with his concerns regarding the A-1 zoning. He also added that the Project Greater Modesto Committee would probably be dealing with many of these philosophical questions that have been raised.

Dale Smith said that the California farmer should be defended as agricultural lands in this state are at higher values than many other agricultural producing states. He is not convinced that the lower taxes to the farmers are unreasonable, perhaps the shift should have taken place a long time ago. He also noted that if

California farmers were in a more competitive position nationally that California could export some of its products to bring outside money into the area and stimulate the economy.

The Mayor and Frank Muratore agreed that a redraft of the letter would be prepared for the Council with more emphasis on the A-1 zoning issue between the existing and ultimate sewer service areas.

Item II - Councilman Dunlap Proposal - Joint Commission/Council Field Trip

Councilman Dunlap outlined the progress of policies that were initiated by the Planning Commission outside of the pressures of zoning hearings. He believed it highly desirable that the Commission and Council look over some of their past policies and actions, good and bad, in terms of physical development within the urban area. He thought it would be a good educational process. At his request, Mr. Nichols outlined a potential morning bus tour with points of interest. Ray Simon had suggested that a Saturday morning be set aside for the trip since he was busy on other days. Councilman Dixon indicated a similar problem. The City staff (City Manager and Planning Director) were directed to set up a field trip on a Saturday morning in September after the vacation period is over.

Item III - Review of Planning Department Work Program to Determine if the Council has Other Priorities for Planning Commission and Staff Work

William Nichols briefly outlined the work program to determine whether there were any priorities that should be changed on the work program or projects that should be added. Councilman Dixon, the Mayor and Commissioner Ryan all suggested that a revised Tree Preservation Ordinance should be dropped to a lower priority. With no other suggestions, the Mayor recommended that the Councilmen review this work program and that if any suggestions are to be made that they be made to the City Manager or Director of Planning.

Item IV - Other Subjects

Mr. Nichols handed out a listing entitled, "Rental Housing Vacancy Rates, April 1970-June 1971", dated July 1971. He noted that this 3-page staff report was in direct response to concerns primarily raised by Councilman Simon that developers may be overbuilding apartments in the Modesto urban area. Mr. Nichols noted that some areas with higher percentages of vacancies were those areas where multiple-family units are under construction. He also theorized that because a survey is taken at a certain time that many of these new units were vacant because they were not as yet open for occupancy. He indicated that the overall vacancy rate of 8% under these circumstances should not be cause for alarm, particularly when older areas with units that have been rented for some time, have a very low vacancy rate.

There being no other business, the Mayor adjourned the meeting at 9:37 p.m.

William S. Nichols

William S. Nichols, Secretary
Planning Commission, and Acting
City Clerk

MINUTES AND ACTION AGENDA

CITY OF MODESTO
AGENDA FOR COUNCIL MEETING OF MONDAY, JULY 26, 1971 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: Rev. Warren Duncan, Memorial Baptist Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2, 3, 4, 5, 6, 7, 8, 9, 15, 17, 19, 20, 21, 23, 24, 25, 26, 27, 28, 29, 31, 32
Elliott/Smith, unan.

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

APPROVAL OF MINUTES

CONSENT
1. Minutes of July 15 (adjourned regular meeting) and July 19, 1971 (regular meeting)

ACTION: By motion minutes approved.

CONSENT
2. Claim of Universal By-Products, Inc. in the amount of $110,000 for losses allegedly sustained in connection with bids for collection of garbage.
(Resolution rejecting claim needed)

ACTION: Res. 71-694 adopted rejecting claim. (Clerk to handle)

CONSENT
3. Request of Stanislaus Area Association of Governments for payment of $11,104.45 budget for 1971-72.
(Motion approving payment needed)

ACTION: By motion payment approved. (Finance to handle)

CONSENT
4. Applications for license to collect garbage.

(a) Airport Garbage Service
(b) Rudy Bonzi, Inc. (limited license)
(c) Modesto Garbage Co., Inc.
(d) Orange Line Sanitation Co.
(e) Sanders Garbage Co.
(Motion referring to City Manager for report on August 9, 1971 needed)

ACTION: Res. 71-695 adopted setting August 9, 1971 at 7:40 P.M. as time for report of City Manager and for public hearing on above applications. (C/Mgr to handle)

BIDS

CONSENT

5. Approve plans and specifications and call for bids for construction of tiedown overlay at Modesto City-County Airport.
(The overlay is needed to improve the condition of tiedown area. Resolution needed. Bid opening August 10, 1971 at 10:00 A.M. Estimated cost $20,000 ($19,500 Labor & Materials - $500, Engineer). Funds budgeted in Account 6507-306, Tiedown Overlay and 5303-46-230, Taxiway & Runup Pad Modification)

ACTION: Res. 71-696 adopted approving plans and specifications and bid call. (Clerk to handle)

CONSENT

6. Consider award of bid for the improvement of College Avenue from Coldwell Avenue to Orangeburg Avenue.
(Bids were opened July 20th. The low bid submitted by Shield Construction company, which is 6.2% below the Engineer's Estimate is considered acceptable. It is recommended by the Public Works Department that the bid be awarded to low bidder. Construction of concrete driveway approaches was inadvertently left off the bid proposal. There will be a change order for the work in the amount of $684.00. Resolution awarding bid needed. Total cost $85,956.06. Contract, $77,052.05, Engr., $8,220; Proposed change order, $684. Funds budgeted in Account 6645-207, College-Coldwell to Orangeburg)

ACTION: Res. 71-697 adopted awarding contract to Shield Construction Co. (P/W to handle)

CONSENT

7. Call for bids for the construction of traffic signals and street lighting at Coffee and Rumble.
(Scheduled completion date is January 14, 1972. Resolution calling for bids on August 31, 1971 at 2:00 P.M. needed. Estimated cost $14,000. Funds budgeted in Account 6141-56-321, Traffic signal construction, Coffee and Rumble)

ACTION: Res. 71-698 adopted approving plans and specifications and bid call. (P & T to handle)

CONSENT

8. Consider award of bid for installation of water lines in Wyldewood Estates No. 1 and Kruger Drive.
(Bids were opened July 20, 1971. The low bid submitted by Valley Construction, 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 $5,556.25 (Ext. $4,411.25; Serv. $1,145.00). Funds budgeted in Account 6804-50-101, Water Line Extensions and 5301-50-101, New Services)

ACTION: Res. 71-699 adopted awarding contract to Valley Construction Co. (P/W to handle)

CONSENT

9. Erosion control, Moose Park.
(Memo with agenda. Resolution authorizing change order in contract with Albert M. Biehl. Estimated cost $1,080. Funds budgeted in Account 6321-31-321, Moose Park Development, Stage II)

ACTION: Res. 71-700 adopted approving change order to provide for erosion control. (P & R to handle)

HEARINGS

10. Hearing, annexation of East Orangeburg No. 4 Addition to Modesto Municipal Sewer District No. 1. 7:35 P.M.

ACTION: Res. 71-701 adopted (Simon/Elliott, unan.) annexing E. Orangeburg No. 4 Addition to Modesto Municipal Sewer District No. 1. (Clerk to handle)

11. Hearing, abandonment of Professional Court. 7:40 P.M.

ACTION: Res. 1195-S.P. adopted (Newton/Simon, unan.) vacating and abandoning Professional Court. (Clerk to handle)

12. Hearing, abandonment of 20-foot alley in Block 1308 (Strathmore) 7:45 P.M.

ACTION: (Hearing closed)

By motion (Simon/Dixon, unan.) referred back to P/C for further study and report. (Planning to handle)

13. Hearing, closure to through traffic of alley in Block 1304 (Scenic Vista Estates) 7:45 P.M.

ACTION: (Hearing closed)

By motion (Smith/Dixon, unan.) referred back to P/C for further study and report. (Planning to handle)

14. Matters for the good of the community. 7:50 P.M.

ACTION: Oscar Poore stated that reduced rates granted to resident senior golfers should be available to senior golfers who do not live within the City. By motion (Smith/Dixon, unan.) this request was referred to staff for report. (P & R to handle)

James Clarke spoke on the lack of respect for law and order and the large amount of vandalism which is occurring. It was pointed out that many law-breakers are apprehended by the police only to be set free by the Courts.

Bob Schmidt, member of the Farm/City Advisory Committee was introduced.

ORDINANCES

CONSENT

15. Final adoption of following ordinances.
(Motion adopting needed)

(a) Ord. No. 1128-C.S. - taxi rates.

(b) Ord. No. 1129-C.S. - license taxes, penalties and costs refunds.

(c) Ord. No. 1130-C.S. - Council organization and procedure.

(d) Ord. No. 1132-C.S. - speed limits.

ACTION: By motion Ord. Nos. 1128-C.S., 1129-C.S., 1130-C.S. and 1132-C.S. adopted. (Clerk to handle)

OLD BUSINESS

16. Further consideration of bike route on Tully Road between Coldwell and Standiford.
(Report with agenda. Because of conflicting needs, a hearing is suggested so that all viewpoints will be expressed and alternatives considered. Motion setting hearing needed)

ACTION: By motion (Smith/Dixon, unan.) August 9, 1971 at 7:45 P.M. set for informal hearing on request and on a cycling network. (Clerk to handle)

NEW BUSINESS

CONSENT

17. Consider approval of lease agreement at the City-County Airport with C.N. Forsyth dba Red Top Taxi.
(Effective date of agreement is August 1, 1971. The term is one year, renewable from year to year unless terminated by either party by written notice at least 60 days prior to the renewal date. Rental is $100 per year payable in advance on the 1st day of August. Resolution approving agreement and authorizing City Manager to execute on behalf of City needed)

ACTION: Res. 71-702 adopted approving agreement. (Clerk to handle)

18. Request by Monroe Taylor for increase in contract.
(Memo with agenda. Resolution approving amendment to agreement; resolution approving appropriation transfer needed. Estimated cost $540)

ACTION: Res. 71-703 adopted (Simon/Elliott, unan.) approving amendment to agreement to provide for a 6.3% increase.

Res. 71-704 adopted (Simon/Elliott, unan.) approving appropriation transfer of $540 from Account 60-101 to Account 235-30-101. (Finance to handle)

By motion (Simon/Elliott, unan.) staff directed to study position of Coordinator of Social Services and report to Council in one month. (Personnel to handle)

CONSENT

19. Consider creation of new classes in city service.
(Memo of explanation, job specifications, and alphabetical list attached. Resolution amending classification plan and resolution amending Section 2 of salary resolution (No. 71-632) needed)

ACTION: Res. 71-705 adopted amending classification plan.
Res. 71-706 adopted amending Sec. 2 of Res. No. 71-632 (salary)
(Personnel to handle)

CONSENT

20. A resolution approving final map of Coffee Terrace No. 3 Subdivision of the City of Modesto and authorizing an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code. (The subdivision agreement has been signed and all fees paid. Coffee Terrace No.3 Subdivision is located between Floyd Avenue and Rumble Road east of Keller Street. It contains 28.31 acres. Resolution approving final map and authorizing execution of agreement by City needed).

ACTION: Res. 71-707 adopted approving final map of Coffee Terrace No. 3. (Clerk to handle)

CONSENT

21. Consider requests for sewer service to properties outside the City, as listed below.
(The property owners have signed agreements to annex when requested to do so by the City. Sewer lines already exist to serve the properties. 3 Resolutions approving agreements needed)

(a) 1221 Garden Avenue - Albin E. and Selma E. Cole.

ACTION: Res/ 71-708 adopted approving agreement. (P/W to handle)

(b) 3120 Scenic Drive - Thomas Zoslocki.

ACTION: Res. 71-709 adopted approving agreement. (P/W to handle)

(c) 513 Brighton Avenue - Harry M. and Goldie H. Allen.

ACTION: Res. 71-710 adopted approving agreement. (P/W to handle)

22. Request of Councilman Dixon for discussion of sidewalks within a two-block radius of schools.

ACTION: By motion (Dixon/Smith, unan.) staff directed to prepare report on status of the sidewalk program for presentation to the Council in two weeks with the provision that staff may ask Council for an additional week if it is needed. (P/W to handle)

REPORTS

CONSENT

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

ACTION: By motion report accepted.

REPORTS FROM THE PLANNING COMMISSION

CONSENT

24. Uninhabited annexation to the City of Modesto - Montclair No. 3 Addition.
(The LAFC Commission has authorized this annexation without notice or public hearing - June 28, 1971. Resolution approving annexation needed)

ACTION: Res. 71-711 adopted annexing Montclair No. 3 Addition to City. (Clerk to handle)

CONSENT

25. Uninhabited annexation to the City of Modesto - Claremont #2 Addition.
(The LAFC Commission has authorized this annexation without notice or public hearing - June 28, 1971. Resolution approving annexation needed)

ACTION: Res. 71-712 adopted annexing Claremont No. 2 to City. (Clerk to handle)

CONSENT

26. Recommend amendment to Section 16-3-9 of the zoning map (George P. Baba)
(By Resolution No. 71-94 adopted July 20, 1971 the Planning Commission recommends an amendment to Section 16-3-9 of the zoning map as requested by George P. Baba to rezone from Multiple-family Residential Zone, R-3, to Professional Office Zone, P-O, property located on the west side of Coffee Road north and south of David Court. Resolution setting August 16, 1971 at 4:05 P.M. for public hearing needed)

ACTION: Res. 71-713 adopted setting hearing. (Clerk to handle)

CONSENT

27. Recommend amendment to Section 16-3-9 of the zoning map (Fellowship Homes Inc.)
(By Resolution No. 71-90 adopted July 20, 1971 the Planning Commission recommends an amendment to Section 16-3-9 of the zoning map as requested by Fellowship Homes Inc. to rezone from One-family Residential Zone, R-1, to Planned Development Zone, P-D, to allow expansion of a retirement center - convalescent care complex on property located on the south side of Norwegian Avenue, approximately 600 feet west of Sunrise Avenue. Resolution setting August 16, 1971 at 4:10 P.M. for public hearing needed)

ACTION: Res. 71-714 adopted setting hearing. (Clerk to handle)

CONSENT

28. Recommend amendment to Section 16-3-9 of the zoning map (A. G. Spanos)
(By Resolution No. 71-93 adopted July 20, 1971 the Planning Commission recommends an amendment to Section 16-3-9 of the zoning map as requested by A. G. Spanos to rezone from One-family Residential Zone, R-1, to Professional Office Zone, P-O, property located at the southwest corner of Coffee Road and Norwegian Avenue. Resolution setting August 16, 1971 at 4:15 P.M. for public hearing needed)

ACTION: Res. 71-715 adopted setting hearing. (Clerk to handle)

CONSENT

29. Recommend amendment to Section 9-3-9 of the zoning map (Hawaii and San Francisco Investment Company - Sylvan Avenue)
(By Resolution No. 71-91 adopted July 20, 1971 the Planning Commission recommends an amendment to Section 9-3-9 of the zoning map as requested by Hawaii and San Francisco Investment Company to prezone Parcel 1 to Two-family Residential Zone, R-2, and Parcel 2 to Planned Development Zone, P-D, on property located on the north side of Sylvan Avenue approximately 250 feet east of McHenry Avenue. Resolution setting August 23, 1971 at 7:45 P.M. for public hearing needed)

ACTION: Res. 71-716 adopted setting hearing. (Clerk to handle)

30. Report and recommendation from Planning Commission regarding H-1 sign provisions pursuant to referral from the Council.
(This matter was referred to the Planning Commission by the City Council on May 24, 1971. The Commission's report and recommendations are included in a memorandum to the Council. Staff recommends that this be set for informal hearing on August 9 at 7:35 P.M. Resolution needed)

ACTION: Res. 71-717 adopted (Simon/Dunlap, unan.) setting August 9, 1971 at 8:30 P.M. as time for informal hearing. (Clerk to handle)

APPROPRIATION TRANSFERS

CONSENT

31. Appropriation transfers for additional projects previously approved in the 1971-72 Capital Improvement Program but not budgeted in the annual budget.
(Memo with agenda. Resolution approving transfers needed)

ACTION: Res. 71-718 adopted approving appropriation transfer of $126,000 from Account 60-207 to Account 6648-207.

Res. 71-719 adopted approving appropriation transfer of $182,000 from Account 60-212 to Account 6561 ($150,000) and Account 6578 ($32,000) of Fund 212.

Res. 71-720 adopted approving appropriation transfer of $301,000 from Account 60-321 to Account 6002 ($26,000), Account 6130 ($60,000), Account 6290 ($80,000), Account 6315 ($80,000), Account 6402 ($40,000) and Account 6517 ($15,000) of Fund 321. (Finance to handle)

CONSENT

32. Appropriation transfer for funds to disc old ponding area and landfill site east and west of Carpenter Road. (Resolution approving appropriation transfer of $890 from General Fund, General Reserve (60-101) to Account 235-35-101, Services, Prof. & Other, Parks Division)

ACTION: Res. 71-721 adopted approving appropriation transfer of $890 from Account 60-101 to Account 235-35-101. (Finance to handle)

MISCELLANEOUS

33. Legislation

(a) Vote on motion (Smith/Elliott) to oppose AB 844)

ACTION: As the copies of AB 844 have not been received, no action was taken.

34. Appointments.

None

Adjournment at 8:50 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 2, 1971 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: Mr. James Hand, representative of Gideon's from Memorial Baptist Church

CONSENT ITEMS: Roll Call Vote Required: Items 1, ~~2~~, 3, 4, 5, 6, 8, 9, 10, 11, 12, ~~13~~, 14, 15, 16, 17, 19, 20, 21, ~~22~~, 23
Items 2, 13, and 22 removed from consent
Dixon/Newton, unan.

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

APPROVAL OF MINUTES

CONSENT
1. Minutes of July 19, 1971 (adjourned meeting with Planning Commission) and July 26, 1971.

ACTION: By motion minutes approved.

WRITTEN COMMUNICATIONS

~~CONSENT~~
2. Invitation from Head Rest to Open House on Wednesday evenings from 7:30 P.M. to 10:00 P.M.
(Motion ordering filed needed)

ACTION: By motion (Smith/Dunlap, unan.) invitation ordered filed. (Clerk to handle)

CONSENT
3. Request of A. G. Spanos that City deed the abandoned Professional Court to him.
(Letters and memo with agenda. Resolution approving execution of deed needed)

ACTION: Res. 71-722 adopted approving execution of deed to A. G. Spanos. (Clerk to handle)

BIDS

CONSENT
4. Consider approval of plans and specifications and call for bids for installation of water lines in Coffee Terrace No. 3 subdivision. (Suggested bid opening August 17, 1971, 10:00 A.M. Costs and revenues: Construction cost, $34,478; connection charges $17,250; net annual revenue, $2,208. Resolution needed. Estimated cost $34,478 (Material $21,440; labor, $13,038. Funds budgeted in Account 6804-50-101, Water Line Extension)

ACTION: Res. 71-723 adopted approving plans and specifications and bid call. (Clerk to handle)

CONSENT

5. Resolution approving plans and specifications and call for bids for landscaping Modesto-Stanislaus Library.
(Bids to be opened at 2:00 P.M. Monday, August 16, 1971. Resolution needed. Estimated cost $21,000 plus architectural fees)

ACTION: Res. 71-724 adopted approving plans and specifications and bid call. (Clerk to handle).

CONSENT

6. Accept as complete the construction of traffic signals and street lighting at Briggsmore and Carver - $7,845.00)
(Work satisfactorily completed. Resolution accepting construction needed. Funds budgeted in Account 6197-56-321, Construction of traffic signals and street lighting Briggsmore and Carver)

ACTION: Res. 71-725 adopted accepting contract with Ferrero Electric, Inc. (Clerk to handle)

7. Matters for the good of the community. 4:05 P.M.
(These may be presented by interested people in the audience)

ACTION: Mrs. Amaral, representing the Association for Brain-Injured children, urged support for a breakfast scheduled for August 15 to assist the Association. She reported that this breakfast had been proposed by Councilman Dixon and Supervisor Thurman.
Maria Lopez and David Perez, Work Experience Program participants, were introduced.

ORDINANCES

CONSENT

8. Final adoption of the following ordinances:

(a) Ordinance No. 1124-C.S. - amendment to Section 26-3-9 of the zoning map (Brannan)

ACTION: By motion Ord. No. 1124-C.S. adopted. (Clerk to handle)

(b) Ordinance No. 1125-C.S. - amendment to Section 30-3-9 of the zoning map (Loveless)

ACTION: By motion Ord. No. 1125-C.S. adopted. (Clerk to handle)

(c) Ordinance No. 1126-C.S. - amendment to Section 22-3-9 of the zoning map (Central Cal)

ACTION: By motion Ord. No. 1126-C.S. adopted. (Clerk to handle)

(d) Ordinance No. 1127-C.S.- amendment to Section 5-4-9 of the zoning map (Mutual Ownership)

ACTION: By motion Ord. No. 1127-C.S. adopted. (Clerk to handle)

CONSENT

9. An ordinance amending Section 5-6.01, 5-6.02, 5-6.04, 5-6.05, 5-6.07, 5-6.10, and 5-6.16 of Chapter 6 of Title 5 of the Modesto Municipal Code relating to sewage collection.
(Memo with agenda. Introduction of ordinance needed)

ACTION: Ord. No. 1133-C.S. introduced. (Clerk to handle)

NEW BUSINESS

CONSENT

10. Resolution approving certificate of City Treasurer and authorizing facsimile signature and seal on bonds and facsimile signature on coupons - Improvement District No. 16 (M16-35)
(Street lighting in four separate areas of City. Resolution needed)

ACTION: Res. 1196-S.P. adopted approving certificate and authorizing facsimile signature and seal. (Finance to handle)

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 notce. Resolutions setting 4:20 P.M., August 16, 1971 for hearings needed)

(a) Curb, gutter and sidewalk on Grape Ave. at 1722 Evergreen Avenue, Lot 16 of Block 6108 (Mr. Grady L. Tunnell)

ACTION: Res. 71-726 adopted setting hearing. (P/W to handle)

(b) Sidewalk at 805 Magnolia Ave., North 55' of Lot 36 of Block 709 (Miss M. D. Vaughn)

ACTION: Res. 71-727 adopted setting hearing. (P/W to handle)

CONSENT

12. Report of Superintendent of Streets on the cost of installation of curbs and gutter and/or sidewalks at the locations listed below. (Resolutions setting 4:25 P.M. August 16, 1971 for hearing needed. Contract costs listed below with properties. Funds budgeted in Account 5302-51-101, Curbs and gutters, special)

(a) Curb, gutter and sidewalk at 527 Milo Street, portion of Block 1012 (Mr. Stanley R. Person - $310.00)

ACTION: Res. 71-728 adopted setting hearing. (P/W to handle)

(b) Curb, gutter and sidewalk at 1218 Lucern Ave., portion of Block 1012. (Mr. Cecil R. Wethern - $310.00)

ACTION: Res. 71-729 adopted setting hearing. (P/W to handle)

12. (c) Sidewalk on Pearl Street at 1452 College Ave., Lot 17 of Block 6070 (Mrs. Margaret H. Lind - $118.00)

ACTION: Res. 71-730 adopted setting hearing. (P/W to handle)

(d) Sidewalk on Pearl Street and Ardmor Avenue at 1506 Ardmor Avenue, Lot 11 and South 1/2 of Lot 12 of Block 6122. (Mr. Wei Hsuan - $418.00)

ACTION: Res. 71-731 adopted setting hearing. (P/W to handle)

(e) Curb and gutter on Semple Street at 229 Downey Ave., Lot 9 of Block 569 (Mr. Cyril L. Wooten - $378.50)

ACTION: Res. 71-732 adopted setting hearing. (P/W to handle)

(f) Curb and gutter on Del Vale Ave. at 1424 Del Vale Avenue, south 100 feet of Lot 1 of Block 6080. (Mr. Virgil R. Daniel - $332.10)

ACTION: Res. 71-733 adopted setting hearing. (P/W to handle)

(g) Curb and gutter on Del Vale Ave. at 1444 Del Vale Ave., Lot 28 of Block 6080. (Mrs. Bonnie Ringer - $363.70)

ACTION: Res. 71-734 adopted setting hearing. (P/W to handle)

(h) Curb and gutter on Covena Ave. at 1421 Haddon Ave., Lot 12, 13 and S. 10' of 11 of Block 2089. (Mrs. Darlene M. Beard - $457.10)

ACTION: Res. 71-735 adopted setting hearing. (P/W to handle)

CONSENT

13. Consider approval of lease agreement between City and Darold Jolliff covering fuel concession, hangar and office space and aircraft tie down space.
(Memo with agenda. Resolution approving lease agreement needed)

ACTION: Res. 71-736 adopted (Dixon/Dunlap, unan.) approving lease agreement. (Clerk to handle)

CONSENT

14. Accept improvements in Rose Terrace No. 3 Subdivision and authorize City Clerk to file notice of completion and release bonds upon expiration of statutory periods.
(Rose Terrace No. 3 Subdivision is located west of Oakdale Road and north of Celeste Drive. All improvements have been completed to the satisfaction of the Public Works Department and all fees have been paid. Resolution accepting improvements and authorizing City Clerk to file notice of completion and release of bonds upon expiration of statutory periods needed)

ACTION: Res. 71-737 adopted accepting improvements in Rose Terrace No. 3 Subdivision. (Clerk to handle)

CONSENT

15. Accept improvements in Greenbrier #4 Subdivision and authorize City Clerk to file notice of completion and release bonds upon expiration of statutory periods.
(Greenbrier #4 Subdivision is located south of Briggsmore and east of Rose Avenue. All improvements have been completed to the satisfaction of the Public Works Department and all fees paid. Resolution accepting improvements and authorizing City Clerk to file notice of completion and release of bonds upon expiration of statutory periods needed)

ACTION: Res. 71-738 adopted accepting improvements in Greenbrier No. 4 Subdivision. (Clerk to handle)

CONSENT

16. Accept improvements in Northgate No. 7 subdivision and authorize City Clerk to file notice of completion and release bonds upon expiration of statutory periods.
(Northgate No. 7 Subdivision is located east of Tidewater Southern Railroad tracks at Rumble Road. All improvements have been completed to the satisfaction of the Public Works Department and all fees paid. Resolution accepting improvements and authorizing City Clerk to file notice of completion and release bonds upon expiration of statutory periods needed)

ACTION: Res. 71-739 adopted accepting improvements in Northgate No. 7 Subdivision. (Clerk to handle)

CONSENT

17. Consider requests for sewer service to properties outside the City, as listed below.
(The property owners have signed agreements to annex when requested to do so by the City. Sewer lines either exist or are being constructed by the property owners. Resolutions approving agreements needed)

(a) 300 Crater Avenue - Charles C. and Lillie Pasco;

ACTION: Res. 71-740 adopted approving agreement. (P/W to handle)

(b) 1318 Garden Avenue - Glenn M. and Laura L. Bloomer;

ACTION: Res. 71-741 adopted approving agreement. (P/W to handle)

(c) 2467 Standiford Avenue - Joe and Helen Trombetta.

ACTION: Res. 71-742 adopted approving agreement. (P/W to handle)

18. Request for authority to send Gary Morse to San Diego to appear before the C.C.C.J. Task Force on Narcotics to try to obtain approval of Head Rest's application for federal funds.
(The meeting will be held August 4, 1971. Motion approving request needed. Estimated cost $75. Funds budgeted in Account 428-65-101, Miscellaneous Expense, p. 117)

ACTION: By motion (Simon/Dixon, unan.) appearance of Gary Morse and Lamar Bartholomew approved at an estimated cost of $150.00. (C/Mgr to handle)

CONSENT

19. A resolution approving final map of Coffee Plaza No. 4 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 east side of Coffee Road north of Floyd Avenue. Resolution approving final map and authorizing execution of agreement by City needed)

ACTION: Res. 71-743 adopted approving final map of Coffee Plaza No. 4 Subdivision. (Clerk to handle)

CONSENT

20. A resolution approving final map of Northgate No. 8 Subdivision of the City of Modesto and authorizing 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 east of TWSRR at Rumble Road. It contains 18.232 acres. Resolution approving final map and authorizing execution of agreement by City needed)

ACTION: Res. 71-744 adopted approving final map of Northgate No. 8 Subdivision. (Clerk to handle)

CONSENT

21. Request from Modesto Fire Fighters Association to use basement of Fire Station #1, for Muscular Dystrophy Association's national telethon.
(Memo with agenda. Motion approving request needed)

ACTION: By motion request approved. (Fire to handle)

CONSENT

22. Consider changing insurance carrier for the Modesto City-County Airport liability policy, resulting in premium savings.
(Resolution cancelling present policy and resolution authorizing new policy needed)

ACTION: Res. 71-745 adopted (Simon/Smith, unan.) cancelling present policy with United States Aviation Underwriters.

Res. 71-746 adopted (Simon/Smith, unan.) authorizing new policy with American Aviation Underwriters.

By motion (Simon/Smith, unan.) staff directed to obtain figures on additional coverage. (Finance to handle)

APPROPRIATION TRANSFERS

CONSENT

23. Consider appropriation transfer of $600 from General Reserve to Account 235-53-101, Services, Professional and Other, Water Quality Control.
(The City is required to maintain peripheral drainage ditch around remote pond site. In the past few months a prolific crop of cattails has developed in a 2500 foot stretch and is restricting flow. Funds are needed to have these removed. (Resolution approving transfer needed. Estimated cost $600)

ACTION: Res. 71-747 adopted approving appropriation transfer of $600 from Account 60-101 to Account 235-53-101. (Finance to handle)

MISCELLANEOUS

24. **Legislation.**

ACTION: A motion (Smith/Elliott) to oppose AB 844 which had been tabled 2 weeks ago failed as Councilmen Dixon, Dunlap, Newton and Simon voted no.

A motion (Dunlap/Elliott) to give AB 844 further consideration on August 9 carried.

25. Appointments.
None

26. **Matters too late for the Agenda.**

ACTION: Councilman Dixon requested that someone replace him on the Public Projects Committee for the meeting scheduled for August 4. The Mayor appointed Councilman Elliott as his replacement for this meeting.

Adjournment at 4:55 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 9, 1971 AT 7:30 P.M.

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

Absent: Elliott, Newton

Pledge of allegiance to the Flag
Invocation: Rev. Royal Friezen, First Baptist Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2, 3, 4, 6, 7, 8, 9, 10, ~~16~~, 19, 21, 22, 23, 24, ~~25~~, 29, 30
Item 16 and 25 removed from consent
Simon/Smith, unan. - Elliott 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)

APPROVAL OF MINUTES

CONSENT
1. Minutes of August 2, 1971.

ACTION: By motion minutes approved.

WRITTEN COMMUNICATIONS

CONSENT
2. Letter from Seventh-Day Adventist Church stating that they cannot proceed with abandonment of alley in Block 127 at this time. (Resolution denying request for abandonment needed, canceling agreement and authorizing release of security)

ACTION: Res. 1197-S.P. adopted denying request for abandonment, canceling agreement and authorizing release of security. (Clerk to handle)

CONSENT
3. Appeal by Golden Sign Co. from denial by Board of Zoning Adjustment of application for a second free-standing sign on property owned by Alfred Matthews at 725 McHenry.
(Resolution setting August 23, 1971 at 7:50 P.M. for hearing needed)

ACTION: Res. 71-748 adopted setting hearing. (Clerk to handle)

CONSENT
4. Request of Downtown Improvement District for use of parking lot on east side of 10th between J & K on August 18 from 9:00 A.M. to 10:00 P.M. in connection with Fall Moonlight Sale.
(Motion granting request needed)

ACTION: By motion request granted. (P & T to handle)

5. Request of Cablevision for permission to cablecast council meetings live over Channel 8.

ACTION: A motion (Dunlap/Dixon) to grant permission was amended by motion (Simon/Smith, unan.) to provide for a 30-day trial period. The motion as amended then carried by unanimous vote. (C/Mgr to handle)

CONSENT

6. Request that Curtis Church be authorized to attend a meeting of the League Committee of the Future to be held in San Jose on August 25.
(Estimated cost $25.00. Funds budgeted in Account 208-65. Motion approving needed)

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

CONSENT

7. Request of Modesto Bowl to install a bicycle rack in front of building at 1120 - 13th Street.
(Resolution setting August 16 at 4:30 P.M. for hearing needed)

ACTION: Res. 71-749 adopted setting hearing. (Clerk to handle)

BIDS

CONSENT

8. Consider award of bid for construction of fence and sidewalk on Briggsmore Avenue, Block 6711.
(Bids were opened August 3, 1971. The low bid submitted by Lee A. Cain, which is 18% 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 $8,500 (contract $7,957.50; Engr. & Insp. $542.50). Funds budgeted in Account 6287-31-321, Briggsmore Beautification)

ACTION: Res. 71-750 adopted awarding contract to Lee A. Cain. (P/W to handle)

CONSENT

9. Consider award of bid for installation of water lines in Pleasant View Estates No. 2.
(Bids were opened on August 3, 1971. The low bid submitted by Valley Construction, which is 7% 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 needed. Estimated cost $3,370 (Ext. $2,290; Ser. $1,080). Funds budgeted in Account 6804-50-101, Water Line Extensions and 5301-50-101, New Services)

ACTION: Res. 71-751 adopted awarding contract to Valley Construction Co. (P/W to handle)

CONSENT

10. Accept as complete George F. Schuler's contract for the installation of water lines in Hagstrom Park No. 2, Brentwood Estates No. 3 and Carver Manor No. 1.
(Original contract amount $15,602.30. All work on this contract has been completed to the satisfaction of the Public Works Department. It would be in order to accept the work as complete and authorize City Clerk to file notice of completion. Estimated cost $18,577.63. Funds budgeted in Account Nos. 6804-50-101, Water Line Extension and 5301-50-101, Water Services. Memo with agenda. Resolution needed)

ACTION: Res. 71-752 adopted accepting contract. (Clerk to handle)

HEARINGS

11. Hearings on five applications for garbage licenses. 7:40 P.M.

ACTION: A motion (Smith/Dixon) to introduce an ordinance relating to garbage collections and providing for collections only between 6:00 A.M. and 6:00 P.M. year round failed to carry. By motion (Simon/Dixon, unan. - Elliott and Newton, absent) Ord. 1134-C.S. introduced amending Municipal Code relating to hours of garbage collection and performance bonds to be required. (Clerk to handle)

Res. 71-753-757 inclusive adopted (Dixon/Simon, unan) granting license to collect garbage to all five. (Clerk to handle)

12. Informal hearing on request for bike route on Tully and on a cycling network. 7:45 P.M.

ACTION: By motion (Simon/Smith, maj. - Dixon, no) staff directed to study a proposal for a bike lane on Tully both with and without parking, and to report to Council in two weeks. (P & T to handle)

13. Matters for the good of the community. 8:00 P.M.
(These may be presented by interested people in the audience)

ACTION: Joe Hart, Chairman of the Farm/City Advisory Committee was introduced.

14. Report by Public Projects Committee on proposed ordinance re abatement of nonconforming signs.
(Memo with agenda) (This should be considered before the informal hearing on H-1 sign provisions)

ACTION: By motion (Dunlap/Smith, unan.) September 7, 1971 at 5:00 P.M. set for informal hearing on amortization of non-conforming signs. (Clerk to handle)

15. Informal hearing on H-1 sign provisions. 8:30 P.M.

ACTION: After all persons wishing to speak had done so, the hearing was closed.

By motion (Smith/Simon, unan.) the matter of H-1 zones and signs in H-1 zones referred to P/C for revaluation. (Planning to handle)

ORDINANCES

CONSENT

16. Final adoption of Ordinance No. 1133-C.S. - sewage collection. (Motion adopting needed)

ACTION: By motion (Smith/Simon, unan.) Ord. No. 1133-C.S. adopted. (Clerk to handle)

UNFINISHED BUSINESS

17. Consider increasing liability insurance coverage for the Modesto City-County Airport from $2,000,000 to $5,000,000. (Memo with agenda. Resolution approving additional coverage and resolution approving appropriation transfer needed. Estimated cost $4,750. $3,074 budgeted in Account 415-46-230, Public Liability Insurance)

ACTION: Res. 71-758 adopted (Dunlap/Smith, unan. - Elliott and Newton, absent) approving additional coverage.
Res. 71-759 adopted (Dunlap/Smith, unan. - Elliott and Newton, absent) approving appropriation transfer of $1,676 from Account 60-230 to Account 415-46-230. (Finance to handle)

NEW BUSINESS

18. Motion designating City voting representative at League Conference.
(September 26-29, 1971 in San Francisco. Motion needed)

ACTION: By motion (Simon/Dunlap, unan) Mayor Davies designated a voting delegate with Vice Mayor Smith as alternate. (C/Mgr to handle)

CONSENT

19. A resolution determining that the public interest and convenience require that Norwegian No. 1 Addition be annexed to the Modesto Municipal Sewer District No. 1 and naming a time and place for hearing.
(Norwegian No. 1 Addition has been annexed to the City of Modesto effective August 1, 1971 and it is now necessary to annex the area to the Sewer District. Resolution setting September 20, 1971 at 4:05 P.M. for public hearing needed (2/3 affirmative vote)

ACTION: Res. 71-760 adopted setting hearing. (Clerk to handle)

20. Consider hiring designer for clubhouse - municipal golf course. (Memo from Public Projects Committee with agenda. Motion authorizing preparation of agreement needed)

ACTION: By motion (Dixon/Simon, unan.) preparation of agreement with R. B. Welty and Associates authorized. (P/W to handle)

CONSENT

21. Consider request for sewer service to property outside the City at 817 Lombardo Avenue.
(The property owners have signed an agreement to annex when requested to do so by the City. A sewer line exists to serve the property. Owners: Remijio and Luisa Montez. Resolution approving agreement needed)

ACTION: Res. 71-761 adopted approving agreement. (P/W to handle)

CONSENT

22. Accept improvements in Renee Manor No. 3 and 4 subdivisions and authorize City Clerk to file notices of completion and release bonds upon expiration of statutory periods.
(These subdivisions are located east of Carver Road and north of Rumble Road. All improvements have been completed to the satisfaction of the Public Works Department and all fees paid. Two resolutions accepting improvements needed)

ACTION: Res. 71-762 adopted accepting improvements in Renee Manor No. 3.

Res. 71-763 adopted acceping improvements in Renee Manor No. 4. (Clerk to handle)

CONSENT

23. A resolution approving final map of Renee Manor 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. Renee Manor No. 5 is located east of Carver Road between Standiford Avenue and Rumble Road. It contains 10.12 acres. Resolution approving final map and agreement needed)

ACTION: Res. 71-765 adopted approving final map of Renee Manor No. 5. (Clerk to handle)

CONSENT

24. Request by City Attorney for four days vacation for dates of August 20, September 7, 8 and 10, 1971.
(Motion approving request needed)

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

REPORTS

XCONSENT

25. Submission of annual summary reports of activities of all city departments for fiscal year 1970-71.
(Report with agenda. It is recommended by City Manager that these reports be accepted as the Manager's annual report on administrative activities of the City, as required by the City Charter. Motion accepting report needed)

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

26. Report on curb, gutter and sidewalk program.
(Memo with agenda. Motion providing direction to staff needed)

ACTION: By motion (Simon/Dixon, unan.) tabled for one week. (Clerk to handle)

27. Report on golf course rates.
(Report with agenda. Motion directing staff needed)

ACTION: A motion (Smith) to increase student fees to $7.50 per month died for want of a second.
A motion (Smith/Simon) to increase student fees to $7.50 per month with all other factors remaining the same failed as Councilman Dixon and Mayor Davies voted no.
No other action was taken.

REPORTS FROM THE PLANNING COMMISSION

28. Ultimate growth limits for the City of Modesto.
(Letter from Planning Commission dated August 3, 1971 with agenda. Resolution declaring intent of City to follow urban growth policy as outlined in letter needed)

ACTION: Res. 71-764 adopted (Dunlap/Simon, unan. - Elliott and Newton, absent) declaring intention to follow Urban Growth Policy as recommended by the Planning Commission with the exception that there would be no opposition to open-space contracts outside of the ultimate sanitary sewer service area but within the County referral area. (Planning to handle)

CONSENT
29. Sunrise-Granger Addition (inhabited) - referral to Planning Commission.
(Annexation has been requested by residents of the Sunrise Avenue and Granger Avenue area south of Norwegian Ave. The area is approximately 37 acres in size and contains 103 single-family dwelling units. It is bounded by city limits on 3 sides. Water service is provided by the Del Este Water Company. The area is in the McHenry-Dry Creek Fire Protection District from which it will be withdrawn and in the Sylvan School District, in which it will remain. If referred to the Planning Commission the planning staff will gather additional information. Resolution referring to Planning Commission needed)

ACTION: Res. 71-766 adopted referring to Planning Commission. (Planning to handle)

CONSENT
30. Recommendation that Kenneth Marple be nominated to serve as city representative on County Planning Commission.
(Memo with agenda. Motion concurring with recommendation and directing Mayor to send letter to County Board of Supervisors needed)

ACTION: By motion nomination of Kenneth Marple to Stanislaus County Planning Commission approved and Mayor authorized to inform Board of Supervisors. (Clerk to handle)

MISCELLANEOUS

31. Legislation.

None.

32. Appointments.

None.

33. Matters too late for the agenda.

ACTION: Councilman Simon suggested that the City assume leadership in forming a group to assist area farmers. Mayor Davies then appointed him to work with the Farm/City Advisory Committee as the City representative. It was suggested that a report similar to the Ventura County Report might be prepared.

Councilman Dixon reported that he had received complaints about trash around the Orangeburg Avenue Angelo's Market. Staff was requested to check on means of controlling this problem and report to Council. (C/Mgr to handle)

Adjournment at 12:00 midnight.

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

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, AUGUST 16, 1971 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 Roger Mulder, Paradise Reformed Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2, 4, 5, 6, 7, 15, 16, 18, 19, 20, 22, 23, 24, 25, 26, 27, 28, 30, 31, 32, 34

Smith/Simon, unan. - Elliott 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)

APPROVAL OF MINUTES

CONSENT

1. Minutes of August 9, 1971.

ACTION: By motion minutes approved.

WRITTEN COMMUNICATIONS

CONSENT

2. Request of Kaiser Aetna for abandonment of portion of Rumble Road. (Motion referring to Planning Commission for report and recommendation needed)

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

3. Transmittal notice from Pacific Telephone & Telegraph Co. regarding application to California Public Utilities Commission for increase of certain intrastate rates.

ACTION: By motion (Dunlap/Smith, unan.) notice ordered filed. (Clerk to handle)

BIDS

CONSENT

4. Consider approval of plans and specifications and call for bids for the construction of sewer lines along Carver Road between Scott and Rumble.
(Proposed bid opening August 31, 1971 at 10:00 A.M. The sewer line south on Carver is carrying its capacity in sewage. It is proposed to build a relief line between Scott and Rumble to eliminate overcharging the existing line. Resolution needed. Estimated cost $32,000 ($30,805 contract; $1,195 Eng. & Cont.) Funds budgeted in Account 6578-212, Carver Trunk Relief)

ACTION: Res. 71-767 adopted approving plans and specifications and bid call. (Clerk to handle)

CONSENT

5. Consider approval of plans, specifications and call for bids for installation of water lines in Northgate No. 8, Renee Manor No. 5, and Orangeburg East.
(Bid opening: August 31, 1971 at 10:10 A.M. Costs & Revenues: Northgate No. 8: Construction, $18,709.80; construction charges, $7,250; net annual revenue, $928.00. Renee No. 5: Construction cost, $10,103.37; construction charges, $5,875.00; net annual revenue, $752.00. Orangeburg East: Construction, $45,041.25; Construction charges, $9,750; net annual revenue, $1,264. Estimated cost $73,854.42 (Materials $46,155.52, Labor, $27,698.90) Funds budgeted in Account 6804-50-101, Water Line Extension)

ACTION: Res. 71-768 adopted approving plans and specifications and bid call. (Clerk to handle)

CONSENT

6. Consider award of bid for construction of tiedown overlay at Modesto City-County Airport.
(Bids were opened August 10th. The low bid submitted by Flintkote Company, which is 5% under the Engineers 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 $19,104.50 (Contract $18,604.50; Eng. & Insp. $500.00) Funds budgeted in Account 6507-306, Tiedown Overlay; 5303-46-230, Taxiway & Runup Pad Modification)

ACTION: Res. 71-769 adopted awarding contract to Flintkote Company. (P/W to handle)

CONSENT

7. Accept as complete George Reed Inc. contract for asphalt concrete resurfacing various city streets, 1971-72.
(All work on the contract has been completed to the satisfaction of the Public Works Department. It would be in order to accept the work as complete and authorize the City Clerk to file a notice of completion. Resolution accepting work needed. Original contract cost $59,440; final contract cost $59,226.80. Funds budgeted in Account 6660-207, Misc. Resurfacing and 6657-41-321, Var. Residential Sts. Overlays 71-72 budgets)

ACTION: Res. 71-770 adopted accepting contract. (Clerk to handle)

HEARINGS

8. Hearing, amendment of Section 16-3-9 of the zoning map, from Multiple-family Residential Zone, R-3 to Professional Office Zone, P-O. (Baba) 4:05 P.M.

ACTION: By motion Ord. No. 1135-C.S. introduced (Simon/Smith, unan. - Elliott and Newton, absent) amending Sec. 16-3-9 of zoning map. (Clerk to handle)

9. Hearing, amendment to Section 16-3-9 of zoning map, from One-Family Residential Zone, R-1, to Planned Development Zone, P-D (Fellowship Homes Inc.) 4:10 P.M.

ACTION: By motion Ord. No. 1136-C.S. introduced (Simon/Dixon, unan. - Elliott and Newton, absent) amending Sec. 16-3-9 of zoning map. (Clerk to handle)

Res. 71-771 adopted (Simon/Dixon, unan. - Elliott and Newton, absent) approving development plan. (Planning to handle)

By motion (Smith/Simon, unan.) staff directed to obtain explanation of fees charged by Stanislaus County Comprehensive Health Planning Council. (C/Mgr to handle)

10. Hearing, amendment of Section 16-3-9 of zoning map, from One-Family Residential Zone, R-1, to Professional Office Zone, P-O. (Spanos) 4:15 P.M.

ACTION: By motion (Dixon/Dunlap, unan.) Ord. No. 1137-C.S. introduced amending Sec. 16-3-9 of zoning map. (Clerk to handle)

11. Hearing on requirement for construction of curbs, gutters and/or sidewalks at the locations listed below: 4:20 P.M.

(a) Curb, gutter and sidewalk on Grape Ave. at 1722 Evergreen Avenue, Lot 16 of Block 6108. (Mr. Grady L. Tunnell)

ACTION: Res. 71-772 adopted (Smith/Simon, unan. - Elliott and Newton, absent) ordering work done. (P/W to handle)

(b) Sidewalk at 805 Magnolia Ave., North 55' of Lot 36 of Block 709. (Miss M. D. Vaughn)

ACTION: Res. 71-773 adopted (Smith/Simon, unan. - Elliott and Newton, absent) ordering work done. (P/W to handle)

12. Hearing on cost of installation of curbs, gutter and/or sidewalks at the locations listed below: 4:25 P.M.

(a) Curb, gutter and sidewalk at 527 Milo Street, portion of Block 1012. (Mr. Stanley E. Person - $310.00) (Staff recommends payment over a 6-year period)

ACTION: Res. 71-774 adopted (Dunlap/Dixon, unan. - Elliott and Newton, absent) confirming report, assessing costs and directing method of collection (over a 6-year period) (Finance to handle)

(b) Curb, gutter and sidewalk at 1218 Lucern Ave., portion of Block 1012 (Mr. Cecil R. Wethern - $310.00)

ACTION: Res. 71-775 adopted (Dunlap/Dixon, unan. - Elliott and Newton, absent) confirming report, assessing costs and directing method of collection. (Finance to handle)

(c) Sidewalk on Pearl St. at 1452 College Ave., Lot 17 of Block 6070 (Mrs. Margaret H. Lind - $118.00)

ACTION: Res. 71-776 adopted (Dunlap/Dixon, unan. - Elliott and Newton, absent) confirming report, assessing costs and directing method of collection. (Finance to handle)

(d) Sidewalk on Pearl St. and Ardmor Avenue at 1506 Ardmor Avenue, Lot 11 and South 1/2 of Lot 12 of Block 6122. (Mr. Wei Hsuan - $418.00)

ACTION: Res. 71-777 adopted (Dunlap/Dixon, unan. - Elliott and Newton, absent) confirming report, assessing costs and directing method of collection. (Finance to handle)

12. (Hearing, installation costs, continued) 4:25 P.M.

(e) Curb and gutter on Semple Street at 229 Downey Avenue, Lot 9 of Block 569. (Mr. Cyril L. Wootten - $378.50) (Paid - drop from agenda)

Dropped from agenda.

(f) Curb and gutter at 1424 Del Vale Ave., south 100 feet of Lot 1 of Block 6080. (Mr. Virgil R. Daniel - $332.10)

ACTION: Res. 71-778 adopted (Dunlap/Dixon, unan. - Elliott and Newton, absent) confirming report, assessing costs and directing method of collection. (Finance to handle)

(g) Curb and gutter on Del Vale Ave. at 1444 Del Vale Ave., Lot 28 of Block 6080 (Mrs. Bonnie Ringer - $363.70) (Staff recommends payment over a 7-year period)

ACTION: Res. 71-779 adopted (Dunlap/Dixon, unan. - Elliott and Newton, absent) confirming report, assessing costs and directing method of collection (over a 7-year period) (Finance to handle)

(h) Curb and gutter on Covena Avenue at 1421 Haddon Ave., Lot 12, 13 & south 10' of 11 of Block 2089. (Mrs. Darlene M. Beard - $457.10)
(Staff recommends payment over a 10-year period)

ACTION: Res. 71-780 adopted (Dunlap/Dixon, unan. - Elliott and Newton, absent) confirming report, assessing costs and directing method of collection (over a 10-year period) (Finance to handle)

13. Hearing, request of Modesto Bowl for encroachment permit for installation of bicycle rack at 1120 - 13th St. 4:30 P.M.

ACTION: Res. 71-781 adopted (Simon/Smith, unan. - Elliott and Newton, absent) granting request subject to terms and conditions recommended by Director of Public Works. (Clerk to handle)

14. Matters for the good of the community. 4:35 P.M.
(These may be presented by interested people in the audience)

None.

INTRODUCTION AND ADOPTION OF ORDINANCES

CONSENT

15. Final adoption of Ordinance 1134-C.S. regarding garbage disposal.
(Motion with roll call vote needed)

ACTION: By motion Ord. No. 1134-C.S. adopted. (Clerk to handle)

UNFINISHED BUSINESS

CONSENT

16. Consider agreement between City and R. B. Welty and Associates for engineering services pertaining to the construction of a Golf Course Clubhouse at Municipal 9-hole Golf Course.
(An agreement for engineering services has been prepared. The fee for the work of providing working drawings and specifications along with bid documents and contract supervision is set at 8% of the total cost of construction. Resolution approving agreement needed. Estimated cost: 8% of total construction cost of structure)

ACTION: Res. 71-782 adopted approving agreement. (Clerk to handle)

17. Golf car storage building - Dryden Golf Course.
(Memo with agenda. Motion directing staff and resolution rejecting bids opened June 22, 1971 needed)

ACTION: By motion (Simon/Dixon, unan.) staff authorized to prepare new plans and specifications and to prepare amendment to agreement with Cushman Co. (P & R to handle)

Res. 71-783 adopted (Simon/Dixon, unan. - Elliott and Newton, absent) rejecting all bids received. (Clerk to handle)

CONSENT

18. Sale of surplus property adjacent to Downey Park to Zane R. Gard and Erma J. Gard, husband and wife.
(The deed and Resolution No. 71-455 failed to reserve a 10-foot public utilities easement which is needed. Resolution approving sale with corrected description and rescinding Resolution No. 71-455 needed)

ACTION: Res. 71-784 adopted approving sale and rescinding Res. 71-455. (Clerk to handle)

18A. Further discussion of County agricultural problems.

ACTION: By motion (Smith/Simon, unan.) report presented by Councilman Smith accepted, but further action delayed until meeting arranged by Councilman Simon and agricultural leaders for August 18 is held.

NEW BUSINESS

CONSENT

19. Resolutions determining that Montclair No. 3 and Claremont No. 2 Additions be annexed to the Modesto Municipal Sewer District No. 1 and naming time and place for hearings.
(The two annexations listed above have been annexed to the City effective August 4, 1971. It is now necessary to commence proceedings to annex the areas to the Modesto Municipal Sewer District. Suggested hearing dates: Montclair No. 3 Addition: October 4, 1971 at 4:05 P.M. Claremont No. 2 Addition: October 4, 1971 at 4:10 P.M. Resolutions setting hearings needed (2/3 affirmative vote)

ACTION: Res. 71-785 adopted setting hearing for Montclair No. 3.

Res. 71-786 adopted setting hearing for Claremont No. 2. (Clerk to handle)

CONSENT

20. Mancini House (Mancini Park) air conditioning.
(Memo with agenda. Resolution approving appropriation transfer of $800 from General Reserve, General Fund to Parks M & R, Bldgs. and Grounds, 224-35-101 needed)

ACTION: By motion purchase of new cooling unit authorized with cost not to exceed $750, plus tax. (Finance to handle)

Res. 71-787 adopted approving appropriation transfer of $800 from Account 60-101 to Account 224-35-101. (Finance to handle)

CONSENT

22. Consider approval of a sewer agreement with Modesto Irrigation District.
(Contract change order No. 1 on the contract to construct Improvement District No. 18 sewers requires construction of a sewer across M.I.D. property. The agreement provides access for the City to construct and maintain the sewer lines. Resolution approving agreement needed. Estimated cost $10. Funds budgeted in Account 6593-212, Improvement District No. 18)

ACTION: Res. 71-788 adopted approving agreement. (Clerk to handle)

CONSENT

23. Consider request for sewer service to property at 3100 Wycliffe Drive, located on southwest corner of Scenic Drive and Wycliffe Drive.
(The property owners have signed an agreement to annex when requested to do so by City. The property is not contiguous to City; however, a line exists to serve it. Resolution approving agreement needed)

ACTION: Res. 71-789 adopted approving agreement with C. A. Tallent, et al. (P/W to handle)

CONSENT

24. A resolution approving final map of Brookview 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 at Dry Creek and Riverside Drive. It contains 12.86 acres. Resolution approving final map and agreement needed)

ACTION: Res. 71-790 adopted approving final map of Brookview Estates No. 2. (Clerk to handle)

CONSENT

25. Agreement with State for modification of traffic signals along 5th and 6th Streets at G, H, and I Streets and appropriation transfer.
(The agreement is in order and ready for approval. Transfer of an additional $4,500 for the city share is needed. Resolution approving agreement and resolution approving transfer needed. Estimated cost $11,500; funds budgeted in Account 6136-56-321, Signal modifications. 5th & 6th, at G, H, and I Sts. $7,000 is budgeted in above account. An additional $4,500 is needed)

ACTION: Res. 71-791 adopted approving agreement. (Clerk to handle)

Res. 71-792 adopted approving appropriation transfer of $4,500 from General Reserve Fund 321 to Account 6136-56-321. (Finance to handle)

CONSENT

26. A resolution approving final map of Granada Park No. 2 subdivision of the City of Modesto and authorizing an agreement with subdividers as required by Section 4-4-604(c) of the Modesto Municipal Code. (The subdivision agreement has been signed and all fees paid. Granada Park No. 2 subdivision is located on the east side of Riverside Drive, north of Haddon Ave. It contains 5.812 acres. Resolution approving final map and agreement needed)

ACTION: Res. 71-793 adopted approving final map of Granada Park No. 2. (Clerk to handle)

CONSENT

27. Acquisition of property - Dry Creek Park.
(Memo with agenda. Resolution authorizing acquisition of property for park purposes needed. Estimated cost $65,200; funds budgeted in Account 6415, Dry Creek Park $35,000; 6302, E. LaLoma Neighborhood Park, $30,200.)

ACTION: Res. 71-794 adopted authorizing acquisition from Clare Berryhill, et ux. (Clerk to handle)

CONSENT

28. Business licenses for the elderly and minors.
(Memo with agenda. Motion introducing ordinance needed)

ACTION: By motion Ord. No. 1138-C.S. introduced adding subsection (f) to Sec. 6-1.106 of the Municipal Code to exempt persons over 70 or under 18 engaged in a part-time occupation from provisions of Chapter 1 of Title VI. (Clerk to handle)

29. Proposed budget - dedication ceremonies, Modesto-Stanislaus Library. Memo with agenda. Motion approving proposed dedication ceremonies and budget needed)

ACTION: A motion (Simon/Dunlap) to approve the budget failed. By motion (Dunlap/Smith, maj. - Dixon, no) budget approved with the temporary elimination of $150 for the high school band, which will be considered at a later date, and with the request that the committee attempt to obtain quality rock bands with musicians' union recording funds. (C/Mgr to handle)

CONSENT

30. Appropriation transfer to provide for change of carrier and increase in medical and health insurance for Downtown Improvement District Director and secretary.
(The new insurance was approved by the D.I.D. Advisory Committee. Memo explaining new coverage with agenda. Resolution approving transfer needed ($222) from General Reserve (60-218) to 422-218, Insurance, Misc.)

ACTION: Res. 71-795 adopted approving appropriation transfer of $222 from Account 60-218 to Account 422-218. (Finance to handle)

CONSENT

31. Appropriation transfers to provide additional amounts for the City's basic insurance coverage premiums.
(The new basic insurance coverage policy was approved by Council on July 12, 1971. Amounts were appropriated for insurance premiums prior to determination of actual costs. Resolutions approving transfers of $1,643 from Service Division Revolving Funds, General Reserve (60-512 to Auto Insurance, 412-48-512) and $2,735 from General Reserve, General Fund (60-101) to Fire Insurance 413-64-101, $622; Public Liability Insurance, $2,095, 415-64-101; $18.00 to Boiler & Machinery Insurance, 416-64-101.)

ACTION: Res. 71-796 adopted approving appropriation transfer of $1,643 from Account 60-512 to Account 412-48-512.

Res. 71-797 adopted approving appropriation transfer of $2,735 from Account 60-101 to Accounts 413-64-101 ($622), 415-64-101 ($2,095) and 416-64-101 ($18). (Finance to handle)

CONSENT

32. Sign on Holzeimer property - McHenry Avenue.

ACTION: By motion staff authorized to inform Stanislaus County that the City of Modesto does not object to the release of the financial guarantee posted in connection with the erection of the sign. (C/Mgr to handle)

REPORTS

33. Report on curb, gutter and sidewalk program.

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

CONSENT

34. Report on the 1971-72 assessed values and tax rates.

ACTION: By motion Ord. No. 1139-C.S. introduced and adopted setting tax rates as follows:

General Fund	$1.12
Bond Redemption and Interest Fund	$0.01
Park Fund	$0.04

(Clerk to handle)

MISCELLANEOUS

35. Legislation.

None.

36. Appointments.

ACTION: Res. 71-798 adopted (Simon/Dixon, unan. - Elliott and Newton, absent) appointing Mrs. Sue Carmichael as a member of the Executive Committee of Project Greater Modesto. (Clerk to handle)

37. Matters too late for the agenda.

ACTION: Res. 71-799 adopted (Simon/Smith, unan. - Elliott and Newton, absent) awarding contract for landscaping at new library to Jonnie E. Galloway. (P/W to handle)

Councilman Simon requested that he be shown the landscaping plans as he was absent when they were previously shown to the Council. (P/W to handle)

Councilman Dixon requested that the Council be informed of any developments in connection with the Stanislaus County grant under the Emergency Employment Act.

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, AUGUST 23, 1971 AT 7:30 P.M.

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

Absent: Elliott
Councilman Simon arrived at 9:30 P.M.

Pledge of allegiance to the Flag
Invocation: Rev. Malcolm McClenaghan, St. Paul's Episcopal Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 3, 5, 6A, 7, 8, 9, 15, 18, 19, 20, 21, 22
Item 5 removed from consent
Dixon/Newton, unan. - Elliott and Simon, absent.

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

APPROVAL OF MINUTES

CONSENT
1. Minutes of August 16, 1971.

ACTION: By motion minutes approved.

WRITTEN COMMUNICATIONS

2. Request of City of Fresno for support in attempt to have utility users taxes be made deductible on federal income tax returns.

ACTION: Res. 71-800 adopted (Dixon/Smith, unan. - Elliott and Simon, absent) urging that utility users taxes be made deductible from adjusted gross income for federal income tax purposes. (Clerk to handle)

By motion (Dixon/Smith, unan.) staff directed to ask League of California Cities resolution committee to consider this matter. (C/Mgr to handle)

CONSENT
3. Request of residents in vicinity of 400 East Orangeburg for review of land use permit and subsequent development of the Modesto Professional Center.
(Motion referring to staff for report needed)

ACTION: By motion request referred to staff for report. (Planning to handle)

4. Policy of Stanislaus County Farm Bureau on land use for Stanislaus County together with offer of Farm Bureau to participate in development of a program to seek solutions to agricultural problems.

ACTION: By motion (Smith/Dunlap, unan.) possibility of study similar to "The Economics of Conserving Agriculture in Ventura Co." referred to SAAG for study and recommendation with any action to be coordinated with action by group being formed by Councilman Simon. (C/Mgr to handle)

CONSENT

5. Request of International Association of Machinists that Council refrain from using public funds to influence anti-labor legislation. (Motion ordering filed needed)

ACTION: By motion (Newton/Simon, unan.) letter ordered filed.

By motion (Dixon/Newton, unan.) staff directed to send letter to League of California Cities expressing concern that pro and con statements should be included in Legislative Bulletins. (C/Mgr to handle)

6. Request of N.A.A.C.P. for discussion of staffing at library.

ACTION: By motion (Newton/Dunlap, unan.) request referred to staff for discussion at meeting arranged by City Manager for August 30. (C/Mgr to handle)

CONSENT

6A. Request of St. Paul's Episcopal Church for city fire protection to property on Old Oakdale Road. (Motion referring to staff for report needed)

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

CONSENT

7. Approve plans, specifications and call for bids for the construction of airplane wash rack at Modesto City-County Airport. (Bid opening September 7, 1971 at 10:00 A.M. The wash area is needed to provide a central location for cleaning airplanes. Resolution needed. Estimated cost $4,600 ($4,400 contract; $200 Eng. & Insp.)

ACTION: Res. 71-801 adopted approving plans and specifications and bid call. (Clerk to handle)

CONSENT

8. Consider award of bid for installation of water lines in Coffee Terrace No. 3. (Bids were opened August 17, 1971. The low bid submitted by Valley Construction which is 7% 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. Estimated cost $17,830 (Ext. $11,620; Ser. $6,210). Funds budgeted in Account 6804-50-101, Water Line Extensions; 5301-50-101, New Services)

ACTION: Res. 71-802 adopted awarding contract to Valley Construction Co. (P/W to handle)

CONSENT

9. (a) Consider approval of specifications and authorize call for bids to be opened September 7, 1971 at 10:10 A.M. for six (6) garden refuse truck cab and chassis. (Resolution approving specs and bid call needed.

ACTION: Res. 71-803 adopted approving specifications and bid call. (Clerk to handle)

(b) Consider waiver of formal bid procedure and authorize staff to negotiate for cab modification and body fabrication. (Resolution waiving formal bid procedure needed (five affirmative votes) Estimated cost $52,000. Transfer will be requested at time of award when accurate costs are known)

ACTION: Res. 71-804 adopted waiving formal bid procedure and authorizing staff to negotiate for cab modification and body fabrication. (Finance to handle)

HEARINGS

10. Hearing, annexation of Coffee-Floyd Addition to Sewer District. 7:35 P.M.

ACTION: Res. 71-805 adopted (Dunlap/Newton, unan. - Elliott and Simon, absent) annexing Coffee-Floyd Addition to Modesto Municipal Sewer District No. 1. (Clerk to handle)

11. Hearing, annexation of East Orangeburg No. 5 Addition to Sewer District. 7:40 P.M.

ACTION: Res. 71-806 adopted (Smith/Dunlap, unan. - Elliott and Simon, absent) annexing East Orangeburg No. 5 Addition to Modesto Municipal Sewer District No. 1. (Clerk to handle)

12. Hearing on proposed prezoning to R-2 and P-D to allow a 260-unit 2-story apartment complex on north side of Sylvan east of McHenry (Hawaii and San Francisco Investment Co.) 7:45 P.M.

ACTION: Ord. No. 1140-C.S. adopted (Dixon/Smith, unan. - Elliott and Simon, absent) amending Sec. 9-3-9 of zoning map. (Clerk to handle)

Res. 71-807 adopted (Dixon/Smith, unan. - Elliott and Simon, absent) approving development plan. (Planning to handle)

By motion (Dunlap/Smith, unan.) Planning Commission requested to study a plan for upper McHenry and, if possible, involve the County in this study. (Planning to handle)

A five minute recess was held at 9:30 P.M.

13. Hearing on appeal by Golden Sign Co. of denial by BZA of application for a second free-standing sign at Matthews Auto Agency, 725 McHenry. 7:50 P.M.

ACTION: Res. 71-808 adopted (Dixon/Smith, unan. - Elliott, absent) denying appeal and upholding decision of Board of Zoning Adjustment.

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

ACTION: Salvador Palomar commented on the poor conditions in the Strand Theater and also stated that the Mexican/American movies are not given ratings. It was pointed out that the theater management had been given 30 days to complete certain improvements and 120 days to complete other improvements, but it was possible that the theater would be closed instead of spending the money needed to comply. It was agreed that the staff would investigate and inform Mr. Palomar of their findings. (C/Mgr to handle)

ORDINANCES

CONSENT

15. Final adoption of Ord. 1138-C.S. (business license)

ACTION: By motion Ord. No. 1138-C.S. adopted. (Clerk to handle)

UNFINISHED BUSINESS

16. Further consideration of bike lanes on Tully Road.

ACTION: By motion (Smith/Simon, unan.) pilot program adopted authorizing the installation of bike lanes on Tully Road as set forth in Paragraph I of memo from Director of Parking & Traffic dated August 12, 1971, approving plan and design as set forth in said Paragraph I;

16. Further consideration of bike lanes on Tully Road, (continued)

approving painting of directional arrows on pavement; approving purchase of outrigger attachment for striping the streets; and requesting Police to cooperate with schools system in establishment of a stonger safety program for cyclists. (P & T to handle)

A report by the Police on all areas involving the police and bike riders was requested. This report to be made in 30 days. (Police to handle)

17. Landscaping plans - Modesto-Stanislaus Library.

ACTION: The plans were displayed for the Council. Councilman Simon then requested that any plans involving esthetics be displayed before they are approved by Council. It was agreed that this would be done.

REPORTS

CONSENT

18. 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 annual inventory accepted.

REPORTS FROM THE PLANNING COMMISSION

CONSENT

19. Recommend amendment to Section 15-3-9 of the zoning map (Robert P. Bomberger)
(By Resolution No. 71-104 adopted August 17, 1971 the Planning Commission recommends an amendment to Section 15-3-9 of the zoning map as requested by Robert P. Bomberger, to rezone from One-family Residential Zone, R-1, to Two-family Residential Zone, R-2, property located on the south side of Rumble Road east of Keller Street and on the north side of Floyd Avenue west of Rose Avenue. Resolution setting September 20 at 4:10 P.M. for public hearing needed)

ACTION: Res. 71-809 adopted setting hearing. (Clerk to handle)

CONSENT

20. Recommend amendment to Section 15-3-9 of the zoning map (Alex G. Spanos)
(By Resolution No. 71-105, adopted on August 17, 1971 the Planning Commission recommends an amendment to Section 15-3-9 of the zoning map as requested by Alex G. Spanos to rezone from Planned Development Zone, P-D(73) for Memorial Hospital North, to Professional Office Zone, P-O, a long narrow sliver of land running east and west which lies north of Memorial Hospital on the east side of Coffee Road. Resolution setting September 20 at 4:15 P.M. for public hearing needed)

ACTION: Res. 71-810 adopted setting hearing. (Clerk to handle)

CONSENT

21. Recommend amendment to Section 22-3-9 of the zoning map (Downey Park Properties)
(By Resolution No. 71-103 adopted August 17, 1971 the Planning Commission recommends an amendment to Section 22-3-9 of the zoning map as requested by Downey Park Properties to rezone from One-family Residential Zone, R-1, to Professional Office Zone, P-0 property located on the east side of Coffee Road immediately north of Downey High School. Resolution setting September 20 at 4:30 P.M. for public hearing needed)

ACTION: Res. 71-811 adopted setting hearing. (Clerk to handle)

CONSENT

22. Recommend commencement of proceedings for the annexation to the City of inhabited territory - Sunrise-Granger Addition.
(On August 17, 1971 the Planning Commission adopted Resolution No. 71-110, recommending to the Council the commencement of proceedings for the annexation to the City of inhabited territory known as the Sunrise-Granger Addition, located south of Norwegian Avenue and north of Granger Avenue on both sides of Sunrise Avenue. Resolution consenting to commencing of proceedings to annex needed)

ACTION: Res. 71-812 adopted consenting to commencement of proceedings. (Planning to handle)

23. Planning Commission Recommendation - Workable Program, 1971-1973.
(Letter of transmittal and attachments, including Workable Program, with agenda. Resolution approving and adopting the Workable Program needed)

ACTION: Res. 71-813 adopted (Smith/Newton, unan. - Elliott, absent) approving and adopting the Workable Program. (Planning to handle)

APPROPRIATION TRANSFERS

None.

MISCELLANEOUS

24. Legislation.

ACTION: By motion (Dixon/Smith, unan.) AB 1056 opposed. (C/Mgr to handle)

25. Appointments.

ACTION: Res. 71-814 adopted (Simon/Smith, unan. - Elliott, absent) appointing the following as Chairmen of the respective committees of Project Greater Modesto:

Ecology	Dan Pollock
Land Use	Homer Bowen
Business & Industry	V. E. "Pete" Barton
Employment & Manpower	James Morgenson
Disadvantaged	Tom DeVine
Youth	Jeff Cowan
Senior Citizens	Betty Belle Smith
Transportation	Edward S. Heyman
Water Resources	Lowell Clark
Community Services	Inez Wiser
Crime & Drugs	Chas. Allen
Art & Culture	Ray Abst

26. Matters too late for the agenda.

ACTION: By motion (Dixon/Smith, unan.) City Clerk permitted vacation August 24 (4 hours), 25, 26 and 27.

Adjournment at 11:40 P.M.

ATTEST: W. T. Chynoweth ps
W. T. CHYNOWETH, City Clerk

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF TUESDAY, SEPTEMBER 7, 1971 AT 4:00 P.M.

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

Absent: Elliott

Pledge of allegiance to the Flag
No invocation was given due to the absence of a member of the Clergy.

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 16, 17, XX, 21, 22, 23, 24, 25, 26, 27, 29, 30
Item 19 dropped from agenda.
Newton/Dixon, unan. - Elliott, absent

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

1. **Presentation of Special Citation for Pedestrian Program Activities award by California State Automobile Association**

ACTION: A plaque was presented to Mayor Davies by Charles Monahan, District Manager of California State Automobile Association.

APPROVAL OF MINUTES

CONSENT
2. **Minutes of August 23, 1971.**

ACTION: By motion minutes approved.

WRITTEN COMMUNICATIONS

CONSENT
3. **Request for correction of records to indicate that Modesto Garbage Company, Inc. is doing business as Modesto Disposal Service rather than Modesto Disposal Association.**
(Resolution correcting name needed)

ACTION: Res. 71-815 adopted directing correction of records as requested. (Clerk to handle)

CONSENT
4. **Appeal of Doctors Hospital from denial by Planning Commission of application for unclassified use permit for expansion to include a Mental Health Out Patient Clinic and larger parking lot.**
(Resolution setting September 20, 1971 at 4:45 P.M. for hearing needed)

ACTION: Res. 71-816 adopted setting hearing. (Clerk to handle)

CONSENT

5. Request of Lions 500 Club for permission to repair and paint old fire truck which they installed in Children's Park.
(Motion granting request needed)

ACTION: By motion request granted. (P & R to handle)

CONSENT

6. Approve plans and specifications and call for bids for the construction of utility building at Modesto City-County Airport.
(Bid opening: September 21, 1971, at 10:00 A.M. The utility building is needed to provide storage and an operations center for the maintenance of the airport. Resolution needed. Estimated cost: $7,000 ($6,100 Building and $900 Eng. & Cont.) Funds budgeted in Account No. 6521-230, Airport Maintenance Building)

ACTION: Res. 71-817 adopted approving plans and specifications and bid call. (Clerk to handle)

CONSENT

7. Award contract for construction of traffic signals and street lights at Coffee and Rumble.
(Low bidder is Ferrero Electric, Inc. at $11,255. Completion date is January 14, 1972. Memo with agenda. Resolution awarding contract needed. Funds budgeted in Account No. 6141-56-321, Traffic Signals, Coffee & Rumble)

ACTION: Res. 71-818 adopted awarding contract to Ferrero Electric, Inc. (P & T to handle)

CONSENT

8. Consider award of bid for construction of sewer on Carver between Scott and Rumble.
(Bids were opened on August 31st. The low bid submitted by W.M. Lyles Co., which is 4% under the Engineer's Estimate is considered acceptable. Therefore, it is recommended by the Public Works Department that the bid be awarded to them. Resolution needed. Estimated cost: $30,759 (Contract $29,564, Eng. & Insp. $1,195) Funds budgeted in Account No. 6578-212, Carver Relief Line)

ACTION: Res. 71-819 adopted awarding contract to W. M. Lyles Co. (P/W to handle)

CONSENT

9. Consider award of bid for installation of Water Lines in Northgate No. 8, Renee Manor No. 5 and Orangeburg East Subdivisions.
(Bids were opened on August 31, 1971. The low bid submitted by Valley Construction, which is 11% 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 needed. Estimated cost: $33,164.20 (Ext. $24,884.20, Ser. $8,280) Funds budgeted in Account No. 5804-50-101, Water Line Extensions, and 5301-50-101, New Services)

ACTION: Res. 71-820 adopted awarding contract to Valley Construction Co. (P/W to handle)

CONSENT

10. Approve plans and specifications and call for bids for Street Improvements at City Park Sites Adjacent to Northgate No. 7 and Rose Terrace No. 3 Subdivisions.
(Bid opening: September 21, 1971 at 10:20 A.M. An appropriation transfer is required to provide funds for the City's share of the street improvements adjacent to park sites at the above locations. Resolution approving plans and specifications and calling for bids. Resolution approving appropriation transfer. Estimated cost: $26,620 (Contract $23,145 - Eng. $3,475) Funds budgeted in Account 6708-41-321, Misc. Street Improvements, Park Development)

ACTION: Res. 71-821 adopted approving plans and specifications and bid call. (Clerk to handle)

Res. 71-822 adopted approving appropriation transfer of $35,000 from Account 60-321 to Account 6708-41-321. (Finance to handle)

CONSENT

11. Consider approval of plans and specifications and call for bids for the installation of water lines in Granada Park No. 2 and Brookview Estates No. 2.
(Suggested bid opening: September 21, 1971 at 10:10 A.M. Costs & Revenues Granada Park No. 2, Construction cost $3,604.75, Connection charges $6,250.00, Net Annual revenue $800.00. Costs & Revenues Brookview Estates No. 2, Construction cost $5,518.75, Connection charges $4,625, Net Annual revenue $592. Resolution needed. Estimated cost $9,123.50 (Materials $5,760 - Labor $3,363.50) Funds budgeted in Account No. 6804-50-101, Water line estension)

ACTION: Res. 71-823 adopted approving plans and specifications and bid call. (Clerk to handle)

12. Approve plans and specifications and call for bids for Downey Park Development, Irrigation and Planting.
(Bids to be opened September 21, 1971, at 10:15 A.M. Resolution approving plans and specifications and call for bids needed. Estimated cost $57,573. Funds budgeted in Account No. 6290-31-321, Downey Park, Stage 1, 2, 3, 4)

ACTION: Res. 71-824 adopted (Dixon/Dunlap, unan. - Elliott, absent) approving plans and specifications and bid call. (Clerk to handle)

13. Approve plans and specifications and call for bids for King-Kennedy Memorial Center Parking lot paving, landscaping and irrigation.
(Bids to be opened on September 21, 1971, at 10:25 A.M. Resolution approving plans and specifications and call for bids needed. Estimated cost $10,500. Funds budgeted in Account No. 6375-31-321, King-Kennedy Center/Parking Lot)

ACTION: Res. 71-825 adopted (Newton/Smith, unan. - Elliott, absent) approving plans and specifications and bid call. (Clerk to handle)

HEARINGS

14. Matters for the good of the community. 4:05 P.M.
(These may be presented by interested people in the audience)

None.

15. Informal hearing on amortization of non-conforming signs. 5:00 P.M.

ACTION: Res. 71-826 adopted (Dixon/Dunlap, unan. - Elliott, absent) referring this matter to Planning Commission for further study and recommendation. (Planning to handle)

ORDINANCES

CONSENT
16. Final adoption of the following ordinances: (Motion adopting needed)

(a) Ord. No. 1135-C.S. (Amendment to Sec. 16-3-9 - Baba)

ACTION: By motion Ord. No. 1135-C.S. adopted. (Clerk to handle)

(b) Ord. No. 1136-C.S. (Amendment to Sec. 16-3-9 - Fellowship Homes)

ACTION: By motion Ord. No. 1136-C.S. adopted. (Clerk to handle)

(c) Ord. No. 1137-C.S. (Amendment to Sec. 16-3-9 - Spanos)

ACTION: By motion Ord. No. 1137-C.S. adopted. (Clerk to handle)

CONSENT
17. Consider suspending new taxi regulations during wage-price freeze. (Memo with agenda. The proposal is to return taxi regulations to where they were before wage-price freeze went into effect. Ordinance repealing parts of Ordinance No. 1128-C.S. not affected by the freeze. needed)

ACTION: Ord. No. 1141-C.S. introduced and adopted. (Clerk to handle)

UNFINISHED BUSINESS

18. Request for Fire Protection Service, St. Paul's Episcopal Church. (In a letter dated August 16, 1971, St. Paul's Episcopal Church requested City fire protection to its new facility, under construction in the County, on a site on Old Oakdale Road. On August 23, 1971, the matter was referred to the staff for report and recommendation. See attached memo from the Director of Planning. Resolution granting fire protection service to St. Paul's Episcopal Church on Old Oakdale Road, subject to conditions in attached memo.)

ACTION: Res. 71-827 adopted (Simon/Newton, unan. - Elliott, absent) granting request subject to conditions recommended by Director of Planning in memo dated September 1, 1971, a copy of which is on file with the City Clerk. (Clerk & Fire to handle)

~~CONSENT~~

19. Abandonment of parcel of land dedicated for road purposes in July, 1966, for construction of Briggsmore and Coffee.
(Sec. 1930 through 1934 of the Streets and Highways Code provide for the summary vacation and abandonment of streets by resolution of the City Council when the area to be abandoned has been superseded by a relocation. The realignment of Briggsmore and Coffee Road make it unnecessary to retain this parcel for road purposes. Resolution vacating and abandoning parcel of land dedicated by Mr. Arnold Nelson for road purposes)

Dropped from agenda.

20. Garbage Collection Licensing Study.
(Memo with agenda. Motion referring to Public Projects Committee needed)

ACTION: By motion (Dixon/Dunlap, unan.) referred to Public Projects Committee with the request that the County be kept informed. (C/Mgr to handle)

CONSENT

21. Request from Modesto Roadmen to conduct bicycle race around Graceada Park September 19, 1971.
(Motion approving request needed)

ACTION: By motion request approved. (P & R to handle)

CONSENT

22. Consider request for sewer service to the following properties outside the City:
(The property owners have signed agreements to annex when requested to do so, and a sewer line exists to serve the property) Three resolutions approving agreements needed)

(a) 119 S. Santa Ana - Bernice Selby.

ACTION: Res. 71-828 adopted approving agreement. (P/W to handle)

(b) 3204 Scenic Drive - Hugh S. and Anna R. Coffelt.

ACTION: Res. 71-829 adopted approving agreement. (P/W to handle)

(c) 505 Meta Court - John E. and Helene F. Edwards.

ACTION: Res. 71-830 adopted approving agreement. (P/W to handle)

CONSENT

23. Consider request for water service to property outside the City at 3456 McHenry Avenue.
(Property owners have signed an agreement to annex when requested to do so and a water main exists to serve the property. Property owners: Russell M. Edson and Anna E. Edson. Resolution approving the agreement needed.)

ACTION: Res. 71-831 adopted approving agreement. (P/W to handle)

CONSENT

24. Consider letter agreements between the City and Mr. and Mrs. Robert P. Bomberger and Mr. and Mrs. Harley D. Brannan, subdividers, for participation in the cost of a street light in Northgate No. 7 and Rose Terrace No. 3 Subdivisions.
(This letter agreement has been prepared in accordance with established City policy which provides for sharing the cost of perimeter street lights. Resolutions approving agreements (2 required) Estimated cost: $2,466.57. Funds budgeted in Account No. 5301-41-321, Misc. Street Lights, City Park Developments)

ACTION: Res. 71-832 adopted approving letter agreement for Rose Terrace No. 3 Subdivision.

Res. 71-833 adopted approving letter agreement for Northgate No. 7 Subdivision. (P/W to handle)

CONSENT

25. Consider requesting County to develop a County Master Plan for Airports.
(Future grants from the California Airport Aid Program (CAAP) will be dependent on Stanislaus County developing a County Master Plan for Airports. Memo with agenda. Resolution needed)

ACTION: Res. 71-834 adopted requesting Stanislaus County to develop a County Master Plan for Airports. (Clerk to handle)

CONSENT

26. Authorization for staff to negotiate agreement for plans for automatic irrigation systems.
(Authorization for staff to negotiate agreement with an irrigation consultant for the preparation of plans and specifications for the installation of automatic sprinkler systems at the 9-Hole Municipal Golf Course, and Roosevelt, Pike and T. B. Scott Park. Motion directing staff to negotiate needed. Estimated cost: 9-Hole Muni. Golf Course, $4,000 - Account 6255-31-321; Roosevelt Park, $725 - Account 6367-324; Pike Park, $725 - Account 6340-31-321; T. B. Scott Park, $700 - Account 6370-31-321. Total $6, 150.)

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

CONSENT

27. Emergency Employment Act of 1971.
(Memo explaining Emergency Employment Act. Resolution indicating that City will participate in the program through the County as Program Agent)

ACTION: Res. 71-835 adopted declaring that City of Modesto desires to participate in Public Employment Program. (Clerk to handle)

28. Consideration of zoning on the Banks parcel, Prescott Road.
(Memo of explanation with agenda. Motion directing Planning Commission and staff needed)

ACTION: By motion (Smith/Simon, majority) staff directed to request Board of Supervisors to withhold action on this rezoning until all information has been developed, and to refer this matter back to the Planning Commission for further consideration due to information presented to Council but not previously available to the Planning Commission. (Clerk and Planning to handle)

CONSENT

29. Group Medical Insurance.
(To provide for employees who retire to continue under the group medical insurance policy. Resolution approving amendment to group medical insurance policy needed)

ACTION: Res. 71-836 adopted approving amendment to group medical insurance policy to provide coverage for employees upon retirement. (Personnel to handle)

REPORTS

CONSENT

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

ACTION: By motion report accepted.

MISCELLANEOUS

31. Legislation.

None.

32. Appointments.

None.

33. Matters too late for the agenda.

ACTION: Mayor Davies read a letter from Dave Morgan of the Y-Cyclers Club thanking the Council for the Tully Road bike lanes.

The Council considered the matter of State Highway additions and deletions and adopted Res. 71-837 (Smith/Dunlap, unan. - Elliott, absent) approving the addition of Highway 130 from Patterson to Turlock and Geer-Albers Road from Turlock to Oakdale, as well as opposing the deletion of Highway 33, Highway 219 and Highway 130 until such time as the Origin and Destination Study is completed. (P & T to handle)

Adjournment at 6:35 P.M.

ATTEST: W. T. Chynoweth

W. T. CHYNOWETH, City Clerk

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, SEPTEMBER 13, 1971 AT 7:30 P.M.

Roll Call Present: Dixon, Dunlap, Newton, Simon, Vice Mayor Smith

Absent: Elliott, Mayor Davies
Vice Mayor Smith presided

Pledge of allegiance to the Flag
Invocation: Father Cornelius De Groot, St. Joseph's Catholic Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 3, 4, 6, 9, ~~11~~, 12, 13, 14, 15
Item 11 dropped from agenda.
Dunlap/Newton, unan. - Elliott, Simon and Mayor Davies, absent

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

APPROVAL OF MINUTES

CONSENT
1. Minutes of September 7, 1971.

ACTION: By motion minutes approved.

WRITTEN COMMUNICATIONS

2. Request for permission to hold carnival in Franklin Park on September 18, 1971, to raise funds to fight Muscular Dystrophy. (Staff recommends that request be denied. Memo with agenda)

ACTION: By motion (Dixon/Dunlap, unan.) request denied. (Clerk to handle)

BIDS

CONSENT
3. Consider award of bid for construction of Wash Rack at Modesto City-County Airport.
(Bids were opened on September 7, 1971. The low bid submitted by Gib Goodrum, which is 2% over the Engineers Estimate, is considered acceptable. Therefore, it is recommended by the Public Works Department that the bid be awarded to them. Resolution accepting bid needed. Estimated cost: $4,600.00 ($4,500.00 contract - $100 Insp.); funds budgeted in Account No. 6505-306, Wash Rack at City-County Airport)

ACTION: Res. 71-838 adopted awarding contract to Gib Goodrum. (P/W to handle)

CONSENT

4. Consider acceptance of Valley Construction contract for installation of Water Lines in Granada Park No. 1 Subdivision. Original contract: $5,289.25.
(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. Resolution accepting work needed. Final cost: $5,129.50; funds budgeted in Account No. 6804-50-101, Water Line Extension)

ACTION: Res. 71-839 adopted accepting contract. (Clerk to handle)

5. Consideration of bids received for automotive equipment (six garden refuse truck cab and chassis)
(Memo with agenda. Action will be decided at Council meeting, and with approval, resolution appropriating funds and resolution awarding bid needed. Estimated cost: $32,724.00. $4,224 budgeted in Account No. 5403-58-512, Garden Refuse Trucks ($28,500 to be transferred from General Reserve)

ACTION: Res. 71-840 adopted (Simon/Dixon, unan. - Elliott and Mayor Davies, absent) rejecting all bids received.

Res. 71-841 adopted (Simon/Dixon, unan. - Elliott and Mayor Davies, absent) setting September 28 at 2:00 P.M. as time for receiving new bids. (Clerk to handle)

CONSENT

6. Consideration of negotiated offers to modify garden refuse truck cabs and fabricate bodies.
(Memorandum with agenda. Two resolutions: 1) Western Body & Hoist Co.: 2 modifications $2,020.20: 2) Heil Western, 6 dump truck bodies - $19,734.00. Estimated cost: $21,755.00; funds budgeted in Account No. 5403-48-512, Service Division - Capital Outlay)

ACTION: Res. 71-842 adopted awarding contract for cab modifications to Western Body & Hoist Co.

Res. 71-843 adopted awarding contract for dump body fabrication to Heil Western. (Finance to handle)

HEARINGS

7. Hearing on annexation of McHenry/Sylvan Addition to City. 7:35 P.M.

ACTION: Res. 71-844 adopted (Dunlap, Simon, unan. - Elliott and Mayor Davies, absent) declaring no majority protest made.
and adopted
Ord. 1142-C.S. introduced/(Dunlap/Simon, unan. - Elliott and Mayor Davies, absent) annexing McHenry/Sylvan Addition to City of Modesto. (Clerk to handle)

8. Matters for the good of the community. 7:40 P.M.
(These may be presented by interested people in the audience)

None.

ORDINANCES

CONSENT

9. Final adoption of Ord. No. 1140-C.S. (Amendment to Sec. 9-3-9 of zoning map - Hawaii and San Francisco Investment Co.) (Motion adopting needed)

ACTION: By motion Ord. No. 1140-C.S. adopted. (Clerk to handle)

UNFINISHED BUSINESS

10. Report by North San Joaquin Comprehensive Health Planning Association on fee schedule.

ACTION: Stanley Parry, Executive Director, explained that the fees were set by the Health & Safety Code of the State of California and were not refundable if an application was denied. He expressed the hope that this might be liberalized in the future.

NEW BUSINESS

CONSENT

11. A resolution approving the final map of Modesto Verde 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. Modesto Verde Subdivision is located at the northwest corner of Prescott Road and Rumble Road. It contains 20.184 acres. Adoption of resolution approving final map and authorizing execution of agreement by City needed.

Dropped from agenda.

CONSENT

12. Consider requests for sewer service to property outside the City at the following locations:
(The property owners have signed agreements to annex when requested to do so by the City. Two resolutions approving agreements needed)

(a) 1314 Holm Avenue - Jessie and Rena Rice

ACTION: Res. 71-845 adopted approving agreement. (P/W to handle)

(b) 502 Colorado Avenue - Bryan and Rita M. Grimes and Edna and Arthur Carroll.

ACTION: Res. 71-846 adopted approving agreement. (P/W to handle)

CONSENT

13. Request from Modesto Junior College Track Coach.
(Memo with agenda. Motion granting request subject to conditions recommended by staff needed)

ACTION: By motion request for permission to use a school vehicle in Legion Park to mark a cross-country course granted subject to conditions that Mr. Albiani be the operator and the use restricted to marking the lines only. (P & R to handle)

CONSENT

14. Request Council permission to conduct Junior Fire Marshall Program in all elementary schools in the City of Modesto September 27 to October 1 and October 4 to October 8, 1971.
(Motion granting request needed)

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

CONSENT

15. Request for permission for City Manager to attend the annual International City Management Conference, November 7-11, 1971, in Hollywood, Florida.
(Motion granting permission needed. Estimated cost $500; funds budgeted in Account No. 207-8-101, Conference Expense)

ACTION: By motion permission granted.

MISCELLANEOUS

16. Legislation.

None.

17. Appointments.

None.

18. Matters too late for the agenda.

ACTION: It was announced that the joint Council-Planning Commission field trip scheduled for September 18 had been cancelled, but that a new date would be arranged.

Doctors Hospital requested that the appeal hearing set for 4:45 P.M. on September 20 be held over for two weeks to permit completion of a traffic survey. By Motion (Simon/Newton, unan.) the Council declared its intention to continue the hearing to 4:45 P.M. on October 4, 1971.

Adjournment at 8:20 P.M.

ATTEST: W. T. Chynoweth

W. T. CHYNOWETH, City Clerk

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, SEPTEMBER 20, 1971 AT 4:00 P.M.

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

Absent: Elliott

Pledge of allegiance to the Flag
Invocation: Rev. C. L. Stover, College Avenue Baptist Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 6, 7, 8, ~~15~~, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 28, 29, 30
Item 15 removed from consent.
Smith/Simon, unan. - Elliott, 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 September 13, 1971

ACTION: By motion minutes approved.

WRITTEN COMMUNICATIONS

2. Designation of voting and alternate voting delegates for 48th annual Congress of Cities, Honolulu, Hawaii, November 28 - December 1, 1971.
(Motion needed)

ACTION: By motion (Simon/Dixon, unan.) Mayor Davies named as voting delegate and Vice Mayor Smith named as alternate. (C/Mgr to handle)

3. Request of Valley Empire Antiques for adjustment in business license fees in connection with proposed antique show and sale.

ACTION: By motion (Dixon/Newton, unan.) request denied. (Clerk to handle)

4. Request of Riverbank and Empire Fire District Chiefs for discussion concerning Section 13954 of the Health & Safety Code.

ACTION: By motion (Dunlap/Smith, unan.) referred to staff for report with as many alternatives as possible given and with the total budget of each fire district to be included. (C/Mgr to handle)

5. Request of Stanislaus County for support of application for federal funds to conduct a county-wide study of drainage, water quality and solid waste management; support to include willingness to contribute money to project on 3/4 County and 1/4 all other local jurisdictions basis.

ACTION: By motion (Newton/Dixon, unan.) staff directed to prepare resolution. (Clerk to handle)

CONSENT

6. Request of St. Paul's Episcopal Church for extension of time to October 14, 1971 for acceptance of conditions imposed in connection with granting of fire protection to property to 1528 Oakdale Road. (Motion granting request needed)

ACTION: Res. 71-847 adopted granting request. (Clerk to handle)

CONSENT

7. Letter from Greater Modesto Chamber of Commerce expressing concern with sign pollution and with discrimination between H-1 and commercial zoning. (Motion ordering letter filed needed)

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

BIDS

CONSENT

8. Accept as complete House of Carpets' contract for furnishing and installation of carpet at the Modesto-Stanislaus Library. (All work on this contract has been completed to the satisfaction of the Architect and the Public Works Department. It would be in order to accept the work as complete and authorize the City Clerk to file a notice of completion. Resolution accepting work as complete needed. Actual cost $39,846; funds budgeted in Account 6063-301, New Library Building)

ACTION: Res. 71-848 adopted accepting contract. (Clerk to handle)

HEARINGS

9. Hearing, annexation of Norwegian No. 1 Addition to Sewer District No. 1. 4:05 P.M.

ACTION: Res. 71-849 adopted (Simon/Smith, unan. - Elliott, absent) overruling objections and annexing Norwegian No. 1 Addition to Sewer District. (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 on the south side of Rumble Road east of Keller Street and on the north side of Floyd Avenue west of Rose Avenue. (Robert P. Bomberger) 4:10 P.M.

ACTION: Ord. No. 1143-C.S. introduced (Simon/Dunlap, unan. - Elliott, absent) amending Sec. 15-3-9 of zoning map. (Clerk to handle)

11. Hearing on amendment to Section 15-3-9 of the zoning map to rezone from Planned Development Zone, P-D (73) for Memorial Hospital North, to Professional Office Zone, P-O, a long narrow sliver of land running east and west which lies north of Memorial Hospital on the east side of Coffee Road (Alex G. Spanos) 4:15 P.M.

ACTION: Ord. No. 1144-C.S. introduced (Dixon/Smith, unan. - Elliott, absent) amending Sec. 15-3-9 of zoning map. (Clerk to handle)

12. Hearing on amendment to Section 22-3-9 of the zoning map to rezone from One-family Residential Zone, R-1, to Professional Office Zone, P-O, property located on the east side of Coffee Road immediately north of Downey High School (Downey Park Properties) 4:30 P.M.

ACTION: Ord. No. 1145-C.S. introduced (Smith/Newton, unan. - Elliott, absent) amending Sec. 22-3-9 of zoning map. (Clerk to handle)

13. Hearing, appeal by Doctors' Hospital of denial by Planning Commission of application for unclassified use permit for Mental Health Outpatient Clinic. 4:45 P.M.

ACTION: By motion (Dixon/Dunlap, unan.) hearing continued to October 4 at 4:45 P.M. (Clerk to handle)

14. Matters for the good of the community. 4:50 P.M.
(These may be presented by interested people in the audience)

ACTION: Henry Martin, President of the NAACP, requested a status report on the recent complaint concerning the non-employment of blacks in the construction and staffing of the new library. He was informed that the City Attorney was preparing a resolution for consideration by the Council at its next meeting.

ORDINANCES

CONSENT

15. Consider repealing sections of the Municipal Code requiring certificates of competency.
(Memo with agenda. Ordinance repealing Article 2, Chapter 2 of Title IX, Article 2, Chapter 3 of Title IX, and Article 2, Chapter 7 of Title IX needed)

ACTION: Ord. 1146-C.S. introduced (Dixon/Dunlap, unan. - Elliott, absent) deleting requirements for certificates of competency. (Clerk to handle)

It was agreed that the City Manager would explain the budget of the Building Inspection Department to Bill Coleman. (C/Mgr to handle)

OLD BUSINESS

CONSENT

16. Agreement with Russell D. Mitchell.
(Agreement with Russell D. Mitchell for the preparation of plans, specifications and bidding documents for installation of an automatic sprinkler system at the Nine Hole Municipal Golf Course. Resolution approving agreement needed. Estimated cost $3,890. Funds budgeted in Account 6255-31-321, Muni Golf Course - Automatic Sprinkler)

ACTION: Res. 71-850 adopted approving agreement. (P & R to handle)

NEW BUSINESS

CONSENT

17. Letter from State Department of Aeronautics regarding master plan for Airport.
(Letter with agenda. Motion referring to City-County Liaison Committee needed)

ACTION: By motion letter referred to City-County Liaison Committee. (C/Mgr to handle)

CONSENT

18. Afterschool Recreation agreement.
(Agreement between City of Modesto and Modesto City Schools for the operation of the Afterschool Recreation Program.
(Resolution authorizing agreement needed)

ACTION: Res. 71-851 adopted approving agreement. (Clerk to handle)

CONSENT

19. Consider closing all or part of parking lot on west side of 10th Street between K and L Streets.
(Memo with agenda. Motion authorizing negotiations with landlords needed)

ACTION: By motion staff authorized to negotiate with landlords. (P & T to handle)

CONSENT

20. Consider adoption of the following resolutions regarding Improvement District No. 19 - Tokay-Codding storm drainage district.
(a) Resolution of Preliminary Determination that Public Convenience and Necessity require construction of public improvements (M19-1)

ACTION: Res. 1198-S.P. adopted. (Clerk to handle)

(b) Resolution Directing Engineer to prepare plans and specification. (M19-2)

ACTION: Res. 1199-S.P. adopted. (P/W to handle)

CONSENT
20. (continued)

(c) Resolution adopting and approving contract documents and specifications, plans and profiles (M19-3)

ACTION: Res. 1200-S.P. adopted. (Clerk to handle)

(d) Resolution of Intention (M19-4)

ACTION: Res. of Intention 333 (1201-S.P.) adopted setting October 26 at 8:00 P.M. for hearing. Clerk to handle)

(e) Resolution designating newspaper for publication of notices (M19-5)

ACTION: Res. 1202-S.P. adopted. (Clerk to handle)

(f) Resolution fixing compensation for attorneys(M19-6)
(Adoption of six resolutions needed)

ACTION: Res. 1203-S.P. adopted. (C/Atty to handle)

CONSENT
21. Discontinuance of twice-weekly garbage collection service.
(Memo with agenda. No council action needed)

No action needed.

CONSENT
22. A resolution approving the final map of Modesto Verde 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. Modesto Verde Subdivision is located at the northwest corner of of Prescott Road and Rumble Road. It contains 20.184 acres. Resolution approving final map needed)

ACTION: Res. 71-852 adopted approving final map of Modesto Verde Subdivision. (Clerk to handle)

CONSENT
23. Right of way acquisition - Brighton Avenue (Elveda Turner Morris)
(Memo with agenda. Resolution approving right of way agreement and accepting grant deed needed. Estimated cost $13,273. Funds budgeted in Account 6647-41, Miscellaneous Right of Way and Improvements)

ACTION: Res. 71-853 adopted approving agreement with Elveda Turner Morris and accepting grant deed. (Clerk to handle)

CONSENT

24. Accept improvements in Brentwood Estates No. 3 Subdivision and authorize City Clerk to file notice of completion and release bonds upon expiration of statutory periods.
(Brentwood Estates No. 3 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. 71-854 adopted accepting improvements. (Clerk to handle)

CONSENT

25. Accept improvements in Carver Manor No. 1 Subdivision.
(Carver Manor No. 1 Subdivision is located on the northwest corner of Carver and Rumble Roads. 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. 71-855 adopted accepting improvements. (Clerk to handle)

CONSENT

26. Assignment of leases of branch libraries.
(Under terms of agreements with lessors of branch libraries in the City, it is necessary to officially notify them of assignment to the County. It is proposed to make the assignment effective October 31, 1971. Motion authorizing City Manager to give notice of assignment needed)

ACTION: By motion City Manager authorized to give notice of assignment to Stanislaus County of leases for branch libraries. (C/Mgr to handle)

REPORTS

27. Preliminary report - Nine Hole Municipal Golf Course building.
(Oral report will be made at meeting. Motion directing staff needed)

ACTION: By motion (Smith/Simon, unan.) preliminary plans as shown to Council approved. (P & R to handle)

REPORTS FROM THE PLANNING COMMISSION

CONSENT

28. Recommend the granting of a one-year time extension to Planned Development Zone, P-D (74).
(On September 7, 1971 by Resolution No. 71-119 the Planning Commission recommended to the City Council the granting of a one-year time extension to Planned Development Zone, P-D (74) for an 80-unit apartment complex on the south side of Evergreen Avenue west of Pearl St. Resolution granting extension needed)

ACTION: Res. 71-856 adopted granting one-year time extension for P-D (74) to provide that the entire construction program be accomplished in one phase, construction to begin on or before August 15, 1972 and to be completed not later than August 15, 1974. (Planning to handle)

CONSENT

29. Abandonment of unused Rumble Road street right-of-way, west of of Prescott Road.
(By Resolution No. 71-112 adopted September 7, 1971 the Planning Commission has recommended abandonment of unused Rumble Road street right of way which was left after Rumble Road was realigned. This abandonment can be accomplished without public hearing under provisions of the Streets and Highways Code. Resolution abandoning needed)

ACTION: Res. 1204-S.P. adopted abandoning unused portion of Rumble Road right-of-way west of Prescott Road. (Clerk to handle)

APPROPRIATION TRANSFER

CONSENT

30. Appropriate funds for four accounts in the Downtown Improvement District's 1971-72 budget.
(These new accounts were established and approved at the budget hearings but were inadvertently left out in the adoption of the final budget. Resolution approving transfer needed. Estimated cost, $4,320)

ACTION: Res. 71-857 adopted approving appropriation transfer of $4,230 from Account 60-218 to Account 201 ($480), 204 ($600), 215 ($1,800) and 435 ($1,350) of fund 218. (Finance to handle)

MISCELLANEOUS

31. Legislation.

None.

32. Appointments.

None.

33. Matters to late for the agenda.

ACTION: The City Attorney was requested to report to Council on whether or not matters such as vacancy rates in apartment buildings, number of gas stations or other economic aspects can be considered in deliberating rezoning requests. (C/Atty to handle)

Res. 71-858 adopted (Simon/Newton, unan. - Elliott, absent) amending Resolutions 71-753, 71-754, 71-755, 71-756 and 71-757 to allow garbage companies 45 days from August 9, 1971 to file written acceptance of terms with City Clerk. (Clerk to handle)

Adjournment at 4:10 P.M.

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

MODESTO CITY COUNCIL

Due to the lack of a quorum, the regular council meeting of Monday, September 27, 1971 at 7:30 P.M. was adjourned to Thursday, September 30, 1971 at 4:00 P.M.

W. T. CHYNOWETH
City Clerk

MINUTES AND ACTION AGENDA

CITY OF MODESTO
AGENDA FOR COUNCIL MEETING OF MONDAY, SEPTEMBER 27, 1971 AT 7:30 P.M.

(This meeting will be adjourned to September 30, 1971 AT 4:00 P.M. and all matters listed on this agenda will be considered at that time)

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

Absent: Elliott
Councilman Newton arrived at 4:25 P.M.

Pledge of allegiance to the Flag
Invocation: Captain Ronald Bawden, Salvation Army

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, 17, 19, 21 22, 23, 25, 26, 27, 28, 29, 30, 31.

Smith/Simon, unan. - Elliott 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)

APPROVAL OF MINUTES

CONSENT
1. Minutes of September 20, 1971 meeting.

ACTION: By motion minutes approved.

WRITTEN COMMUNICATIONS

CONSENT
2. Invitation to attend laying of cornerstones at the Clinton Chapel, A.M.E. Zion Church, 1024 4th Street, on October 3, 1971 at 4:00 P.M. (Motion ordering filed needed)

ACTION: By motion letter ordered filed.

CONSENT
3. Report from Modesto Fire Fighters Association that $8,900 was raised locally in annual Telethon for Muscular Dystrophy, and that off-duty fire fighters manned a bank of phones for 20 hours during the telethon.
(Motion expressing appreciation needed)

ACTION: By motion staff directed to express appreciation to Modesto Fire Fighters Association. (Clerk to handle)

CONSENT
4. Request of Stanislaus County Election Department that City Clerk's office register voters.
(Memo with agenda. Motion approving needed)

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

BIDS

CONSENT

5. Call for bids for construction of traffic signals and street lighting at Scenic and Bodem and at Tully and Granger.
((Suggest opening bids November 2, 1971 and completion of project April 7, 1972. Estimated contract cost $23,000. Resolution needed. Estimated cost $23,000. Funds budgeted in Accounts 6157-56-321, Tully and Granger; 6190-56-321, Scenic and Bodem)

ACTION: Res. 71-859 adopted approving plans and specifications and bid call. (Clerk to handle)

CONSENT

6. Consider award of bid for improvement of streets adjacent to city park sites in Rose Terrace #3 and Northgate #7 subdivisions.
(Bids were opened September 21, 1971 at 10:20 A.M. The low bid submitted by Lee White Paving Company, which is 0.9% over the Engineer's Estimate, is considered acceptable. It is recommended by the Public Works Department that bid be awarded low bidder. Estimated cost $26,830 (Contract $23,355; Engr. $3,475). Funds budgeted in Account 6708-41-321, Misc. Street Impvts., Park Development)

ACTION: Res. 71-860 adopted awarding contract to Lee White Paving Co. (P/W to handle)

CONSENT

7. Consider award of bid for construction of planting and irrigation at Downey Park.
(Bids were opened September 21, 1971. The low bid submitted by Albert M. Biehl, which is 14% under the Landscape Architect's Estimate, is considered acceptable. It is recommended by the Public Works Department that bid be awarded to low bidder. Resolution needed. Funds budgeted in Account 6290-31-321, Downey Park, Stage 1, 2. Estimated cost: $51,000 (Contract $49,386; Eng. & Insp. $1,614)

ACTION: Res. 71-861 adopted awarding contract to Albert M. Biehl. (P/W to handle)

CONSENT

8. Consider award of bid for installation of water lines in Granada Park No. 2 and Brookview Estates No. 2.
(Bids were opened September 21, 1971. The low bid submitted by Valley Construction, which is 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 needed. Estimated cost $6,972; (Ext. $3,472, Ser. $3,500). Funds budgeted in Accounts 5804-50-101, Water Line Extension and 5301-50-101, New Services)

ACTION: Res. 71-862 adopted awarding contract to Valley Construction Co. (P/W to handle)

CONSENT

9. Consider acceptance of Lee A. Cain's contract as complete for construction of fence and sidewalk on Briggsmore Avenue, Block 6711. (All work in conjunction with the project has been completed to the satisfaction of the Public Works Department. It is in order to accept the work as complete. Original contract $7,957.50. Resolution accept work as complete needed. Final cost $7,957.50; funds budgeted in Account 6287-31-321, Briggsmore Beautification)

ACTION: Res. 71-863 adopted accepting contract. (Clerk to handle)

CONSENT

10. Consider award of bid for construction of parking lot at King-Kennedy Center. (Memo with agenda. Resolution needed. Estimated cost $16,000 ($15,261, contract; Eng. & Insp. $739.). Funds budgeted in Account 6375-31-321, King-Kennedy Parking Lot)

ACTION: Res. 71-864 adopted awarding contract to the Flintkote Co. (P/W to handle)

CONSENT

11. Accept as complete Acme Construction Company's contract for the construction of new library building (Modesto-Stanislaus Library). (All work on this contract has been completed to the satisfaction of the architect and 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 $1,724,519.55 (Original, $1,713,000). Funds budgeted in Account 6063 Fund 301, New Library Building)

ACTION: Res. 71-865 adopted accepting contract. (Clerk to handle)

12. Matters for the good of the community.

None.

ORDINANCES

CONSENT

13. Final adoption of Ordinance 1146-C.S. (repealing requirements for certificates of competency.
(Motion adopting needed)

ACTION: By motion Ord. 1146-C.S. adopted. (Clerk to handle)

UNFINISHED BUSINESS

CONSENT

14. A resolution supporting Stanislaus County's application for federal financial assistance to study drainage, water quality and solid waste management and offering to contribute funds for said study.
(This matter was considered by the Council at its meeting of September 20, 1971 at which time the staff was instructed to prepare the necessary resolution. Copies of resolution with agenda. Resolution needed)

ACTION: Res. 71-866 adopted supporting application and offering financial participation. (Clerk to handle)

CONSENT

15. Agreement with Russell D. Mitchell for the preparation of plans, specifications and bidding documents for the installation of automatic sprinkler systems at Roosevelt, Pike and T. B. Scott Parks.
(Resolution approving agreement needed. Estimated cost $1,850. Funds budgeted in Accounts Nos. 6340-31-321, $625, Pike Park, Auto.Sprinklers; 6370-31-321 $575. Scott Park, Auto. Sprinklers; 6367-324, $650, Roosevelt Park, auto. Sprinklers)

ACTION: Res. 71-867 adopted approving agreement. (Clerk to handle)

CONSENT

16. A resolution reaffirming the City Council's Position regarding equal opportunity employment on public works projects.
(Copy of resolution with agenda. Resolution needed)

ACTION: Res. 71-868 adopted reaffirming position of City Council. (Clerk to handle)

NEW BUSINESS

CONSENT

17. Approve proposed Federal-Aid Urban Street System for the Modesto urban area.
(The Division of Highways has approved the Federal-Aid Urban Street System submitted by the city staff with the exception of two changes involving Needham St. and Whitmore Ave. The State has agreed to the reclassification of both of these streets at the next opportunity, which we anticipate will occur in 1972. Resolution approving the Federal-Aid Urban St. System for the Modesto portion of the Modesto-Ceres Urbanized area.)

ACTION: Res. 71-869 adopted approving Federal-Aid Urban Street System. (Clerk to handle)

18. Recommendation of Public Relations Committee that the City start setting aside funds for an auditorium, and appropriating $300,000 during the current fiscal year for that purpose.
(Memo with agenda. Resolution appropriating funds needed)

ACTION: Res. 71-870 adopted (Dixon/Smith, unan. - Elliott and Newton, absent) approving transfer of $300,000 from the General Reserve of the General Fund (Fund No. 101) to the Special Fund for Capital Outlay (Fund No. 321) (Finance to handle)

It was pointed out that the public should be better informed on the operation of the Capital Improvement Program and that a survey be taken to determine the desires of the public; type of facility (if any), financing and related matters.

CONSENT

19. Consider resolution endorsing the Region VII North Criminal Justice Planning Board as the Regional Criminal Justice Planning Agency for the City of Modesto.
(Copy of proposed resolution with agenda. Resolution endorsing needed)

ACTION: Res. 71-871 adopted endorsing Planning Board as Agency for Modesto. (Clerk to handle)

20. Recommendation for City Council action concerning the repetition of criminal activities by individuals who maintain their freedom through the criminal justice system.
(Memo with agenda. Motion authorizing staff to proceed as recommended needed)

ACTION: By motion (Simon/Smith, unan.) recommendations approved to (1) refer this to the City-County Liaison Committee for study of possible appointment of executive council to meet and discuss these problems and, (2) have Council meet with Assemblyman La Coste and Senator Teale to discuss the best way to proceed. (C/Mgr to handle)

CONSENT

21. Consider removal of city requirement for bond on truck and auto bids.
(Memo with agenda. Motion permitting staff to call for bids without requiring bonds needed)

ACTION: By motion staff permitted to call for truck and auto bids without requiring bid bonds. (Finance to handle)

CONSENT

22. Consider revising the position classification plan of the City of Modesto.
(Memo with agenda. Resolution revising the classification plan to abolish certain classes of positions needed)

ACTION: Res. 71-872 adopted revising Position Classification Plan to abolish the titles of Assistant City Engineer, Land Agent-Project Assistant and Water Service Foreman. (Personnel to handle)

CONSENT

23. Approve agreement with State to modify signal detectors on Morris, Roseburg, Orangeburg at McHenry and to install longer mast arms and larger signals at Floyd and McHenry.
(The project will allow cross streets to be restriped for additional lanes entering McHenry. The City's share is estimated at $5,500. Resolution approving agreement needed. Estimated cost $5,500. Funds budgeted in Account 6140-56-321, Modification of McHenry Signal Detectors)

ACTION: Res. 71-873 adopted approving agreement. (Clerk to handle)

24. Letter from Modesto Reds to Parks and Recreation requesting consideration of dressing and shower room building at Del Webb Field.
(Motion directing staff and resolution approving appropriation transfer of $50,000 from Account 60-321 to Account 6400-31-321)

ACTION: By motion (Dixon/Simon, unan.) action on request tabled until staff reports to Council on reasons why this project can be justified. (P & R to handle)

CONSENT

25. Consider granting public utility easements to Modesto Irrigation District across the East Rumble Road frontage of Sylvan School park site and across Downey Park at Coffee Road and Brighton Ave. (Block 12881)
(These easements will allow the Modesto Irrigation District to construct underground electrical facilities along the property frontage.s (Two resolutions authorizing 2 easements needed)

ACTION: Res. 71-874 adopted granting public utility easement to Modesto Irrigation District (Sylvan School Park site)

Res. 71-875 adopted granting public utility easement to Modesto Irrigation District (Downey Park) (Clerk to handle)

CONSENT

26. Sale of Grenache grapes located on Woodrow Park site.
(Memo with agenda. Resolution approving sale needed)

ACTION: Res. 71-876 adopted approving sale of grapes to Gallo Winery for $95.00 per ton. (Finance to handle)

REPORTS

CONSENT

27. Report on letter from FAA concerning Instrument Landing System (ILS) at City-County Airport.
(A recent letter from Federal Aviation Administration indicated that a project for the installation of an ILS unit has been approved for the Modesto City-County Airport. Indications are that equipment for the ILS unit could be available as early as March for installation. Memo with agenda. Motion ordering letter filed needed)

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

REPORTS FROM THE PLANNING COMMISSION

CONSENT

28. Recommend to the Council an amendment to Chapter 2 of Title X of the Modesto Municipal Code (permitted uses and off-street parking provisions)
(By Resolution No. 71-129 adopted September 21, 1971 the Planning Commission recommends an amendment to Chapter 2 of Title X of the Modesto Municipal Code regarding proposed amendments, additions and deletions to those sections of the Modesto City Zoning regulations pertaining to the P-O Zone - permitted uses and off-street parking provisions. Resolution setting October 18, 1971 at 4:10 P.M. for public hearing needed)

ACTION: Res. 71-877 adopted setting hearing. (Clerk to handle)

CONSENT

29. Recommend amendment to Section 6-4-9 of the zoning map (The Brittany). (By Resolution No. 71-124 adopted September 21, 1971 the Planning Commission recommends an amendment to Section 6-4-9 of the zoning map as requested by "The Brittany" to prezone to Planned Development Zone, P-P-D, property located on the south side of Paradise Road opposite Mayette Avenues. Resolution setting October 18, 1971 at 4:05 P.M. for public hearing needed)

ACTION: Res. 71-878 adopted setting hearing. (Clerk to handle)

CONSENT

30. Recommend amendment to Section 28-3-9 of the zoning map (John N. Uhl) (By Res. No. 71-127 adopted September 21, 1971 the Planning Commission recommends an amendment to Section 28-3-9 of the zoning map as requested by John N. Uhl to rezone from Neighborhood Commercial Zone, C-1, to Planned Development Zone, P-D, to allow construction of a two-story, 6-unit apartment in conjunction with an existing 1-story office building, on property located at the easterly corner of 14th and E Streets. Resolution setting October 18, 1971 at 4:15 P.M. for public hearing needed)

ACTION: Res. 71-879 adopted setting hearing. (Clerk to handle)

APPROPRIATION TRANSFERS

CONSENT

31. Surfacing of turning area at Fire Station #5 - 200 West Briggsmore. (Memo with agenda. Resolution approving appropriation transfer of $2,500 from Special Fund for Capital Outlay.)

ACTION: Res. 71-880 adopted approving appropriation transfer of $2,500 from Account 60-321 to Account 7901-41-321. (Finance to handle)

MISCELLANEOUS

32. Legislation.

None.

33. Appointments.

None.

34. Matters too late for the agenda.

ACTION: Councilman Dixon requested the Council to consider the formation of some type of Youth Commission by means of which young people could serve local governments on a part-time basis and receive school credit. The Mayor directed staff to explore this and report to Council. (C/Mgr to handle)

Richard Mangnall, new Assistant Director of Public Works, was introduced.

By motion (Newton/Smith, unan.) Stanislaus County permitted to use portion of new library (basement) subject to certain security measures. (C/Mgr to handle)

Councilman Simon requested a progress report on enforcement of the unsafe building code and asked whether or not the inspection records were considered as public records. (P/W to handle)

Adjournment at 4:45 P.M.

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

MINUTES AND ACTION AGENDA

CITY OF MODESTO
AGENDA FOR COUNCIL MEETING OF MONDAY, OCTOBER 4, 1971 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 1, 2, 3, 4, 5, 6, 6A, 11, 12, 13, 14, 15, 17, 18, 19, 20, 21, 22, 23

Dixon/Elliott, 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)

WRITTEN COMMUNICATIONS

CONSENT

1. Request of Downtown Improvement District for permission to use sidewalks for Downtown's Fall Sidewalk Sale, October 7, 8, 9, 1971. (Resolution needed)

ACTION: Res. 71-881 adopted granting request subject to the following conditions:
(1) No more than 50% of the sidewalk width be obstructed in any manner. This would include the merchandise, display tables and racks, and sales personnel.

(2) That the use of the sidewalks for the display and sale of merchandise be limited on the days requested to the hours of 8:00 A.M. to 9:00 P.M.

(3) That the only signs be price signs placed on the merchandise itself indicating the sale price and that no general advertising matter, pennants, banners, streamers, etc. will be allowed. (Clerk to handle)

BIDS

CONSENT

2. Approve plans and specifications and call for bids for the drilling, casing, testing and development of one deep well for the City of Modesto - Well No. 39.
(Bid opening, October 19, 1971 at 10:00 A.M. Resolution needed. Estimated cost $7,000.00; funds budgeted in Account 6816-50-101, New Well & Pump Station 4th High School Park Site

ACTION: Res. 71-882 adopted approving plans and specifications and bid call. (Clerk to handle)

CONSENT

3. Accept as complete Shield Construction Company, Inc. contract for the improvement of College Avenue from Coldwell to Orangeburg Ave. (All work on this contract has been completed to the satisfaction of the Public Works Department. It would be in order to accept the work as complete and authorize the City Clerk to file notice of completion. Resolution accepting work needed. Estimated cost: Original, $77,052.05; final, $78, 654.10; funds budgeted in Account 6645-207, College-Coldwell to Orangeburg)

ACTION: Res. 71-883 adopted accepting contract. (Clerk to handle)

CONSENT

4. Consider accepting negotiated offer of R. H. Gorman Co. of Hayward, California to furnish a used front-end bucket loader.
(Memo with agenda. Resolution needed. Estimated cost $12,590.00; funds budgeted in Account 5422-48-512, Service Division Working Capital Fund, p. 80)

ACTION: Res. 71-884 adopted authorizing purchase of used front-end bucket loader from R. H. Gorman Co. for a total cost not to exceed $12,589.50. (Finance to handle)

CONSENT

5. Consider award to low bidders to furnish automotive equipment and approve appropriation transfer as follows:
(1. Bill Hughes Dodge, Four 2-ton conventional cab and chassis, $18,200.28; 2. Best Chevrolet, Two 2-ton tilt cab forward cab and chassis, $13,868.20; 3. Appropriation transfer. Memo and tabulation with agenda. Three resolutions needed. Estimated cost $32,070; funds budgeted in Account 5403-48-512, Service Division Working Capital Fund, p. 79)

ACTION: Res. 71-885 adopted awarding contract for four (4) 2-ton conventional units to Bill Hughes Dodge.

Res. 71-886 adopted awarding contract for two (2) 2-ton tilt cab forward units to Best Chevrolet.

Res. 71-887 adopted approving appropriation transfer of $28,846 from Account 60-512 to Account 5403-48-512. (Finance to handle)

CONSENT

6. Accept as complete the Flintkote Company's contract for the construction of tie-down overlay at Modesto City-County Airport.
(Memo with agenda. Resolution accepting work as complete and authorizing the City Clerk to file notice of completion. Original cost $18,604.50; Finalcost, $18,724.61; funds budgeted in Account 6507-306, Tie-down Overlay and 5303-46-230, Taxiway & Runup Pad Modification)

ACTION: Res. 71-888 adopted accepting contract. (Clerk to handle)

CONSENT

6A. Consider approval of plans, specifications and call for bids for the installation of water lines in Modesto Verde and Block 1250 (Spanos Court)
(Suggested bid opening: October 19, 1971 at 10:10 A.M. Costs and Revenues, Modesto Verde, Const. Cost, $28,590.77; Connection Charges, $16,508.00; Net annual revenue, $2,096.00; Block 1250: Costs and revenues, $8,487.00; Connection charges, $4,560.20; Net annual revenue $2,421.60. Estimated cost $37,077.77 (Materials $21,825.02, labor, $15,252.75)

ACTION: Res. 71-889 adopted approving plans and specifications and bid call. (Clerk to handle)

HEARINGS

7. Annexation of Montclair No. 3 Addition to Sewer District. 4:05 P.M.

ACTION: Res. 71-890 adopted (Dunlap/Smith, unan.) annexing Montclair No. 3 Addition to Modesto Municipal Sewer District No. 1. (Clerk to handle)

8. Annexation of Claremont No. 2 Addition to Sewer District. 4:10 P.M.

ACTION: Res. 71-891 adopted (Smith/Elliott, unan.) annexing Claremont No. 2 Addition to Modesto Municipal Sewer District No. 1. (Clerk to handle)

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

None.

10. Hearing, appeal of Doctors' Hospital to denial by Planning Commission of application for unclassified use permit for mental health out-patient clinic. 4:45 P.M.

(a) Letter from Doctors' Hospital withdrawing appeal.
(Letter with agenda)

ACTION: By motion (Dunlap/Elliott, unan.) withdrawal permitted.

ORDINANCES

CONSENT

11. Consider ordinance amending Section 9-8.04 of the Municipal Code relating to Dangerous Building Code.
(Memo with agenda. Ordinance amending Section 9-8.04 of the Municipal Code relating to dangerous building code needed)

ACTION: Ord. No. 1147-C.S. introduced amending Section 9-8.04 of Municipal Code to clarify authority of Board of Appeals. (Clerk to handle)

Ord. No. 1148-C.S. adopted amending Section 9-8.04 of Municipal Code on emergency basis. (Clerk to handle)

NEW BUSINESS

CONSENT

12. Consider authorizing Mayor to organize a delegation to November 17, 1971 Highway Commission meeting to urge earlier construction of Highway 99 freeway north of Modesto.
(Unless the timetable is changed, this freeway is still seven years away and getting no closer. At this time a motion is needed authorizing Mayor to organize such a delegation. It is likely that a resolution will be needed later)

ACTION: By motion Mayor authorized to organize delegation. (C/Mgr to handle)

CONSENT

13. Designate 25 mile speed limits on Pearl Street west of Carver and Grape Avenue between Pearl and Evergreen
(There is insufficient development on these streets to qualify for an automatic 25 mile limit. A 25 mile limit is needed because of residential development and proximity of Garrison School and Garrison Park. Ordinance amending Sec. 3-2.1401 of the Municipal Code needed. Estimated cost $40.00; funds budgeted in Account 5301-56-101, Traffic Signs)

ACTION: Ord. No. 1149-C.S. introduced amending Section 3-2.1401 of Municipal Code. (Clerk to handle)

CONSENT

14. Consider approval of agreement to provide sewer service to subdivision outside the City.
(Developers, Edward Johnson and Lewis R. Dunham). The developers of Herndon Estates, a 78-lot subdivision in the County at the corner of Pecos and Herndon Avenues south of the Tuolumne River, have signed an agreement for sewer service which basically requires that development be to city standards and that deed restrictions be recorded which require annexation to the City when so requested. Resolution needed)

ACTION: Res. 71-892 adopted approving agreement. (P/W to handle)

CONSENT

15. Authorize City Manager to execute TOPICS Program (agreement) with State for Needham-K-L project.
(The Program is satisfactory, and it would be in order to authorize its execution. Resolution authorizing City Manager to execute program needed. Estimated cost $350,000 total cost to City, State and Federal. City share estimated at $123,453; funds budgeted in various accounts)

ACTION: Res. 71-893 adopted granting City Manager authority to execute agreement for TOPICS Program. (P & T to handle)

16. Red Top Taxi request for City to waive taxi and taxi stand fees for the remainder of the wage/price freeze.
(Memo with agenda explaining pros and cons. Motion directing staff needed)

ACTION: Res. 71-894 adopted (Dixon/Newton, unan.) denying request. (Clerk to handle)

CONSENT

17. Notification that $13,683 bus grant has been obtained and consideration of making application for additional bus.
(Memo with agenda. We have qualified for this grant. The funds will be received shortly. We could use some of this money for an additional bus if the Council so approves. Motion directing staff to prepare application for grant for additional bus needed)

ACTION: By motion staff directed to make grant application. (P & T to handle)

CONSENT

18. A resolution 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.
(This resolution is necessary to create the EEA positions and to designate that participants working for the City under the EEA will receive equal pay and benefits of regular city employees, but will not be regular employees. Participants will be considered as temporary unclassified employees. Resolution needed)

ACTION: Res. 71-895 adopted authorizing temporary positions in unclassified service to be filled by persons employed under the provisions of the Emergency Employment Act of 1971. (Personnel to handle)

CONSENT

19. (a) Approve agreement between Head Rest, Inc., and the City of Modesto for the administration of grant funds from the California Council on Criminal Justice.
(Resolution approving agreement needed)

ACTION: Res. 71-896 adopted approving agreement with Head Rest, Inc. (C/Mgr to handle)

(b) Establish a special fund for the grant funds and matching funds. The fund will be entitled "Head Rest Fund."
(Resolution establishing the special fund entitled "Head Rest Fund."

ACTION: Res. 71-897 adopted establishing special fund entitled "Head Rest Fund". (Finance to handle)

REPORTS

CONSENT

20. Comprehensive report on bicycles.
(Motion accepting report needed)

ACTION: By motion report accepted.

Councilman Dixon expressed the hope that this report be given widespread publicity so that the public would become better informed on this subject.

REPORTS FROM THE PLANNING COMMISSION

CONSENT

21. Annexation of Sonoma No. 1 Addition to the City of Modesto. (Uninhabited)
(The LAFC Commission has authorized this annexation without notice or public hearing - September 17, 1971. Resolution annexing area needed)

ACTION: Res. 71-898 adopted annexing Sonoma No. 1 Addition to City of Modesto. (Clerk to handle)

CONSENT

22. Recommended amendments to Title X of the Modesto Municipal Code (signs in the R-1 Zone) and (Title IX, corresponding amendments to the sign ordinance.
(By Res. No. 71-128 adopted September 21, 1971 the Planning Commission recommends amendments to Chapter 2 of Title X of the Modesto Municipal Code pertaining to subdivision signs in the R-1 Zone, and corresponding amendments to the sign ordinance. Resolution setting Tuesday, October 26, 1971 at 7:35 P.M. for public hearing needed)

ACTION: Res. 71-899 adopted setting hearing. (Clerk to handle)

APPROPRIATION TRANSFER

CONSENT

23. Transfer from unappropriated fund balance of the General Fund to the Service Division Revolving Fund.
(It is recommended that an additional $100,000 be transferred. Costs of labor, materials, supplies, equipment replacement and acquisition of new equipment have continued to grow at a rapid rate, resulting in the need for additional capital in this revolving fund. Resolution approving transfer needed)

ACTION: Res. 71-900 adopted approving transfer of $100,000 from Unappropriated Fund Balance of the General Fund to the Service Division Revolving Fund. (Finance to handle)

MISCELLANEOUS

24. Legislation.

None.

25. Appointments.
None.

26. Matters too late for the agenda.

ACTION: Councilman Newton congratulated the Police Department on the success of the citizen rider program and the program whereby police officers are more active at local schools.

Councilman Dixon reported that he considered Modesto to have as fine a staff as any city and compared favorably with any other cities at the annual League Conference.

Mayor Davies apologized for not spending more time with the local delegation during the recent League Conference. He explained that he had been too busy with his obligations as a State Director and as President of the Mayors and Councilmen section.

Adjournment at 4:20 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 12, 1971 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: David Skinner, Student, San Francisco Theological Seminary

CONSENT ITEMS - roll call vote required: Items 1, 4, 5, 6, 7, 9, 11, 12, 13, 15, 17, 18, 19, 20
Dunlap/Newton, unan.

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APPROVAL OF MINUTES

CONSENT
1. Minutes of September 30 and October 4, 1971.

ACTION: By motion minutes approved.

WRITTEN COMMUNICATIONS

2. Report by Library and Cultural Commission on Rock Band concert at dedication of new library and request for clarification re expenses.

ACTION: By motion (Elliott/Smith, unan.) request for $100.00 for band approved. Musician's Union will pay $112.00 for second band. (C/Mgr to handle)

3. Request of Citizens Cultural Center Committee that staff be authorized to proceed with bid call for repair of roof and floor in the reference room of McHenry Library.

ACTION: By motion (Elliott/Dixon, unan.) staff authorized to proceed with bid call for repair of roof and floor in reference room of McHenry Library. (P/W to handle)

CONSENT
4. Letter from St. Paul's Episcopal Church stating that they are unable to comply with conditions imposed in connection with city fire protection at building site on Old Oakdale Road.
(Motion ordering filed needed)

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

CONSENT
5. Request of Greater Modesto Chamber of Commerce for payment of $15,000 allocated in 1971-72 budget.
(Motion ordering payment needed)

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

BIDS

CONSENT

6. Accept as complete B. J. Rommel's contract for the construction of restroom, storage area, and electrical system at Downey Park. (All work on this contract has been completed to the satisfaction of the Public Works Department and Parks and Recreation Department. It would be in order to accept the work as complete and authorize Clerk to file notice of completion. Resolution needed. Actual cost $25,388.80)

ACTION: Res. 71-901 adopted accepting contract. (Clerk to handle)

CONSENT

7. Consider acceptance of Albert Biehl's contract for construction of Moose Park planting and irrigation.
(All work in conjunction with this contract 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. Original contract $20,742. Resolution accepting work needed. Final cost $21,822. Funds budgeted in Account 6321-31-321, Moose Park Development, Stage II)

ACTION: Res. 71-902 adopted accepting contract. (Clerk to handle)

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

ACTION: John Funnell, member of the Farm-City Committee, was introduced by Mayor Davies.

Jack Vr Meer, new Health Planner, Stanislaus County Comprehensive Health Planning Council, was introduced by Councilman Dixon.

ORDINANCES

CONSENT

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

(a) Ordinance No. 1143-C.S. - amending Section 15-3-9 (Bomberger)

ACTION: By motion Ord. No. 1143-C.S. adopted. (Clerk to handle)

(b) Ordinance No. 1144-C.S. - amending section map 15-3-9 (Spanos)

ACTION: By motion Ord. No. 1144-C.S. adopted. (Clerk to handle)

(c) Ordinance No. 1145-C.S. - amending section map 22-3-9 (Downey Park Properties)

ACTION: By motion Ord. No. 1145-C.S. adopted. (Clerk to handle)

9. Adoption of ordinances (continued)

(d) Ordinance No. 1147-C.S. - dangerous building code.

ACTION: By motion Ord. No. 1147-C.S. adopted. (Clerk to handle)

(e) Ordinance No. 1149-C.S. - speed limits on Pearl Street.

ACTION: By motion Ord. 1149-C.S. adopted. (Clerk to handle)

NEW BUSINESS

10. Recommendation from Tuolumne River Regional Park Committee. (Memo with agenda. Motion approving recommendations and directing staff to work with other staffs to prepare agreement)

ACTION: By motion (Dunlap/Smith, unan.) recommendations approved and staff directed to work with other staffs to prepare agreement. (C/Atty to handle)

CONSENT

11. Request for $300 in in-kind services and supplies for drug abuse prevention and treatment activities. (Copies of memo being distributed with agenda. Motion approving request needed. Estimated cost $300. Funds budgeted in Account 301-65-101, Office Supplies, p. 64 of budget)

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

CONSENT

12. Consider approval of City-County cooperative agreement for the reconstruction of Scenic Drive-El Vista Avenue intersection. (Memo with agenda. Resolution approving agreement needed. Estimated cost $40,000. Funds budgeted in Account 6697-207, El Vista/ Scenic Impr. (Sp. Gas Tax Street Impr. Fund)

ACTION: Res. 71-903 adopted approving agreement. (Clerk to handle)

CONSENT

13. Notification of 1971-72 TOPICS apportionment to Modesto of approximately $59,109 and report on current TOPICS apportionments. (We have qualified $224,240 work of TOPICS projects to date. We must qualify $44,734 of TOPICS projects by July 1, 1972 and $59,109 more by July 1, 1973. We are ahead of schedule and no problems are foreseen. Motion accepting report needed)

ACTION: By motion report accepted.

14. Consider adoption of resolution in support of the proposed designated floodway for Dry Creek, as proposed by State Board of Reclamation. (Memo with agenda. Resolution needed)

ACTION: Res. 71-904 adopted (Dixon/Smith, unan., - Dunlap, absent) (Councilman Dunlap was excused because of conflict of interest) supporting designated floodway for Dry Creek proposed by State Board of Reclamation. (C/Atty to handle)

REPORTS

CONSENT

15. Presentation of financial statement for September 1971.
(Copies of report with agenda. Motion accepting report needed)

ACTION: By motion report accepted.

16. Reports on Dangerous Building Code.
(Memoranda from Director of Public Works and City Attorney with agenda. Motion accepting reports needed)

ACTION: By motion (Simon/Dunlap, unan.) reports accepted making files of completed work available to the public for review, subject to removal of inspectors' notes and correspondence from property owners or their representatives which they have asked be kept confidential. (P/W to handle)

REPORTS FROM THE PLANNING COMMISSION

CONSENT

17. Recommend sale of three city owned parcels of land.
(By Resolutions Nos. 71-145, 71-146 snf 71-147, at its meeting of October 5, 1971 the Planning Commission recommends the sale of three surplus city owned parcels of land. Motion authorizing staff to proceed to determine method of disposal and report to City Council needed)

ACTION: By motion staff directed to determine best method of disposal and to report to Council. (Finance to handle)

CONSENT

18. Recommend an amendment to Chapter 2 of Title X of the Modesto Municipal Code (zoning regulations - off-street parking standards)
(a) By Res. No. 71-130 adopted September 21, 1971 the Planning Commission recommends an amendment to Chapter 2 of Title X of the Modesto Municipal Code (zoning regulations - off-street parking standards)

(b) By Resolution No. 71-138, adopted October 5, 1971 the Planning Commission recommends an amendment to Section 10-2-1806 of the Modesto Municipal Code (In-lieu parking payments)
(Resolution setting November 22, 1971 at 7:35 P.M. for public hearing needed)

ACTION: Res. 71-905 adopted setting hearing. (Clerk to handle)

CONSENT

19. Recommend an amendment to Section 10-2-2906 of Chapter 2 of Title X of the Modesto Municipal Code pertaining to signs in the H-1 Zone (zoning regulations)
(By Res. 71-136 adopted October 5, 1971 the Planning Commission recommends an amendment to Section 10-2-2906 of Chapter 2 of Title X of the Modesto Municipal Code pertaining to signs in the H-1 zone. Resolution setting November 8, 1971 at 7:35 P.M. for hearing needed)

ACTION: Res. 71-906 adopted setting hearing. (Clerk to handle)

CONSENT

20. Recommend an amendment to Article 17 of Chapter 2 of Title X of the Modesto Municipal Code pertaining to abatement of nonconforming signs.
(By Res. 71-137 adopted October 5, 1971 the Planning Commission recommends an amendment to Article 17 of Chapter 2 of Title X of the Modesto Municipal Code pertaining to abatement of nonconforming signs. A similar amendment is to be made to the sign ordinance. Resolution setting November 8, 1971 at 7:40 P.M. for public hearing needed)

ACTION: Res. 71-907 adopted setting hearing. (Clerk to handle)

21. Recommend to the Council that commercial H-1 zoning on the L. J. Banks parcel in the Prescott Road area be supported.
(By Res. No. 71-134 at its meeting October 5, 1971 the Planning Commission recommends to the Council that commercial H-1 zoning on the L. J. Banks parcel in the Prescott Road area be supported. Council recommendation to County that H-1 rezoning be granted. but that applicant annex to City prior to development needed)

ACTION: Res. 71-908 adopted (Simon/Elliott, unan.) that letter indicating Council approval of H-1 zoning be sent to County Board of Supervisors as recommended by the Planning Commission. (C/Mgr to handle)

MISCELLANEOUS

22. Legislation.

ACTION: Staff was directed to place proposed legislation concerning tax reform on the October 18, 1971 agenda. (C/Mgr to handle)

23. Appointments.

None.

24. Matters too late for the agenda.

ACTION: Matter of second sign at Alfred Matthews. A motion (Smith/Newton) that the legality of the sign installed at Alfred Matthews be referred to the Board of Zoning Adjustment for review failed to carry. By motion (Simon/Dixon, unan.) the matter was referred to the City Attorney for legal ramifications of the entire issue from its inception, talking to the employee issuing the permit, and reporting back to the Council. (C/Atty to handle)

Councilman Simon expressed his appreciation for the sympathy expressed by the Council and staff in the recent death of his mother.

Adjournment at 9:17 P.M.

ATTEST: Pauline P. Stanley
PAULINE P. STANLEY, ACTING CITY CLERK

CITY OF MODESTO
AGENDA FOR COUNCIL MEETING OF MONDAY, OCTOBER 18, 1971 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: Rev. Donald Nelson, Centenary Methodist Church

CONSENT ITEMS - roll call vote required: Items 1, ~~2~~, 3, 4, 9, 10, 11, 12, 13, 19, 20
Item 2 removed from consent
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)

APPROVAL OF MINUTES

CONSENT of October 12, 1971, motion
1. Minutes/approving needed)

ACTION: By motion minutes approved.

WRITTEN COMMUNICATIONS

~~CONSENT~~
2. Communication from George Barry relating to 50th anniversary of Modesto Junior College.
(Resolution congratulating needed)

ACTION: Res. 71-909 adopted (Elliott/Simon, unan.) congratulating Modesto Junior College on 50th anniversary. (Clerk to handle)

BIDS

CONSENT
3. Consider acceptance of Valley Construction's contract for installation of water lines in Wyldewood Estates No. 1 and Kruger Drive. (Original contract $5,556.25. 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 needed. Final cost $5,795.65. Funds budgeted in Account 6804-50-101, Water Line Extensions and 5301-50-101, New Services)

ACTION: Res. 71-910 adopted accepting contract. (Clerk to handle)

CONSENT

4. Consider acceptance of Valley Construction's contract for the installation of water lines in Pleasant View Estates No. 2. (Original contract $3,370.00. All work in conjunction with 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 needed. (Final cost Ext. $2,343.80; Services, $1,170). Funds budgeted in Account 6804-50-101, Water Line Extension and 5301-50-101, New Services)

ACTION: Res. 71-911 adopted accepting contract. (Clerk to handle)

HEARINGS

5. Hearing on amendment to Section 6-4-9 of the zoning map to prezone to P-D to allow construction of a 96-unit apartment complex on property located on Paradise Road opposite Mayette Avenue. (The Brittany) 4:05 P.M.

ACTION: Ord. No. 1150-C.S. introduced (Smith/Dunlap, unan.) amending Sec. 6-4-9 of the zoning map. (Clerk to handle)

Res. 71-912 adopted (Smith/Dunlap, unan.) approving development plan. (Planning to handle)

6. Hearing on amendment to zoning regulations relating to permitted uses and off-street parking in P-0 zones. 4:10 P.M.

ACTION: Ord. No. 1151-C.S. introduced (Newton/Elliott, unan.) amending zoning regulations. (Clerk to handle)

7. Hearing on amendment to Section 28-3-9 of the zoning map to rezone from C-1 to P-D to allow construction of a two-story six-unit apartment on property at the easterly corner of 14th and E Streets (Uhl) 4:15 P.M.

ACTION: Ord. No. 1152-C.S. introduced (Dixon/Dunlap, unan.) amending Sec. 28-3-9 of the zoning map. (Clerk to handle)

Res. 71-913 adopted (Dixon/Dunlap, unan.) approving development plan. (Planning to handle)

8. Matters for the good of the community. 4:20 P.M.

None

NEW BUSINESS

CONSENT

9. Authorizing City Manager to sign agreement with County for Modesto to be a participating agency under the Emergency Employment Act of 1971.
(Since County is the Program Agent, the City must sign agreement to maintain records as desired by the Act and the County. Resolution authorizing City Manager to sign agreement needed)

ACTION: Res. 71-914 adopted approving agreement and authorizing City Manager to sign same. (Clerk to handle)

CONSENT

10. Approve agreement between the City of Modesto and Arthur J. Wylie and Florence E. Wylie, husband and wife, for the construction of a sanitary sewer on Edgebrook Drive to serve Brookview Estates No. 2 Subdivision.
(The developer has constructed the sanitary sewer at his own expense and the agreement provides that the City will act as agent for the developer in refunding a share of the cost when the adjacent area desires service. No city funds required. Resolution approving agreement needed)

ACTION: Res. 71-915 adopted approving agreement. (P/W to handle)

CONSENT

11. A resolution approving the final map of the Elmwood 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. Elmwood Estates No. 3 is located north of Elm and east of Carpenter Road. It contains 4.88 acres. Resolution approving final map and authorizing execution of agreement by City needed)

ACTION: Res. 71-916 adopted approving final map. (Clerk to handle)

CONSENT

12. Request by Center State Bank for encroachment permit to install flag receptacle in public sidewalk.
(Resolution setting public hearing October 26, 1971 at 7:40 P.M. needed)

ACTION: Res. 71-917 adopted setting hearing. (Clerk to handle)

CONSENT

13. Accept improvements in Walnut Terrace Subdivision.
(This subdivision is located east of Coffee Road at Orangeburg 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 needed)

ACTION: Res. 71-918 adopted accepting improvements. (Clerk to handle)

REPORTS

14. Report on final plan for Dry Creek Park, Phase II
(Oral report to be made at meeting. Motion approving plan needed)

ACTION: Following presentation of oral and written reports, it was agreed to place this matter on the agenda for October 26 to enable the Council to study the report before a decision is made. (Clerk to handle)

15. Preliminary report on Rose Avenue Park master plan.
(Oral report will be made at council meeting. Motion directing staff needed)

ACTION: By motion (Dixon/Newton, unan.) staff authorized to proceed with final plan for park, but to report to Council on possibility of including two tennis courts in plan prior to preparing the final plan. (P & R to handle)

16. Report on cost of having actuarial valuation study made by Public Employees' Retirement System to determine cost of providing a one-half continuance allowance for all employees.
(Memo with agenda. Motion directing staff needed)

ACTION: By motion (Elliott/Dixon, unan.) staff directed to proceed to obtain actuarial valuation study. (Personnel to handle)

17. Report on distribution of assets, Fire Districts.
(Report with agenda. Motion directing staff needed)

ACTION: By motion (Smith/Dunlap, majority - Dixon, Simon and Newton, no) staff directed to continue as at present. (Finance to handle)

18. Memo from Vice Mayor Smith regarding Citizens' Committee for SAAG.
(Memo with agenda. Council to determine procedure for selecting and screening committeemen)

ACTION: The citizens of Modesto were urged to submit the names of qualified persons for nomination to this committee and it was agreed that the Council would hold an executive session on November 1, to discuss the names submitted.

APPROPRIATION TRANSFERS

CONSENT

19. Appropriation transfer to provide for unexpected maintenance costs for rental property.
(Costs have run higher than any previous year, including such things as: Furnace repair, 604 Brighton, $101.69; air conditioner compressor replacement, 608 Brighton, $281.94; connection to sewer, 608 Brighton, $494.04; cost of harvesting grapes on Woodrow Park, $413.34. Resolution approving transfer of $1,000 from General Reserve needed)

ACTION: Res. 71-919 adopted approving appropriation transfer of $1,000 from Account 60-101 to Account 225-65-101. (Finance to handle)

CONSENT

20. Appropriation to provide funds for the library dedication ceremony.
(The following expenditures were approved by the Council at its October 12, 1971 meeting: Children's Events and Rock Concert $125.00; Drama, $250.00; Art, $75.00; Dance, $100.00; Printing, $50.00; Souvenirs, $45.00; Miscellaneous (Hospitality), $43.00. Resolution approving appropriation in the Library Fund needed)

ACTION: Res. 71-920 adopted approving appropriation of $688 from the fund balance of the Library Fund (Account No. 95, Fund No. 201) to Account No. 464. (Finance to handle)

MISCELLANEOUS

21. Legislation - Discussion of proposed tax reform legislation.

ACTION: By motion (Dixon/Newton, unan.) the Council expressed its opposition to any concept of expenditure limits for cities. (C/Mgr to handle)

22. Appointments.

ACTION: Res. 71-921 adopted (Newton/Dixon, unan.) appointing Vera Hinton as an additional member of the Human Rights Commission, to replace Gilbert Vasquez, for a term ending May 1, 1974. (Clerk to handle)

23. Matters too late for the agenda.

ACTION: Councilman Newton requested that the Merry Gardens be inspected to be sure it is safe for people using the building. The staff reported that the building has been inspected and approved for the present use.

It was agreed that enforcement of the Unsafe Structure Code should be discussed at a meeting when representatives of the Downtown Improvement Districe and Downtown Merchants' Association were present.

Councilman Simon suggested that Councilmen be furnished copies of the minutes of Public Relations Committee meetings. It was agreed that this would be done. (C/Mgr to handle)

Adjournment at 6:00 P.M.

ATTEST: W. T. Chynoweth

W. T. CHYNOWETH, City Clerk

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF TUESDAY, OCTOBER 26, 1971 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.
Councilman Dixon was excused at 9:35 P.M.

Pledge of allegiance to the Flag led by Cub Scout Pack 177, Fremont School Dads' Club, sponsor.

Invocation by Reverend John Becker, Geneva Presbyterian Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 3, 4, 5, 10, 11, 12, 14, 15, 16, 17, 18, 19, 20, 21, 23, 24, 25, 25A, 26, 27, 28, 29, 30, 31

Item 16 dropped from agenda.
Elliott/Smith, unan. - Dixon and Simon, absent

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

APPROVAL OF MINUTES

CONSENT

1. Minutes of October 18, 1971.
(Motion accepting needed)

ACTION: By motion minutes approved.

WRITTEN COMMUNICATIONS

2. Request of Central California Art League, Inc. for permission to use lower floor of McHenry Library immediately upon removal of library property (approximately November 10)

ACTION: By motion (Smith/Newton, unan.) staff directed to work out details for this use as soon as feasible; details to include an agreement for this use. (P & R to handle)

BIDS

CONSENT

3. Consider award of bid for construction of Airport Maintenance Building.
(Memo with agenda. Resolution awarding bid needed. Resolution approving appropriation transfer needed. Contract $8,473; Engineering $500. Funds budgeted in Account 6521-230 ($7,000), Airport Mtc. Building)

ACTION: Res. 71-922 adopted awarding contract to E. J. "Ski" Opinski. (P/W to handle)
Res. 71-923 adopted approving appropriation transfer of $2,000 from Airport Reserve (Fund 230) to Account 6521-46-230. (Finance to handle)

3A. Letter from George Gagos dated October 20, 1971 regarding sale of property on Dry Creek.

ACTION: By motion (Smith/Dunlap, unan.) staff directed to obtain appraisals of two parcels of property that are offered for sale. (C/Mgr to handle)

CONSENT

4. Consider award of bid for installation of water lines in Modesto Verde and Block 1250.
(Bids were opened October 19, 1971. The low bid submitted by The Rutan Company, which is 15% 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, $17,672 (Ext. $13,448; Ser. $4,224). Funds budgeted in Account 5804-50-101, Water Line Extension and 5301-50-101, New Services)

ACTION: Res. 71-924 adopted awarding contract to The Rutan Company. (P/W to handle)

CONSENT

5. Consider approval of plans and specifications and call for bids for construction of wading pool at Marshall Park.
(Suggested bid opening November 9, 1971 at 10:00 A.M. This wading pool is part of the Marshall Park Development plan. Resolution needed. Estimated cost $19,500 ($18,500 const. - $1,000 Eng. & Insp.) Funds budgeted in Account 6274-31-321, Marshall Park - Stage 2)

ACTION: Res. 71-925 adopted approving plans and specifications and bid call. (Clerk to handle)

HEARINGS

6. Hearing on amendment to zoning regulations pertaining to signs. 7:35 P.M.

ACTION: By motion (Smith/Simon, unan.) Ord. No. 1153-C.S. introduced amending Section 10-2.501 of Chapter 2 of Title X of Municipal Code. (Clerk to handle)

Staff directed to give further study to problems of height and size of subdivision directional signs. (Planning to handle)

7. Hearing on request of Center State Bank for encroachment permit. 7:40 P.M.

ACTION: Res. 71-926 adopted (Dixon/Elliott, unan.) granting encroachment permit for the installation of a metal flag pole holder in front of the bank at 819 Tenth Street subject to conditions recommended by Director of Public Works, a copy of which is on file with the City Clerk. (P/W to handle)

8. Matters for the good of the community. 7:45 P.M.

ACTION: Mayor Davies introduced Sister Nancy and members of her 8th grade class from St. Stanislaus School.

Paul La Vine, a member of the Farm-City Advisory Committee, was introduced.

9. Hearing on formation of Improvement District No. 19. 8:00 P.M.

ACTION: Res. 1205-S.P. adopted (Dixon/Dunlap, unan.) determining that public convenience and necessity require public improvement without compliance with Majority Protest Act of 1931. (Clerk to handle)

(Smith/Dixon, unan.)
Res. 1206-S.P. adopted/ordering work done. (P/W to handle)

(Smith/Dixon, unan.)
Res. 1207-S.P. adopted/setting November 16, 1971, at 2:00 P.M. as time for receiving bids. (Clerk to handle)

It was suggested that a study be made of the possibility of requiring storm drainage in any new subdivision where it would be feasible. (P/W to handle)

ORDINANCES

CONSENT

10. Final adoption of Ordinance No. 1151-C.S. relating to permitted uses and off-street parking in P-O Zones.
(Motion adopting needed)

ACTION: By motion Ord. No. 1151-C.S. adopted. (Clerk to handle)

CONSENT

11. An ordinance amending Sections 4-4.401 and 4-4.605 of Chapter 4 of Title IV of the Modesto Municipal Code relating to subdivisions.
(Copies of ordinance, Planning Commission Resolution No. 71-140 recommending amendment to Section 4-4.401(a) and memorandum of explanation relating to amendment to Section 4-4.605, with agenda. Introduction of ordinance needed)

ACTION: By motion Ord. No. 1154-C.S. introduced. (Clerk to handle)

CONSENT

12. Designate speed limits on city portions of Briggsmore between McHenry and Oakdale Road and on Sylvan between McHenry and 2,637 feet easterly.
(Agreement has been reached with the County on Briggsmore. The portion of Sylvan has just been annexed. Ordinance amending Section 3-2.1401 of the Code needed. Estimated cost $100 for signs. Funds budgeted in Account 5301-56-101, Traffic Signs)

ACTION: By motion Ord. No. 1155-C.S. introduced. (Clerk to handle)

UNFINISHED BUSINESS

13. Further consideration of final plan for Dry Creek Park, Phase II.

ACTION: By motion (Smith/Dunlap, unan.) plan approved. (P.& R to handle)

CONSENT

14. Report on Purple Turnip.
(Memo with agenda. Motion accepting report needed)

ACTION: By motion report accepted.

NEW BUSINESS

CONSENT

15. Authorization for city staff to make Dangerous Building Code inspection of McHenry Public Library building.
(This building is outside of the 25-block area presently designated by the City Council as the active area, and needs special council authorization. Motion authorizing inspection needed)

ACTION: By motion inspection authorized. (P/W to handle)

CONSENT

16. Abandonment of parcel of land dedicated for road purposes in July 1966 for construction of Briggsmore and Coffee.
(Memo with agenda. Resolution vacating and abandoning parcel of land dedicated by Mr. Arnold Nelson for road purposes, excepted a 20' strip on the northerly side of the Parcel reserved as an M.I.D. easement)

Dropped from agenda.

CONSENT

17. Letter from Modesto Senior Citizens, Inc.
(Letter requesting permission to install an extension telephone for incoming calls only in the basement room at the Senior Citizens Center. Staff recommends approval with the understanding that the cost be prepaid annually by the Modesto Senior Citizens. Motion approving request needed)

ACTION: By motion installation approved subject to costs being pre-paid annually. (P & R to handle)

CONSENT

18. Resolution acknowledging receipt of "Notice of Intention to Circulate Petition to Annex Territory Known as the Glendale-Miller Addition to the City of Modesto" and approving intention of proponents to circulate petitions.
(The notice was published October 14, 1971 and filed with the City Clerk October 15, 1971. Resolution needed)

ACTION: Res. 71-927 adopted acknowledging receipt of "Notice" and approving circulation of petitions. (Clerk to handle)

CONSENT

19. A resolution determining that the public interest and convenience require annexation of the McHenry-Sylvan Addition and Sonoma No. 1 Addition to the Modesto Municipal Sewer District and naming time and place of hearings:

(a) McHenry-Sylvan Addition to Sewer District - suggested hearing date December 13, 1971 at 7:35 P.M.

ACTION: Res. 71-928 adopted setting hearing. (Clerk to handle)

(b) Sonoma No. 1 Addition to Sewer District - suggested hearing date December 13, 1971 at 7:40 P.M.
(Two resolutions setting hearings needed)

ACTION: Res. 71-929 adopted setting hearing. (Clerk to handle)

CONSENT

20. Recommendation that State be requested to make a population estimate after the first of the year to determine the number of people living in Modesto for State subvention.
(Motion approving population estimate by State, resolution approving appropriation tratransfer of $415 needed)

ACTION: By motion staff authorized to request a population estimate. (Clerk to handle)

Res. 71-930 adopted approving appropriation transfer of $415 from Account 60-101 to Account 421-65-101. (Finance to handle)

CONSENT

21. Consider approval of Request for Aid - Airport Development.
(Memo with agenda. Resolution approving submission of Request for Aid and authorizing its execution on behalf of the City, including approval of the required certifications)

ACTION: Res. 71-931 adopted approving submission of Request for Aid. (P/W to handle)

22. Discussion of Public Employment Program.

ACTION: The City Manager informed the Council that the Stanislaus County Auditor had assured the City that money will be in the City's hands by the 5th of every month, which will be in time for the payroll.

CONSENT

23. Consider requests for sewer service to the following properties outside the City: (1) 3200 Scenic Drive, owner Hugh B. and Anna R. Coffelt; (2) 1414 Garden Avenue, owner Myrtle K. Calvert.
(The property owners have signed agreements to annex when requested to do so by the City. A sewer line exists to serve the properties. Two resolutions accepting agreements needed)

ACTION: Res. 71-932 adopted approving agreement with Hugh B. Coffelt and Anna R. Coffelt.

Res. 71-933 adopted approving agreement with Myrtle K. Calvert. (P/W to handle)

CONSENT

24. Change alley between 10th and 11th Streets between J Street and the city parking lot from one-way to two-way.
(Making the alley two-way would allow parkers from the lot to travel a short distance to return to a street. The alley north of the lot is frequently congested. Resolution amending Section 1(b) of Resolution 62-29; estimated cost $25 for sign work. Funds budgeted in Account 5301-56-101, Traffic Signs)

ACTION: Res. 71-934 adopted amending Res. 62-29 to provide for two-way traffic in alley between 10th and 11th Streets between J Street and City parking lot. (P & T to handle)

CONSENT

25. Resolution rescinding Resolution 65-559 which established the Modesto Beautification Committee.
(This Committee has not functioned in some time, and its membership has been greatly reduced through resignations. It is felt that the Committee should be terminated in light of the appointment of the Project Greater Modesto Committee. Resolution rescinding Resolution 65-559 needed)

ACTION: Res. 71-935 adopted rescinding Res. 65-559. (Clerk to handle)

CONSENT

25A. Approval of information on crime prevention which will be included in utility billings.
(For information only - no action needed)

No Action.

REPORTS

CONSENT

26. Report on consideration of economic factors in zoning.
(This matter was discussed by the Council at its meeting of September 20, 1971 at which time the Council requested a report re consideration of economic factors in connection with rezoning hearings. Copy of the report has been sent to the Mayor and Councilmen with the agenda. Motion accepting report needed)

ACTION: By motion report accepted.

REPORTS FROM THE PLANNING COMMISSION

CONSENT

27. Recommend amendment to Section 23-3-9 of the zoning map (Ellis and Klink).
(Resolution No. 71-149 adopted by the Planning Commission October 19, 1971 recommends an amendment to Section 23-3-9 of the zoning map as requested by Lance E. Ellis and Norris L. Klink, to rezone from One-family Residential Zone, R-1, to P-D to permit R-2 uses with specific development, property located at the southeast corner of East Orangeburg Avenue and Old Oakdale Road. Resolution setting November 15, 1971 at 4:10 P.M. for public hearing needed)

ACTION: Res. 71-936 adopted setting hearing. (Clerk to handle)

~~Recommend amendment to Planned Development Zone, P-D(30) to allow expansion of existing facilities (Stanislaus Medical Building Corporation).~~
(By Resolution No. 71-151 adopted October 19, 1971 the Planning Commission recommends an amendment to Planned Development Zone, P-D(30) as requested by the Stanislaus Medical Building Corporation, to allow expansion of existing facilities located at the northeast corner of Coffee Road and Lucern Avenue. Resolution setting November 22, 1971 at 7:40 P.M. for public hearing needed)

ACTION: Res. 71-937 adopted setting hearing. (Clerk to handle)

APPROPRIATION TRANSFERS

CONSENT
29. Appropriation transfer to provide funds for supplies and equipment to be used by the Burglary Prevention Program.
(Donations of $320 each were received from the Civitan Club, Modesto Chapter, and the Exchange Club, Modesto Chapter, for this program. The funds were deposited in the General Fund, this fiscal year. Resolution approving transfer needed. Estimated cost $640)

ACTION: Res. 71-938 adopted approving appropriation transfer of $640 from Account 60-101 to Account 301-22-101. (Finance to handle)

CONSENT
30. Appropriation transfer to provide funds for the purchase of metal stamps to be used in conjunction with the bicycle licensing program. (Plans for this program were developed subsequent to approval of the current budget appropriations. Resolution needed. Estimated cost $265)

ACTION: Res. 71-939 adopted approving appropriation transfer of $265 from Account 60-101 to Account 301-22-101. (Finance to handle)

CONSENT
31. Appropriation transfer to provide funds for the equipment and supplies of seven additional policemen .
(The policemen will be hired under the provisions of the Public Employment Program (PEP) Resolution approving transfer needed)

ACTION: Res. 71-940 adopted approving appropriation transfer of $3,449 from Account 60-101 to Accounts 221 ($65), 223 ($ 50), 224 ($6), 301 ($95), 302 ($20), 308 ($1,016), 5409 ($628), 5410 ($447). and 5411 ($1,122) of Department 22, Fund 101. (Finance to handle)

MISCELLANEOUS

32. Legislation.

ACTION: By motion (Smith/Simon, unan.) AB 1057 opposed. (C/Mgr to handle)

33. Appointments.

(a) Consider appointment of members - Project Greater Modesto. (Executive session)

ACTION: The Council retired to executive session at 9:50 P.M. to consider this matter. It was announced that the Council would not return to open meeting.

34. Matters too late for the agenda.

None

Adjournment at 9:50 P.M.

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

CITY OF MODESTO
AGENDA FOR COUNCIL MEETING OF MONDAY, NOVEMBER 1, 1971 AT 4:00 P.M.

Roll Call Present: Dixon, Elliott, Newton, Simon, Smith, Mayor Davies
Absent: Dunlap
Councilman Newton arrived at 4:25 P.M. and Councilman Elliott was excused at 5:40 P.M.

Pledge of allegiance to the Flag
Invocation: Reverend Loyal Friesen, First Baptist Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2, 3, 4, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18A, 19, 21, 22, 23
Item 8 dropped from agenda. Items 13 and 23 removed from consent.
Smith/Simon, 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)

APPROVAL OF MINUTES

CONSENT
1. Minutes of October 26, 1971.
(Motion approving needed)

ACTION: By motion minutes approved.

WRITTEN COMMUNICATIONS

CONSENT
2. Request of County Librarian for use of parking lot at new library from 8:00 A.M. to 6:00 P.M. on November 20, 1971 for a Mexican Fiesta.
(Motion granting request needed)

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

CONSENT
3. Request of Clarence Moore that parking area of east side of Roosevelt Park tennis courts be paved or oiled or that driving and parking be prohibited there.
(Motion referring to staff for report needed)

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

CONSENT
4. Request of Modesto Junior Women's Club for approval of plans for "Safety City."
(Motion referring to staff for report needed)

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

5. Request of Sears for permission to have handout advertising given by attendant at parking lot on 11th Street between K & L.

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

6. Request of Library and Culture Commission for council approval of plan to offer validation for bus rides to dedication of new library on November 13.

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

BIDS

CONSENT

7. Approve specifications and call for bids for the construction of roofing and drainage facilities at the McHenry Library (museum) located at 14th and I Streets.
(Bid opening November 16, 1971 at 10:00 A.M. The Citizens' Cultural Center Committee has requested that the above work be done. They are prepared to transfer funds to the City of Modesto from their account when requested to do so. The request by the Citizens' Cultural Center for the City to call for bids on the above work was approved by the City Council on 10/12/71. Resolution needed. Estimated cost $11,500 (contract, $11,000; Engr. $500)

ACTION: Res. 71-941 adopted approving specifications and bid call. (Clerk to handle)

CONSENT

8. Consider acceptance of Mission Pipeline's contract for construction of Improvement District No. 18 facilities.
(Original contract $601,573.50. All work in conjunction with this contract has been completed to the satisfaction of the Public Works Department. Funds budgeted in Account 6593 for city contribution, which will be determined after the assessment has been spread for report to council at a later date. Resolution accepting work as complete and authorizing City Clerk to file notice of completion needed. Final cost $590,699.80 (contract; $52,262.52, Incidentals)

Dropped from agenda.

CONSENT

9. Accept as complete Jonnie E. Galloway's contract for landscaping of Modesto-Stanislaus Library.
(All work on this contract has been completed to the satisfaction of the Public Works Department. It would be in order to accept the work as complete and authorize City Clerk to file notice of completion. Resolution needed. Actual cost $16,501; funds budgeted in Account 6063-301, New Library Building)

ACTION: Res. 71-942 adopted accepting contract. (Clerk to handle)

CONSENT

10. Municipal Golf Course, automatic sprinkler system.
(Approve plans, specifications and call for bids for Nine-Hole Municipal Golf Course automatic irrigation system. Bids to be opened November 23, 1971 at 10:00 A.M. Resolution approving plans, specifications and call for bids needed. Estimated cost $110,000. Funds budgeted in Account 6255-31-321, Muni Golf Course, Stages 3 and 4, page 74. Additional funds needed to be requested later from Fund 321, General Reserve, when exact cost of bid is determined)

ACTION: Res. 71-943 adopted approving plans and specifications and bid call. (Clerk to handle)

CONSENT

11. New building, Municipal Golf Course.
(Approve plans, specifications and call for bids for new clubhouse at the Nine-Hole Municipal Golf Course. Bids to be opened November 23, 1971 at 10:10 A.M. Resolution needed. Estimated cost $40,845. Funds budgeted in Account 6402-31-321, Muni Golf/New Building. Additional funds to be requested later when exact cost of bid is determined)

ACTION: Res. 71-944 adopted approving plans and specifications and bid call. (Clerk to handle)

11A. Matters for the good of the community.

None.

ORDINANCES

CONSENT

12. Final adoption of the following ordinances:

(a) Ord. No. 1153-C.S. (signs in R-1 zones)

ACTION: By motion Ord. No. 1153-C.S. adopted. (Clerk to handle)

(b) Ord. No. 1154-C.S.(subdivisions)

ACTION: By motion Ord. No. 1154-C.S. adopted. (Clerk to handle)

(c) Ord. No. 1155-C.S. (speed limits on Briggsmore and Sylvan)

ACTION: By motion Ord. No. 1155-C.S. adopted. (Clerk to handle)

CONSENT

13. Amendment to Section 3-3.08 of the Modesto Municipal Code. (Authorize Chief of Police to require any minor under 16 years of age who violates bicycle rules to attend a bicycle operator's school to learn proper operation of a bicycle. Introduction of ordinance needed)

ACTION: By motion (Smith/Simon, unan. - Dunlap, Newton, absent) Ord. No. 1156-C.S. introduced. (Clerk to handle)

NEW BUSINESS

CONSENT

14. Consider approval of hiring, on a part-time basis, Mr. Ramani Ayake, graduate student from the University of California, for continued operation of the pilot plant program at the remote pond site. (Memo with agenda. Motion authorizing staff to hire Mr. Ayake on a part-time basis for continued operation of the pilot plant program needed. Estimated cost $3,000. Funds budgeted in Account 235-53-101, Serv., Prof. & Other (To be transferred on intradepartmental transfer to Acct. 120-53-101, Salaries & Wages, part-time)

ACTION: By motion employment of Ramani Ayake on part-time basis approved. (P/W to handle)

CONSENT

15. Accept improvements in Wainwright Village Subdivision and authorize City Clerk to file notice of completion and release bonds upon expiration of statutory periods. (Wainwright Village Subdivision is located west of Coffee and north of Norwegian 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. 71-945 adopted accepting improvements in Wainwright Village Subdivision. (Clerk to handle)

CONSENT

16. Consider request for sewer service to property outside the City at 834 Ericksen Ave. (Property owners: Fred G. and Flora Gloria. The property owners have signed an agreement to annex when requested to do so by the City. The property is not contiguous to the City but a sewer line exists to serve the property. Resolution approving agreement needed)

ACTION: Res. 71-946 adopted approving agreement. (P/W to handle)

CONSENT

17. Report of Superintendent of Streets on the cost of installation of curbs and gutters and/or sidewalks at the locations listed below: (Resolutions setting 4:05 P.M. November 15, 1971, for hearings. Contract costs listed below with properties; funds budgeted in Account No. 5302-51-101, Curbs and gutters, Special)

(a) Curb, gutter and sidewalk on Jefferson St. at 201 Locust St., Lots 13 and 14 of Block 422. (Mr. Lonnie Banks - $831.35)

ACTION: Res. 71-947 adopted setting hearing. (P/W to handle)

(b) Curb and gutter on Covena Ave. at 1421 Haddon Ave., Lots 12 and 13 and the South 10 feet of Lot 11 of Block 2089. (Mrs. Darlene M. Beard - $85.90)

ACTION: Res. 71-948 adopted setting hearing. (P/W to handle)

(c) Curb, gutter and sidewalk at 721 El Terino Ave., portion of Block 1038. (Mr. Patrick J. Casey - $319.04)

ACTION: Res. 71-949 adopted setting hearing. (P/W to handle)

(d) Curb, gutter and sidewalk at 323 Las Palmas Avenue, portion of Block 2022. (Mr. Paul A. Chiles - $369.40)

ACTION: Res. 71-950 adopted setting hearing. (P/W to handle)

(e) Curb, gutter and sidewalk at 705 El Terino Avenue, portion of Block 1038. (Mrs. Vincenza Chirco - $287.00)

ACTION: Res. 71-951 adopted setting hearing. (P/W to handle)

(f) Curb, gutter and sidewalk at 318 Las Palmas Avenue, portion of Block 2020. (Mr. Jerry C. Combs - $369.40)

ACTION: Res. 71-952 adopted setting hearing. (P/W to handle)

(g) Curb, gutter and sidewalk at 325 Las Palmas Avenue, portion of Block 2022. (Mr. Gerald W. Dickens - $369.40)

ACTION: Res. 71-953 adopted setting hearing. (P/W to handle)

(h) Curb, gutter and sidewalk at 324 Las Palmas Avenue, portion of Block 2020. (Mr. James F. Dodson - $376.60)

ACTION: Res. 71-954 adopted setting hearing. (P/W to handle)

(i) Sidewalk at 1215 Purdue Avenue, Lot 7 of Block 826. (Mr. Ernest W. Ehlers - $139.92)

ACTION: Res. 71-955 adopted setting hearing. (P/W to handle)

17. (j) Curb, gutter and sidewalk at 320 Las Palmas Avenue, portion of Block 2020. (Mr. Kenneth N. Hansen - $321.90)

ACTION: Res. 71-956 adopted setting hearing. (P/W to handle)

(k) Sidewalk on Enslen Avenue at 600 Bermuda Way, Lot 6 of Block 6066. (Mr. Leslie L. Keim - $288.00)

ACTION: Res. 71-957 adopted setting hearing. (P/W to handle)

(l) Curb, gutter and sidewalk at 319 Las Palmas Avenue, portion of Block 2022. (Mr. Ronald J. Lisek - $579.10)

ACTION: Res. 71-958 adopted setting hearing. (P/W to handle)

(m) Sidewalk at 321 Walnut Street, Lots 3 and 4 of Block 402. (Mr. Melvin R. Parsons - $87.88)

ACTION: Res. 71-959 adopted setting hearing. (P/W to handle)

(n) Curb and gutter at 321 E. Fairmont Avenue, portion of Block 665. (Mr. Lewis M. Stiltz - $451.80)

ACTION: Res. 71-960 adopted setting hearing. (P/W to handle)

(o) Sidewalk on Walnut Street at 710 S. Franklin St., Lot 1 and 2 of Block 402. (Mr. Willie C. Stone - $128.00)

ACTION: Res. 71-961 adopted setting hearing. (P/W to handle)

(p) Sidewalk at 1012 College Avenue, portion of Block 823. (Mr. George P. Thomas - $497.00)

ACTION: Res. 71-962 adopted setting hearing. (P/W to handle)

(q) Curb, gutter and sidewalk at 717 El Terino Avenue, portion of Block 1038. (Mr. Veryl M. Thompson - $292.34)

ACTION: Res. 71-963 adopted setting hearing. (P/W to handle)

(r) Curb, gutter and sidewalk at 326 Las Palmas Avenue, portion of Block 2020. (Mrs. Gracie M. Vogt - $369.40)

ACTION: Res. 71-964 adopted setting hearing. (P/W to handle)

CONSENT
17. (s) Curb and gutter at 637 Don Street, Lot 8 and W. 2' of Lot 7 of Block 3176. (Mrs. Elsa S. Anderson - $253.00)

ACTION: Res. 71-965 adopted setting hearing. (P/W to handle)

(t) Curb and gutter at 630 Jean Street, Lot 5 of Block 3176. (Mr. Charles E. Evans - $253.60)

ACTION: Res. 71-966 adopted setting hearing. (P/W to handle)

(u) Curb and gutter at 634 Jean Street, Lot 4 of Block 3176. (Mr. Shirley M. Jensen - $253.60)

ACTION: Res. 71-967 adopted setting hearing. (P/W to handle)

(v) Sidewalk on Purdue Avenue at 1205 Purdue Avenue, Lot 8 of Block 826. (Mr. Manuel L. Moniz - $218.80)

ACTION: Res. 71-968 adopted setting hearing. (P/W to handle)

18. Discussion of County regulations concerning air pollution.

ACTION: It was agreed that the Personnel Officer would coordinate the City activities in this matter. No other action was taken.

CONSENT

18A. Authorize deed and bill of sale transferring new public library building, furnishings and equipment to Stanislaus County. (Resolution authorizing proper officials to sign deed and bill of sale needed)

ACTION: Res. 71-969 adopted authorizing proper officials to sign deed and bill of sale. (Clerk to handle)

REPORTS

CONSENT

19. Report on use of sirens on emergency vehicles. (Report attached with agenda. Motion accepting report needed)

ACTION: By motion report accepted.

20. Report on Improvement District No. 19. (Memo with agenda. Action will be determined from information received from Improvement District Bond Counsel.)

ACTION: Res. 1208-S.P. adopted (Elliott/Smith, unan. - Dunlap, absent) amending Res. 1205-S.P. to reflect change in percentage of protests. (Clerk to handle)

Res. 1209-S.P. adopted (Smith/Dixon, unan. - Dunlap, absent) setting November 22, 1971 at 8:00 P.M. as time for hearing on boundary change.

Res. 1210-S.P. adopted (Smith/Dixon, unan. - Dunlap, absent) approving revised boundary map. (Clerk to handle)

REPORTS FROM THE PLANNING COMMISSION

CONSENT

21. Uninhabited annexation to the City of Modesto - Claremont No. 3 Addition. (The LAFC Commission has authorized this annexation without notice or public hearing - October 15, 1971. Resolution approving annexation needed)

ACTION: Res. 71-970 adopted annexing Claremont No. 3 Addition to City of Modesto. (Clerk to handle)

APPROPRIATION TRANSFERS

CONSENT

22. Appropriation transfer to provide funds for transportion costs of Neighborhood Youth Advisors. (Policemen assigned this duty are authorized to use their private vehicles while on duty. Resolution approving transfer needed. Estimated cost $520.00)

ACTION: Res. 71-971 adopted approving appropriation transfer of $520 from Account 60-101 to Account 208-22-101. (Finance to handle)

CONSENT

23. Consider appropriation for Secretary for Project Greater Modesto. (Memo with agenda. Resolution approving appropriation transfer of $5,00 needed)

ACTION: Res. 71-972 adopted (Simon/Smith, unan. - Dunlap, absent) approving appropriation transfer of $5,008 from Account 60-101 to Account 110-8-101. (Finance to handle)

MISCELLANEOUS

24. Legislation.

ACTION: The Council was requested to study AB 844 and bring it up for discussion on November 8, 1971 if any member wished to do so.

25. Appointments.

(a) (Executive session to consider appointment of members of Project Greater Modesto subcommittees and also Citizens' Committee for S.A.A.G.
(A list of the names of people being suggested will be distributed to the Council before the meeting. Resolution appointing members of the committees for Project Greater Modesto and motion nominating members for Citizens' Committee for S.A.A.G. needed)

ACTION: The Council retired to executive session at 5:00 P.M. and returned to open meeting at 5:50 P.M.

Res. 71-973 adopted (Simon/Dixon, unan. - Dunlap and Elliott, absent) reappointing Robert Schmidt as a member of the Farm-City Advisory Committee for a term ending May 1, 1975. (Clerk to handle)

Res. 71-974 adopted (Dixon/Newton, unan. - Dunlap and Elliott, absent) appointing members of Project Greater Modesto subcommittees (a list is on file with the City Clerk)

26. Matters too late for the agenda.

ACTION: It was reported to the Council that the Gordon Anderson property, which is situated in the proposed Dry Creek Park, was to be split to permit the construction of an expensive home on the bluff overlooking the creek. By motion (Smith/Dixon, unan.) staff authorized to obtain an appraisal of this property. (C/Mgr to handle)

Councilman Simon suggested that thought be given to displaying items remaining from the centennial at the opening of the new library. Staff was directed to look into this. (Finance to handle)

Adjournment at 5:55 P.M. to November 3, 1971 at 7:30 P.M. in the Multi-Purpose Room, City Hall.

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

Modesto City Council
November 3, 1971

The Council of the City of Modesto met in the Multi-Purpose Room of City Hall at 7:30 P.M. pursuant to adjournment. The purpose of the meeting was to have a discussion of the Dangerous Building Code with members of the Planning Commission, The Dangerous Building Code Board of Appeals, the Downtown Improvement District and the Downtown Merchants' Association.

PRESENT: Councilmen: Dixon, Simon, Smith, Mayor Davies

ABSENT: Councilmen: Dunlap, Elliott, Newton

After opening remarks by Mayor Davies and City Manager, John Keefe, the Director of Public Works presented a history and schedule of the Dangerous Building Code. The Chief Building Inspector explained the code in detail and the Fire Chief discussed the State and local laws which affect buildings.

Those present were given an opportunity to express their views and to question the staff.

No formal action was taken by the Council.

The meeting was adjourned at 9:30 P.M.

ATTEST: W. T. Chynoweth

W. T. CHYNOWETH, City Clerk

MINUTES AND ACTION AGENDA

CITY OF MODESTO
AGENDA FOR COUNCIL MEETING OF MONDAY, NOVEMBER 8, 1971 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: Reverend William Beck, Heifer Project

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items: 1, 2, 3, 7, 8, 9, 10, 11, 15, 16, 17, 18, 19, 20, 21, 22, 24, 25, 26, 27, 28, 29, 30, 31, 32
Item 20 removed from consent. Item 27 dropped from agenda.
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 of the individual items)

APPROVAL OF MINUTES

CONSENT
1. Minutes of November 1, 1971.
(Motion accepting needed)

ACTION: By motion minutes approved.

WRITTEN COMMUNICATIONS

CONSENT
2. Request of John Marshall for permission to pay $840.46 due for sidewalk, curb and gutter construction over a ten-year period.
(Resolution granting request needed)

ACTION: Res. 71-975 adopted approving payment of $840.46 assessment over a ten-year period (property described as Lots 22 and 23 of Block 571) (Finance to handle)

CONSENT
3. Appeal of Norman Winsor from decision of Planning Commission in denying request for prezoning to R-2 and P-D for a 128-unit apartment development, property located on the north side of Maze Blvd. west of Emerald Avenue.
(Resolution setting December 13, 1971 at 7:45 P.M. for hearing needed)

ACTION: Res. 71-976 adopted setting hearing. (Clerk to handle)

4. Request of Bible Baptist Church for relief from commercial rates charged for sewer connection.
(Motion referring to staff for report needed)

ACTION: By motion (Elliott/Simon, unan.) request denied. (Clerk to handle)

5. Request of Valley Regional Training Center for use of Multi-purpose room on Saturday, November 20, to conduct a public relations and service orientation seminar.
(Motion granting request needed)

ACTION: By motion (Simon/Newton, unan.) request granted. (C/Mgr to handle)

6. Request of Head Rest, Inc. for advance of $3,500 to meet rent and wages responsibilities for November.

ACTION: Res. 71-977 adopted (Simon/Smith, unan.) approving temporary transfer of $3,500 from the General Fund to the Head Rest Fund. (Finance to handle)

CONSENT
7. Request of Downtown Improvement District for (1) Use of two High Ranger trucks and personnel to install Christmas decorations on November 21, 1971 and remove on January 2, 1972; (2) Use of two parking spaces between I and K Streets, east side of 10th Street, for Santa's House from November 15, 1971 to January 5, 1972; (3) Use of two parking spaces on southwest corner of 10th and K Street on November 26, 27, and December 4, 11, and 19 from 9:00 A.M. to 6:30 P.M. for parking the Forty and Eight Locomotive to be used during the Christmas Season to give children free rides.
(Motion granting request needed)

ACTION: By motion request granted. (P & R to handle (1) (P & T to handle 2 and 3)

CONSENT
8. Award contract for traffic signals and street lighting at Scenic and Bodem and Tully and Granger. Collins Electrical Co., Inc. is low bidder at $17,760.
(Resolution awarding contract needed)

ACTION: Res. 71-978 adopted awarding contract to Collins Electrical Co., Inc. (P & T to handle)

BIDS

CONSENT
9. Consider acceptance of Howk Well & Equipment's contract for construction of Pump Station No. 38 facilities.
(Original contract $13,889. All work in conjunction with 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 notice of completion. Resolution needed. Final cost $15,154. Funds budgeted in Account 6806-50, Pump Station - Procter & Gamble)

ACTION: Res. 71-979 adopted accepting contract. (Clerk to handle)

CONSENT
10. Consider acceptance of Valley Construction's contract for installation of water lines in Coffee Terrace No. 3. (Original Contract, $17,830) (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 notice of completion. Resolution needed. Final cost $18,535.75 (Main line, $11,687.75; Services $6,848) Funds budgeted in Account 6804-50-101, Water Line Extension and 5301-50-101, New Services)

ACTION: Res. 71-980 adopted accepting contract. (Clerk to handle)

CONSENT

11. Consider acceptance of Valley Construction's contract for installation of water lines in Walnut Terrace, Riverside North No. 4 and Greenfield Village No. 2 as complete. Original contract $16,799.10. (All work in conjunction with this project is 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 $16,555.06 (Main line $11,576.56; services $4,978.50. Funds budgeted in Account 6804-101, Water Line Extension and 5301-50-101, New Services)

ACTION: Res. 71-981 adopted accepting contract. (Clerk to handle)

HEARINGS

12. Hearing on amendment to Section 10-2-2906 of Municipal Code (signs in H-1 zones) 7:35 P.M.

ACTION: Following the public hearing, it was moved by Councilman Dunlap and seconded by Councilman Smith that Ord. No. 1157-C.S. and 1158-C.S. be introduced amending Title X and Title IX respectively. A motion (Dixon/Simon) to postpone, for one week, further consideration of this motion to permit the Council to consider the first two additional recommendations of the Planning Commission as set for in its Res. No. 71-118 failed as Dunlap, Elliott, Smith and Mayor Davies voted no. A motion (Dixon/Dunlap) to amend the original motion to include a request that the Planning Commission study recommendations 1 and 2 of Res. No. 71-118 then carried. The two ordinances were then introduced by majority vote with Councilmen Newton and Simon voting no. (Clerk to handle Ord. and Planning to handle referral)

13. Hearing on amendment to Article 17 of Chapter 2 of Title X regarding abatement of non-conforming signs. 7:40 P.M.

ACTION: By motion (Smith/Dunlap, unan.) staff directed to prepare Ordinance as recommended by City Attorney. (C/Atty to handle)

By Order of the Chair, the Public Projects Committee was requested to make a further study of signs with emphasis on the reported Division of Highways ruling which prohibits advertising signs similar to cluster-type service club boards. (C/Mgr to handle)

14. Matters for the good of the community. 7:45 P.M.

ACTION: Joel Nicholason, a Turlock City Councilman, was introduced.

Frank Andrews spoke on a variety of subjects.

ORDINANCES

CONSENT

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

(a) Ord. No. 1150-C.S. amending Section 6-4-9 of the zoning map (The Brittany)

ACTION: By motion Ord. No. 1150-C.S. adopted. (Clerk to handle)

(b) Ord. No. 1152-C.S. amending Section 28-3-9 of zoning map (UHL)

ACTION: By motion Ord. No. 1152-C.S. adopted. (Clerk to handle)

15. (c) Ord. No. 1156-C.S. relating to bicycles.

ACTION: By motion Ord. No. 1156-C.S. adopted. (Clerk to handle)

CONSENT

16. Consider ordinance repealing Sections 9-4.01 through 9-4.17 of Chapter 4, Title IX of the Municipal Code.
(Memo with agenda. Introduction of ordinance needed)

ACTION: By motion Ord. No. 1159-C.S. introduced repealing Chapter 4 of Title IX of the Modesto Municipal Code. (Clerk to handle)

(Sale of ... Airport Property)

UNFINISHED BUSINESS

CONSENT

17. Amendment to Cushman agreement.
(Memo with agenda. Resolution approving amendment to agreement needed. Estimated cost $7,000)

ACTION: Res. 71-982 adopted approving amendment to agreement to provide for construction of golf car storage building by City with Cushman paying $6,000 of cost immediately and also providing for amortization of costs. (P & R to handle)

NEW BUSINESS

CONSENT

18. Consider approval of letter agreement between City and Darrold Jolliff, owner of Hawke Flying Service, for operation of Unicom at City-County Airport.
(The operation of the airport-owned Unicom was not included in the long-term lease agreement entered into recently between the City and Hawke Flying Service. It was agreed during lease negotiations that operation of the Unicom would be covered by letter agreement. Resolution approving letter agreement needed)

ACTION: Res. 71-983 adopted approving letter agreement with Darrold Jolliff. (Clerk to handle)

CONSENT

19. Request by owners of property at 910 12th Street for permission to install exposed aggregate finish in sidewalk.
(Applicant has asked that Council act on this request at the November 8th meeting in lieu of setting an informal hearing. Memo with agenda. Resolution granting variance to allow exposed aggregate finish in 15-foot wide strip of sidewalk in front of 910 12th Street)

ACTION: Res. 71-984 adopted granting variance. (P/W to handle)

~~CONSENT~~

20. Mancini Park
(Memo with agenda. Motion directing staff needed. Estimated cost $2,500. Funds budgeted in Account 6331-324, Mancini Park Development Stage 2, p. 76)

ACTION: By motion (Smith/Elliott, unan.) staff authorized to proceed to have Mancini Park regraded. (P & R to handle)

CONSENT

21. Notification that City of Modesto's Workable Program has been approved.
(Copies of letter from H.U.D. with agenda. Motion accepting report needed)

ACTION: By motion report accepted.

CONSENT

22. Approval of agreements with seventeen stores for the sale of bicycle licenses.
(Memo with agenda. Seventeen resolutions authorizing the City Manager to execute agreements needed)

ACTION: Res. 71-985 adopted approving agreement with Beno's Inc. of Modesto.
Res. 71-986 adopted approving agreement with Bob's Cyclery.
Res. 71-987 adopted approving agreement with Edwards Lawn Mower-Cycle Shop.
Res. 71-988 adopted approving agreement with S. H. Kress and Company.
Res. 71-989 adopted approving agreement with K Mart Discount Stores.
Res. 71-990 adopted approving agreement with Longs Drug Store.
Res. 71-991 adopted approving agreement with Lucky Auto Supply, Inc.
Res. 71-992 adopted approving agreement with Montgomery Ward and Company.
Res. 71-993 adopted approving agreement with J. C. Penney Company.
Res. 71-994 adopted approving agreement with Sears Roebuck and Company.
Res. 71-995 adopted approving agreement with Skaggs Payless Drug Store.
Res. 71-996 adopted approving agreement with Turner Hardware, 9th & H Streets.
Res. 71-997 adopted approving agreement with Turner Hardware Company, 2021 Yosemite Blvd.
Res. 71-998 adopted approving agreement with Turner Hardware Company, 1700 McHenry Avenue.
Res. 71-999 adopted approving agreement with Valley Sporting Goods.
Res. 71-1000 adopted approving agreement with Weeks Sport Shop.
Res. 71-1001 adopted approving agreement with Western Auto Associate Store.
(Finance to handle)

23. Consider closing parking lot on west side of 10th Street between K and L Streets.
(Memo with agenda recommending closing this rented lot on December 31, 1971. Resolution authorizing City Manager to terminate occupancy needed)

ACTION: Res. 71-1002 adopted (Simon/Dixon, unan.) authorizing City Manager to notify Mr. Losher of cancellation of tenancy.

Res. 71-1003 adopted (Simon/Dixon, unan.) authorizing City Manager to notify Mrs. Tureblood of cancellation of tenancy.
(C/Mgr to handle)

CONSENT

24. Accept improvements in Hagstrom Park No. 2 Subdivision and authorize City Clerk to file notice of completion and release bonds upon expiration of statutory periods.
(Hagstrom Park No. 2 Subdivision is located north of Briggsmore Ave. and East of Rose Ave.. All improvements have been completed to the satisfaction of the Public Works Department and all fees have been paid.
(Resolution accepting improvements and authorizing City Clerk to file notice of completion and release bonds upon expiration of the statutory periods)

ACTION: Res. 71-1004 adopted accepting improvements. (Clerk to handle)

CONSENT

25. Consider request for sewer service to property outside the City at 909 Meadowood Drive.
(The property owners have signed an agreement to annex to the City 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. 71-1005 adopted approving agreement with William H. Stewart and Janila Lee Stewart. (P/W to handle)

CONSENT

26. A resolution determining that the public interest and convenience require that Claremont No. 3 Addition be annexed to the Modesto Municipal Sewer District No. 1 and naming a time and place for hearing. (Claremont No. 3 Addition has been annexed to the City of Modesto and it is now necessary to commence proceedings to annex the area to the Modesto Municipal Sewer District. Suggested hearing date December 20, 1971, at 4:05 P.M. Resolution setting hearing needed (2/3 affirmative vote required)

ACTION: Res. 71-1006 adopted setting hearing. (Clerk to handle)

CONSENT

27. Consider lease of Riverside Park site property.
(Mr. Arnold C. Dickens has offered to lease the approximately 20-acre peach orchard for a one-year period. The rental will be 10% of the gross receipts from the sale of the peaches. The agreement provides that the City will pay the possessory interest tax and includes liability insurance coverage in the amounts of $100,000/300,000 and $50,000 property damage. We recommend that the lease agreement be approved.

Dropped from agenda.

REPORTS

CONSENT

28. Report on study regarding licensing of cats.
(Copies of report with agenda. Motion indicating approval of report needed)

ACTION: By motion report approved.

CONSENT

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

ACTION: By motion report accepted.

CONSENT

30. Presentation of financial statement for October 1971.
(Copies of report will be presented at the meeting. Motion accepting report needed)

ACTION: By motion report accepted.

APPROPRIATION TRANSFERS

CONSENT

31. Estimate additional revenue in the McHenry Library Capital Outlay Fund No. 301 and appropriate the amount plus the available fund balance to complete the library construction project.
(An estimated additional $9,505 from the Stanislaus County and the federal grant plus an additional city share of $13,255 and the fund balance of $12,038 is needed to complete the project. These amounts totaling $34,798 are to be appropriated in Account 6063, Fund 301. Resolution approving estimated revenue and transferring amounts needed)

ACTION: Res. 71-1007 adopted appropriating an additional $21,543 in the McHenry Library Capital Outlay Fund. (Finance to handle)

Res. 71-1008 adopted transferring $13,255 from the Special Fund for Capital Outlays to the McHenry Library Capital Outlay Fund. (Finance to handle)

CONSENT

32. (a) Appropriate an additional $8,860 in the Library Fund from the Fund Balance.

(b) Transfer of funds from the Library Fund to the McHenry Library Capital Outlay Fund.
(An additional $8,860 is needed to cover estimated expenditures remaining in the Library Fund as follows: Account 215, Rental of Real Property, $893; Account 240, Contractual Services, $7,966.
(Resolutions approving appropriation of funds and transfer needed)

ACTION: Res. 71-1009 adopted appropriating an additional $8,860 in the Library Fund.

Res. 71-1010 adopted transferring $9,202 from the Library Fund (201) to the McHenry Library Capital Outlay Fund (301) (Finance to handle)

MISCELLANEOUS

33. Legislation.

None.

34. Appointments (Note: There will be an executive session to consider appointments)

ACTION: Res. 71-1011 adopted (Smith/Simon, unan.) appointing Fred Price as an additional member of the Ecology Subcommittee and Sheree Tillema as an additional member of the Water Resources and Storm Drainage Subcommittee of Project Greater Modesto. (Clerk to handle)

35. Executive session to consider acquisition of properties for Needham Avenue widening project.

ACTION: The Council retired to executive session at 11:00 P.M. and returned to open session at 11:15 P.M.

36. Matters too late for the agenda.

ACTION: Res. 1211-S adopted (Dixon/Smith, unan.) accepting as complete Mission Pipeline's contract for construction of Improvement District No. 18 Facilities. (Clerk to handle)

Councilman Dunlap commended the Parks Department on the street trees.

Adjournment at 11:20 P.M.

ATTEST: W. T. Chynoweth

W. T. CHYNOWETH, City Clerk

MINUTES AND ACTION AGENDA

CITY OF MODESTO
AGENDA FOR COUNCIL MEETING OF MONDAY, NOVEMBER 15, 1971 AT 4:00 P.M.

Roll call: Present: Dunlap, Elliott, Simon, Smith, Mayor Davies
Councilman Dixon arrived at 4:08 P.M.
Absent: Newton

Pledge of allegiance to the Flag
Invocation: Reverend Gary Christopherson, Orangeburg Avenue Baptist Church
(Reverend Christopherson was unable to appear for invocation)

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2, 3, 5, 6, 7, 12, 13, 14, 15, 16, 18, 19
Item No. 3 removed from Consent.
Smith/Simon, unan., Dixon, Newton absent

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

APPROVAL OF MINUTES

CONSENT

1. Minutes of November 3 (adjourned meeting) and November 8, 1971.
(Motion approving needed)
ACTION: By motion minutes approved. Staff requested to furnish Council with resume of staff presentation at adjourned meeting of November 3. (C/Mgr. to handle)

WRITTEN COMMUNICATIONS

CONSENT

2. Request of Division of Highways for approval of changes in State Highway Systems.
(Resolution needed)
ACTION: Res. 71-1012 adopted approving changes. (Clerk to handle)

CONSENT

3. Letter from Red Top Taxi stating that rates will be increased on November 15, 1971.
(Motion ordering filed needed)
ACTION: By motion,(Smith/Elliott, unan., Newton, Dixon absent,) letter ordered filed. (Clerk to handle)

4. Request of Rudy Bonzi for an amendment to Section 5-5.02(k) of the garbage ordinance to include contractors' waste materials in definition of industrial garbage.
ACTION: By motion (Elliott/Simon, unan, Dixon, Newton absent) the matter was referred to the Public Projects Committee.

Attorney Friedman, representing Modesto garbage companies, requested that he be notified when the matter is to be discussed by Committee. (C/Mgr. to handle)

BIDS

CONSENT

5. Consider acceptance of John Birges contract to construct Clay Infield, Turf and Irrigation at Downey Park.
(Original cost $29,300. All work in conjunction with this contract has been completed to the satisfaction of the Parks Department and the Public Works Department except for a minor electrical item which cannot be completed until the City and M.I.D. complete the electrical service. Therefore it would be in order to accept the work as complete. Resolution accepting work as complete needed. Final cost $29,500.89; funds budgeted in Account 6290-31-321, Downey Park Stage 1, 2 and 3A)

ACTION: Res. 71-1013 adopted accepting contract. (Clerk to handle)

CONSENT

6. Accept as complete Healey & Popovich's contract for the furnishing and installation of furniture, Sections A through F, for the Modesto-Stanislaus Library.
(All work on this contract has been completed to the satisfaction of the Public Works Department and the Architect. It would be in order to accept the work as complete and authorize the City Clerk to file notice of completion. Resolution accepting work as complete needed. Actual cost $142,526; originial cost, $142,526. Funds budgeted in Account 6063-301, New Library Building)

ACTION: Res. 71-1014 adopted accepting contract (Clerk to handle)

CONSENT

7. Accept as complete Healey & Popovich's contract for the furnishing and installation of shelving and counters, Sections G & H, for the Modesto-Stanislaus Library.
(All work on this contract has been completed to the satisfaction of the Public Works Department and the Architect. It would be in order to accept the work as complete and authorize the City Clerk to file notice of completion. Actual cost $82,784.49; original cost $81,995.90. Funds budgeted in Account 6063-301, New Library Building)

Action: Res. 71-1015 adopted accepting contract (Clerk to handle)

HEARINGS

8. Hearing on cost of installation of curb, gutter and/or sidewalk at the following locations: 4:05 P.M.

(a) Curb, gutter and sidewalk on Jefferson Street at 201 Locust Street, Lots 13 and 14 of Block 422. (Mr. Lonnie Banks - $831.35)

ACTION: Res. 71-1016 adopted approving report, assessing costs and directing method of collection. (Finance to handle) (Dunlap/Elliott, unan. - Newton, absent)

(b) Driveway approach on Covena Avenue at 1421 Haddon Avenue, Lots 12 and 13 and the south 10 feet of Lot 11 of Block 2089. (Mrs. Darlene M. Beard - $85.90)

ACTION: Res. 71-1017 adopted approving report, assessing costs, and directing method of collection, this cost to be added to tax bill after original lien for forced construction is paid) (Finance to handle) (Dunlap/Elliott, unan. - Newton, absent)

(c) Curb, gutter and sidewalk at 721 El Terino Avenue, portion of Block 1038. (Mr. Patrick J. Casey - $319.04) (Payment over a six-year period recommended)

ACTION: Res. 71-1018 adopted approving report, assessing costs, and directing method of collection, over a six-year period. (Finance to handle) (Dunlap/Elliott, unan. - Newton, absent)

(d) Curb, gutter and sidewalk at 323 Las Palmas Avenue, portion of Block 2022. (Mr. Paul A. Chiles - $369.40) (Payment over a seven-year period recommended)

ACTION: Res. 71-1019 adopted approving report, assessing costs and directing method of collection over a seven-year period. (Finance to handle) (Dunlap/Elliott, unan. - Newton, absent)

(e) Curb, gutter and sidewalk at 705 El Terino Avenue, portion of Block 1038. (Mrs. Vincenza Chirco - $287.00) (Payment over a six-year period recommended)

ACTION: Res. 71-1020 adopted approving report, assessing costs and directing method of collection over a six-year period. (Finance to handle) (Dunlap/Elliott, unan. - Newton, absent)

(f) Curb, gutter and sidewalk at 318 Las Palmas Avenue, portion of Block 2020 (Mr. Jerry C. Combs - $369.40) (Payment over a seven-year period recommended)

ACTION: Res. 71-1021 adopted approving report, assessing costs and directing method of collection over a seven-year period. (Finance to handle) (Dunlap/Elliott, unan. - Newton, absent)

(g) Curb, gutter and sidewalk at 325 Las Palmas Avenue, portion of Block 2022 (Mr. Gerald W. Dickens - $369.40)

ACTION: Res. 71-1022 adopted approving report, assessing costs and directing method of collection. (Finance to handle) (Dunlap/Elliott, unan. - Newton, absent)

(h) Curb, gutter and sidewalk at 324 Las Palmas Avenue, portion of Block 2020. (Mr. James F. Dodson - $376.60)
(Payment over an eight-year period recommended)
(Dunlap/Elliott, unan. - Newton absent)

ACTION: Res. 71-1023 adopted/approving report, assessing costs and directing method of collection, over an eight-year period. (Finance to handle)

(i) Sidewalk at 1215 Purdue Avenue, Lot 7 of Block 826.
(Mr. Ernest W. Ehlers - $139.92.
(To be dropped - costs paid in full)

Dropped from agenda as costs have been paid.

(j) Curb, gutter and sidewalk at 320 Las Palmas Avenue, portion of Block 2020. (Mr. Kenneth N. Hansen - $321.90)
(Payment over a six year period requested)

ACTION: Res. 71-1024 adopted (Dunlap/Elliott, unan. - Newton, absent) approving report, assessing costs and directing method of collection, over a six-year period. (Finance to handle)

(k) Sidewalk on Enslen Avenue at 600 Bermuda Way, Lot 6 of Block 6066. (Mr. Leslie L. Keim - $288.00)
(Payment over a six-year period requested)

ACTION: Res. 71-1025 adopted (Dunlap/Elliott, unan. - Newton, absent) approving report, assessing costs and directing method of collection, over a six-year period. (Finance to handle)

(l) Curb, gutter and sidewalk at 319 Las Palmas Avenue, portion of Block 2022. (Mr. Ronald J. Lisek - $579.10)
(Payment over a ten-year period recommended)

ACTION: Res. 71-1026 adopted (Dunlap/Elliott, unan. - Newton, absent) approving report, assessing costs and directing method of collection, over a ten-year period. (Finance to handle)

(m) Sidewalk at 321 Walnut Street, Lots 3 and 4 of Block 402.
(Mr. Melvin R. Parsons - $87.88)

ACTION: Res. 71-1027 adopted (Dunlap/Elliott, unan. - Newton, absent) approving report, assessing costs and directing method of collection. (Finance to handle)

(n) Curb and gutter at 321 E. Fairmont Avenue, portion of Block 665. (Mr. Lewis M. Stiltz - $451.80)
(Payment over a nine-year period recommended)

ACTION: Res. 71-1028 adopted (Dunlap/Elliott, unan. - Newton, absent) approving report, assessing costs and directing method of collection, over a nine-year period. (Finance to handle)

(o) Sidewalk on Walnut Street at 710 So. Franklin St., Lot 1 and 2 of Block 402. (Mr. Willie C. Stone - $128.00)

ACTION: Res. 71-1029 adopted (Dunlap/Elliott, unan. - Newton, absent) approving report, assessing costs and directing method of collection, two -year installment payments to be consolidated with previous lien on same property. (Finance to handle)

8. (p) Sidewalk at 1012 College Ave., portion of Block 823. (Mr. George P. Thomas - $497.00)

ACTION: Res. 71-1030 adopted (Dunlap/Elliott, unan. - Newton, absent) approving report, assessing cost and directing method of collection. (Finance to handle)

(q) Curb, gutter and sidewalk at 717 El Terino Avenue, portion of Block 1038. (Mr. Veryl M. Thompson - $292.34) (Payment over a six-year period recommended)

ACTION: Res. 71-1031 adopted (Dunlap/Elliott, unan. - Newton, absent) approving report, assessing costs and directing method of collection, over a six-year period. (Finance to handle)

(r) Curb, gutter and sidewalk at 326 Las Palmas Avenue, portion of Block 2020 (Mrs. Gracie M. Vogt - $369.40) (Payment over a seven-year period recommended)

ACTION: Res. 71-1032 adopted (Dunlap/Elliott, unan. - Newton, absent) approving report, assessing costs and directing method of collection over a seven-year period. (Finance to handle)

(s) Curb and gutter at 637 Don Street, Lot 8 and W. 2 feet of Lot 7 of Block 3176. (Mrs. Elsa S. Anderson - $253.00)

ACTION: Res. 71-1033 adopted (Dunlap/Elliott, unan. - Newton, absent) approving report, assessing costs and directing method of collection. (Finance to handle)

(t) Curb and gutter at 630 Jean Street, Lot 5 of Block 3176. (Mr. Charles E. Evans - $253.60)

ACTION: Res. 71-1034 adopted (Dunlap/Elliott, unan. - Newton, absent) approving report, assessing costs and directing method of collection. (Finance to handle)

(u) Curb and gutter at 634 Jean Street, Lot 4 of Block 3176. (Mr. Shirley M. Jensen - $253.60)

Dropped from agenda as costs have been paid.

(v) Sidewalk on Purdue Avenue at 1205 Purdue Ave., Lot 8 of Block 826. (Mr. Manuel L. Moniz - $218.80) (Payment over a four-year period requested)

ACTION: Res. 71-1035 adopted (Dunlap/Elliott, unan. - Newton, absent) approving report, assessing costs and directing method of collection, over a four-year period. (Finance to handle)

9. Hearing on amendment to Section 23-3-9 from R-1 to P-D to permit R-2 uses with specific development on property located at the southeast corner of Oakdale Road and East Orangeburg Avenue. 4:10 P.M.

ACTION: Ord. No. 1160-C.S. introduced (Dixon/Simon, unan. - Newton, absent) approving rezoning from R-1 to P-D. (Clerk to handle)

Res. 71-1036 adopted (Dixon/Simon, unan. - Newton, absent) approving development plan. (Planning to handle)

10. Discussion with Paul George concerning problems with a city tree at 135 Modesto Avenue. 4:15 P.M.

ACTION: Mr. George presented his root problem to Council and was advised that consultation with staff was available. (P/W to handle)

11. Matters for the good of the community. 4:20 P.M.

ACTION: Frank Andrews spoke on various subjects.

ORDINANCES

CONSENT
12. Final adoption of the following ordinances:

(a) Ordinance No. 1157-C.S. (amendment to zoning regulations - signs in H-1 zones)
(Motion adopting needed)

ACTION: By motion Ord. No. 1157-C.S. adopted. (Clerk to handle)

(b) Ordinance No. 1158-C.S. (amendment to sign regulations - signs in H-1 zones)
(Motion adopting needed)

ACTION: By motion Ord. No. 1158-C.S. adopted. (Clerk to handle)

(c) Ordinance No. 1159-C.S. (repealing Chapter 4 of Title IX)
(Motion adopting needed)

ACTION: By motion Ord. No. 1159-C.S. adopted. (Clerk to handle)

CONSENT
13. Introduction of ordinances amending Article 17 of Chapter 2 of Title X (amortization of non-conforming signs)
(Memo with agenda.)

(a) Introduction of ordinance amending Section 9-6.05 of Chapter 6 of Title IX of the Modesto Municipal Code relating to nonconforming signs..
(Introduction of ordinance needed)

ACTION: By motion Ord. No. 1161-C.S. introduced. (Clerk to handle)

CONSENT

13. (b) Introduction of ordinance adding Section 10-2.1709 to Article 17 of Chapter 2 of Title X of the Modesto Municipal Code relating to nonconforming signs.
(Introduction of ordinance needed)

ACTION: By motion Ord. No. 1162-C.S. introduced. (Clerk to handle)

(c) Recommendation of Public Projects Committee that letter be sent to Stanislaus County Board of Supervisors regarding revisions to the County's sign regulations in the Modesto Urban Service area.
(Motion authorizing letter to be sent needed)

ACTION: By motion staff authorized to send letter to Board of Supervisors. (Clerk to handle)

(d) Recommendation of Public Projects Committee that the staff be directed to make a report regarding the enforcement of the amortization of nonconforming signs.
(Motion directing staff to make report needed)

ACTION: By motion staff directed to report on enforcement. (P/W to handle)

CONSENT

14. Introduction of an ordinance revising emergency services, organization and functions.
(An ordinance has been prepared which will amend the present provisions of the municipal code relating to civil defense. Under present state and federal requirements, the City must adopt an "Emergency Services, Organization and Functions" plan. A copy of the proposed ordinance as prepared by the City Attorney is with agenda. Motion introducing ordinance needed)

ACTION: By motion Ord. No. 1163-C.S. introduced. (Clerk to handle)

NEW BUSINESS

CONSENT

15. Resolution authorizing City Manager to sign agreement with County for Modesto to be a participating agency under the Emergency Employment Act of 1971.
(Because County is the Program Agent, the City must sign agreement to maintain records as desired by the Act and the County. Resolution needed)

ACTION: Res. 71-1037 adopted approving agreement and authorizing City Manager to execute same. (Clerk to handle)

CONSENT

16. Payroll deduction - group auto insurance plan.
(Memo with agenda. Motion approving request needed)

ACTION: By motion payroll deduction for payment of group auto insurance authorized. (Finance to handle)

17. Consider resolution authorizing submission of revised application for Code Enforcement Grant No. 1 for Modesto, California (FACE Program).
(Memo of explanation with agenda. Resolution authorizing submission of revised application for Code Enforcement Grant No. 1 for Modesto, California (FACE Program) needed)

ACTION: Res. 71-1038 adopted (Simon/Elliott, unan. - Newton, absent) authorizing submission of revised application. (P/W to handle)

CONSENT
18. Accept improvements in Wyldewood Estates No. 1 Subdivision and authorize City Clerk to file notice of completion and release bonds upon expiration of the statutory periods.
(Wyldewood Estates No. 1 Subdivision is located at Orangeburg Avenue just west of Rose 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 needed)

ACTION: Res. 71-1039 adopted accepting improvements in Wyldewood Estates No. 1 Subdivision. (Clerk to handle)

CONSENT
19. Consider authorizing the following condemnation actions for acquisition of property for the Needham Street widening project.

(a) Benjamin S. Taylor and Rose Taylor - Parcel 549-2.
(Resolution needed)

ACTION: Res. 71-1040 adopted authorizing condemnation action against Benjamin S. and Rose Taylor. (C/Atty to handle)

(b) Michael D. Ursini and Rose E. Ursini - Parcel 550-12.
(Resolution needed. A memo of explanation has been sent with agenda.)

ACTION: Res. 71-1041 adopted authorizing condemnation action against Michael D. and Rose E. Ursini. (C/Atty to handle)

MISCELLANEOUS

20. Legislation.

None

21. Appointments.

ACTION: Res. 71-1042 adopted (Simon/Elliott, unan. - Newton, absent) appointing members, Vernon Brooks, Randy Clark, Tom M. Quinn, Clyda Ramos, Armour Smith and Joel Sowder, to Business and Industry Subcommittee of Project Greater Modesto. (Clerk to handle)

Res. 71-1043 adopted (Simon/Elliott, unan. - Newton, absent) appointing Rev. Dillon W. Throckmorton as a member to Disadvantaged Subcommittee of Project Greater Modesto. (Clerk to handle)

22. Matters too late for the agenda.

ACTION: Councilman Dunlap expressed concern on the matter of septic tanks in Mobile Home developments in the County, adjacent to the City, which lie within the Sewer District. He suggested that this matter be referred to the Planning Commission for discussion at its next meeting with the County and also the City-County Liaison Committee to see if some action can be taken in this regard. Planning Director Nichols stated that City staff was meeting with the County Thursday evening, November 18, along with the City of Turlock to discuss fringe areas which are zoned A-1.

The City Manager was directed to place this matter on the agenda of the next City-County Liaison Committee meeting to spur faster action on the matter.

adopted
A motion (Smith/Dixon, unan.) that a strongly worded letter be sent to the developer expressing the Council's concern, with a copy going to the Real Estate Board, and a copy to the Board of Supervisors. (C/Mgr to handle)

Councilman Simon suggested that contact on matters of this kind begin with the developers, that they be asked to meet with the Public Relations Committee to get the Council's views on the matter, and then referred to the Board of Supervisors. Mayor Davies suggested that this might be included in the letter recommended by motion.

(2) Councilman Dunlap called to the Council's attention a memorandum from the Public Projects Committee on the matter of the noise ordinance. He asked that any helpful suggestions pertaining to this ordinance be submitted to the Public Projects Committee before Wednesday.

Adjournment at 5:08 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, NOVEMBER 22, 1971 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: Reverend David McCracken, Congregational Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 3, 4, 7, 8, 9, 10, 11, 16, 17, 18, 20, 21, 22, 23, 24, 28, 29, 30
Simon/Elliott, 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. Presentation of annual financial audit.
(The fiscal records of the City of Modesto have been audited by Charles M. Larimer, Certified Public Accountant. The audit report will be presented to the Council. Motion accepting audit and authorizing payment needed. Estimated cost $2,250; funds budgeted in Account 235-65-101, Independent Audit)

ACTION: By motion (Dixon/Smith, unan.) report accepted and payment authorized. (Finance to handle)

APPROVAL OF MINUTES

CONSENT
2. **Minutes of November 15, 1971.**

ACTION: By motion minutes approved.

WRITTEN COMMUNICATIONS

CONSENT
3. Complaint from Henry E. Wieser concerning appearance of paint store at 19th and H Streets.
(Motion referring to City Attorney to answer needed)

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

CONSENT
4. Resignation of Jeffrey P. Cowan from Project Greater Modesto Committee.
(Resolution accepting with regret needed)

ACTION: Res. 71-1044 adopted accepting resignation with regret. (Clerk to handle)

6. **Presentation by Stanislaus County Humane Society and S.P.C.A. on aims and goals of that organization.**

Dropped from agenda.

CONSENT

7. **Request of James E. Sheppard to have costs of sidewalks and/or curb and gutter combined in a single assessment and payment spread over a ten-year period.**
(Resolution granting request needed)

ACTION: Res. 71-1045 adopted approving combining of assessments and payment over a ten-year period. (Finance to handle)

CONSENT

8. **Letter from Modesto Typographical Union No. 689 concerning use of League of California funds.**
(Motion ordering letter filed needed)

ACTION: By motion letter ordered filed.

BIDS

CONSENT

9. **Consider acceptance of Gib Goodrum's contract to construct wash rack at Modesto City-County Airport.**
(Original contract $4,500. 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 $4,500. Funds budgeted in Account 6505-306, Wash Rack at City-County Airport)

ACTION: Res. 71-1046 adopted accepting contract. (Clerk to handle)

CONSENT

10. Consider approval of plans, specifications and call for bids for the installation of water lines in Elmwood Estates No. 3 and Tradewinds No. 4 Subdivisions.
(Suggested bid opening December 7, 1971 at 10:00 A.M.

Costs and Revenues	Elmwood Estates No. 3	Tradewinds No. 4
Connection charges	$3,000.00	$1,875.00
Construction cost	4,023.69	2,298.96
Net annual revenue	384.00	240.00

Resolution approving plans, specifications and call for bids needed. Estimated cost $6,322.65 (Materials $3,499.02; Labor $2,823.63) Funds budgeted in Account 6804-50-101, Water Line Extension)

ACTION: Res. 71-1047 adopted approving plans and specifications and bid call. (Clerk to handle)

CONSENT

11. Consider award of bid for roofing and drainage facilities at McHenry Library (Museum), and appropriating the amount for the project. (Bids were opened November 16, 1971 at 10:00 A.M. The low bid submitted by Acme Construction Company, which is 0.09% under the Engineer's Estimate, is considered acceptable. It is recommended that the bid be awarded to them. The Citizens' Cultural Center Committee has reimbursed the City for the project cost. Resolution awarding bid, resolution approving appropriation transfer amount from General Reserve needed. Estimated cost $11,490 (contract $10,990; Engr. $500) Funds budgeted in Account 6546 (321) Remodel Cultural Center)

ACTION: Res. 71-1048 adopted awarding contract to Acme Construction Co. (P/W to handle)

Res. 71-1048A adopted approving appropriation transfer of $11,500 from Account 60-321 to Account 6546-31-321. (Finance to handle)

HEARINGS

12. Hearing on amendment to Chapter 2 of Title X (zoning regulations - off-street parking) 7:35 P.M.

ACTION: By motion (Simon/Elliott, unan.) hearing continued to December 13, 1971, at 7:50 P.M. (Clerk to handle)

13. Hearing on amendment to P-D (30) (Stanislaus Medical Building Association) 7:40 P.M.

ACTION: Councilman Dixon was excused from consideration of this item due to a possible conflict of interest. After the public hearing was closed, the following action was taken:

By motion (Smith/Dunlap, unan.) matter referred back to Planning Commission for further study and recommendation regarding the timing of the construction. (Planning to handle)

14. Hearing on proposed boundary changes in Improvement District No. 19. 8:00 P.M.

ACTION: Res. 1212-S.P. adopted (Smith/Dixon, unan.) ordering changes in boundaries and overruling protests. (Clerk to handle)

(a) Consideration of bids received for Improvement District No. 19 improvements (If changes are approved)

ACTION: Res. 1213-S.P. adopted (Dixon/Elliott, unan.) awarding contract to W. M. Lyles Company. (P/W to handle)

(b) If contract is awarded, appropriation transfer of $11,000 from Account 60-321 is needed.

ACTION: Res. 71-1049 adopted (Dixon/Elliott, unan.) approving appropriation transfer of $11,000 from Account 60-321 to Account 6603-41-321. (Finance to handle)

(c)

ACTION: Res. 1214-S.P. adopted (Dunlap/Elliott, unan.) authorizing Superintendent of Streets to make change orders. (P/W to handle)

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

ACTION: Jake Knanisho, a Councilman from Rock Island, Illinois, was introduced.

Mrs. Betty Jean Reynolds, a teacher at Catherine Everett School, introduced five members of her sixth grade class.

Also introduced were Mike Karl, President of the Modesto High School Student Body, and William Ulm, member of the Farm-City Advisory Committee.

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

ACTION: Jim Switzer complained of being arrested on November 16 and 22, 1971. He felt he had not been treated fairly by the police. Don Wilson then demanded an investigation of the CAC by the City. Following continued outbursts by Mr. Switzer, the Mayor ordered him removed from the Council Chambers by the police.

Members of the Council expressed their confidence of Councilmen Elliott and Newton in their efforts in connection with CAC.

Res. 71-1050 adopted (Elliott/Dunlap, unan.) commending the Library and Culture Commission for a successful week of festivities in connection with the opening of the Modesto-Stanislaus County Library. (Clerk to handle)

ORDINANCES

CONSENT
16. Final adoption of the following:

(a) Ordinance No. 1161-C.S. (amend Title IX - nonconforming signs.
(Motion adopting needed)

ACTION: By motion Ord. No. 1161-C.S. adopted. (Clerk to handle)

(b) Ordinance No. 1162-C.S. (Amend Title X - nonconforming signs)
(Motion adopting needed)

ACTION: By motion Ord. No. 1162-C.S. adopted. (Clerk to handle)

(c) Ord. No. 1163-C.S. (Emergency Services)
(Motion adopting needed)

ACTION: By motion Ord. No. 1163-C.S. adopted. (Clerk to handle)

NEW BUSINESS

CONSENT
17. Notice that Trailways Bus Company has applied to P.U.C. to raise fares 6 1/2%.
(The raise would merely bring fare to level authorized for Greyhound in July 1971, but currently frozen. Suggest notice be filed. Motion ordering filed needed)

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

CONSENT
18. Request by City Attorney for one day's vacation on Friday, November 26, 1971.
(Motion approving request needed)

ACTION: By motion request approved.

19. Nazarene Church property, H Street.
(Memo with agenda. Motion directing staff needed)

ACTION: It was agreed to discuss this in executive session before making a decision. Following the executive session, the following motion was made:

(Dixon/Newton, unan.) reject the offer of the Nazarene Church to sell property at 18th and H Streets to City, and indicate that City is not interested in purchasing the property at this time. (Clerk to handle)

CONSENT
20. Consider approval of agreement between City and Kenneth W. Howell, owner of Zions Cyclery.
(To issue and account for bicycle licenses for and on behalf of the City. Resolution needed)

ACTION: Res. 71-1051 adopted approving agreement. (Finance to handle)

CONSENT
21. Accept improvements in Aspen Manor No. 2 Subdivision and authorize City Clerk to file notice of completion and release bonds upon expiration of statutory period.
(Aspen Manor No. 2 Subdivision is located south of Woodrow between Tully Road and TWSRR tracks. 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. 71-1052 adopted accepting improvements in Aspen Manor No. 2 Subdivision. (Clerk to handle)

CONSENT
22. Amendment to agreement with Andrew J. Silva.
(Memo with agenda. Resolution approving amendment to agreement needed)

ACTION: Res. 71-1053 adopted approving amendment to agreement with Andrew J. Silva, golf pro, to permit Silva to assume responsibility for rental and maintenance of golf cars. (P & R to handle)

CONSENT
23. A resolution approving the final map of Tradewinds No. 4 Subdivision of the City of Modesto and authorizing 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 south of Celeste Drive and west of Old Oakdale Road. It contains 3.70 acres. Resolution approving final map and authorizing execution of agreement needed)

ACTION: Res. 71-1054 adopted approving final map of Tradewinds No. 4 Subdivision. (Clerk to handle)

CONSENT
24. Abandonment of parcel of land dedicated for road purposes in July 1966 for construction of Briggsmore and Coffee.
(Memo with agenda. Resolution vacating and abandoning parcel of land dedicated by Mr. Arnold Nelson for road purposes, excepting a 20' strip on the northerly side of the parcel reserved as a public utility easement needed)

ACTION: Res. 1215-S.P. adopted abandoning parcel of land. (Clerk to handle)

25. Reconsideration of Secretary for Project Greater Modesto.
(Memo with agenda. Motion approving recommendation needed. Estimated cost $5,008 transferred on 11/1/71)

ACTION: By motion (Elliott/Simon, unan.) recommendation that secretary for Project Greater Modesto be hired approved. (Personnel to handle)

REPORTS

26. **Report by Public Projects Committee on request of Rudy Bonzi for amendment to garbage disposal ordinance.**

ACTION: By motion (Dunlap/Smith, unan.) recommendation that no amendment to ordinance be made approved and intention declared to give further consideration to this matter in the next year. (C/Mgr to handle)

27. **Report on meeting with California Highway Commission on possibility of advancing Highway 99 freeway construction in North Modesto. (Oral report will be given by Director of Parking and Traffic)**

ACTION: Report of the Director of Parking and Traffic accepted, and he was commended by the Mayor for having done an outstanding job at the meeting with the Highway Commission.

REPORTS FROM THE PLANNING COMMISSION

CONSENT

28. Recommend amendment to Section 27-3-9 of the zoning map (Kirkpatrick Homes)
(By Resolution No. 71-163 adopted November 16, 1971 the Planning Commission recommends an amendment to Section 27-3-9 of the zoning map as requested by Kirkpatrick Homes to rezone from One-family Residential, R-1, to Two-family Residential Zone, R-2, property located on the west side of El Vista Avenue south of Edgebrook Drive. Resolution setting December 20, 1971 at 4:10 P.M. for public hearing needed)

ACTION: Res. 71-1055 adopted setting hearing. (Clerk to handle)

CONSENT

29. Recommend amendment to Planned Development Zone, P-D (83) to allow Head Rest, Inc. interim occupancy of church building.
(On November 16, 1971 by Resolution No. 71-164 the Planning Commission recommends an amendment to Planned Development Zone, P-D (83) to allow Head Rest, Inc. interim occupancy of the existing church building located south of Downey Avenue, northwest of Eye Street, and northeast of 17th Street. Resolution setting December 20, 1971 at 4:15 P.M. for public hearing needed)

ACTION: Res. 71-1056 adopted setting hearing. (Clerk to handle)

APPROPRIATION TRANSFERS

CONSENT

30. Establishment of special fund for Emergency Employment Act of 1971.

(a) Resolution authorizing an amendment to the City of Modesto's final budget for fiscal year 1971-72 to establish a special fund to account for grant funds from the U.S. Department of Labor for the Public Employment Program.
(The U.S. Department of Labor requires that special accounting procedures be followed. Resolution authorizing establishment of Public Employment Program Fund needed)

ACTION: Res. 71-1057 adopted authorizing amendment to budget to establish Public Employment Program Fund. (Finance to handle)

CONSENT

30. (b) Resolution approving appropriation of $30,404 from Unappropriated Fund Balance of the General Fund to Fund Transfer Appropriations (Acct. 71) in General Fund.
(Since the City of Modesto is a participating agency in the Public Employment Program under the Emergency Employment Act of 1971, the City is required to expend an amount equal to at least 10% of the total amount of the expenditures. Resolution authorizing appropriation needed)

ACTION: Res. 71-1058 adopted authorizing appropriation of $30,404 from Unappropriated Fund Balance of the General Fund to Account 71 in General Fund. (Finance to handle)

MISCELLANEOUS

31. Legislation.

None.

32. Appointments.

None.

33. Matters too late for the agenda.

ACTION: Res. 71-1059 adopted (Elliott/Smith, unan.) approving agreement with Doug Lane for operation of food concession at Dryden Park Municipal Golf Course Clubhouse. (P & R to handle)

At the request of Councilman Dixon, it was agreed that the City Manager would report on the handling and disposition of incidents where a resident of the unincorporated area rides a bicycle in the City. It was urged that this be given publicity. (C/Mgr to handle)

The Council retired to executive session at 10:17 P.M. to consider the offer of the Nazarene Church and the appraisals for Dry Creek Park properties and returned to open session at 10:40 P.M.

Adjournment at 10:45 P.M.

ATTEST: W. T. Chynoweth

W. T. CHYNOWETH, City Clerk

MINUTES AND ACTION AGENDA

CITY OF MODESTO
AGENDA FOR COUNCIL MEETING OF MONDAY, DECEMBER 6, 1971 AT 4:00 P.M.

Roll Call Present: Dixon, Elliott, Newton, Simon, Mayor Davies
Absent: Dunlap, Smith
Mayor Davies welcomed the crew of TV Channel 8 as this was the first Council meeting to be telecast.
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, 4, 5, 9, 12, 13, 14, 15, 16, 16A, 18, 19, 20, 21, 23, 24, 25, 26, 28, 29, XX, 32, 33, 34, 35, 36, 37
Item 31 removed from consent
Dixon/Elliott, unan. - Dunlap and Smith, absent

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

APPROVAL OF MINUTES

CONSENT
1. Minutes of November 22, 1971.

ACTION: By motion minutes approved.

WRITTEN COMMUNICATIONS

CONSENT
2. Request for encroachment permit to allow Modesto Bee building to extend six inches beyond property line on 14th Street.
(Resolution setting December 13, 1971 at 7:55 P.M. for informal hearing needed)

ACTION: Res. 71-1060 adopted setting hearing. (Clerk to handle)

CONSENT
3. Resolution from City of Downey urging tax deductibility for utility users tax.
(Motion ordering filed needed)

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

CONSENT
4. Resolution from City of Hayward urging property tax relief to owner-occupied residential property.
(Motion ordering filed needed)

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

CONSENT

5. Request of Sherwood P.T.A. for stop signs on Rumble at Edward and on Claremont at Rumble.

ACTION: By motion referred to Parking and Traffic. (P & T to handle)

6. Request of Frank Ruggieri for change in variance provisions of Municipal Code to give Council and/or Board of Zoning Adjustment more flexibility to act.

ACTION: By motion (Dixon/Newton, unan.) referred to Public Projects Committee. (C/Mgr to handle)

7. Request of Frank Ruggieri for a limited moratorium upon enforcement of dangerous building code and for creation of a committee to review the code and recommend revisions.

ACTION: By motion (Dixon/Simon, unan.) referred to Public Projects Committee with the suggestion that Mr. Ruggieri be invited to meet with the Committee. (C/Mgr to handle)

8. Request of M.J.C. students for discussion of housing discrimination against minorities and students.

ACTION: By motion (Elliott/Newton, unan.) referred to City Manager to work with students. (C/Mgr to handle)

Res. 71-1061 adopted (Dixon/Newton, unan. - Dunlap and Smith, absent) declaring support and encouragement to Modesto Junior College students. (C/Mgr to handle)

CONSENT

9. Request of D.I.D. for permission to negotiate sale of Santa's house.
(Resolution declaring house as surplus and authorizing City Manager to sell needed)

ACTION: Res. 71-1062 adopted declaring Santa's house as surplus and authorizing sale. (Finance to handle)

10. Request of D.I.D. for elimination of juror parking on 9th Street parking lot now and from November 15 each year.

ACTION: By motion (Newton/Dixon, unan.) staff directed to make no change this year but to present proposal to D.I.D. Board in January, 1972, for further study. (P & T to handle)

11. Proposal of Arthur Rotman for establishment of a free university in Modesto.

ACTION: Mr. Rotman's proposal was discussed and no Council action taken.

CONSENT

12. Request of Crandle Stiles for lower perimeter sewer connection fee.
(Motion referring to staff for report needed)

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

CONSENT

13. Resignation of Dr. John S. Rice, Jr. as a member of the D.I.D. Advisory Board.
(Resolution accepting with regret needed)

ACTION: Res. 71-1063 adopted accepting resignation with regret. (Clerk to handle)

BIDS

CONSENT

14. Accept as complete Lee White Paving Company contract for the improvement of streets adjacent to city park sites in Rose Terrace No. 3 and Northgate No. 7 Subdivisions.
(All work has been completed to the satisfaction of the Public Works Department. It would be in order to accept the work as complete and authorize the City Clerk to file notice of completion. (Resolution accepting work as complete needed. Original cost $23,355.00; final cost, $22,881.68. Funds budgeted in Account 6708-41-32, Misc. St. Improvements Park Development)

ACTION: Res. 71-1064 adopted accepting contract. (Clerk to handle)

CONSENT

15. Consider readvertising and call for bids for construction of wading pool at Marshall Park.
(Suggested bid opening December 21, 1971 at 10:00 A.M. No bids were received for this project. The Public Works Department has been in contact with the usual bidder who has indicated he would bid if the job is readvertised. Resolution needed. Estimated cost $19,500 ($18,500 const.; $1,000 Eng. & Insp.) Funds budgeted in Account 6274-31-321, Marshall Park - Stage 2)

ACTION: Res. 71-1065 adopted approving plans and specifications and bid call. (Clerk to handle)

CONSENT

16. Consider approval of specifications and authorize call for bids to be opened December 21, 1971 at 2:00 P.M. for annual requirements of pipe for water works.
(Resolution needed. Estimated cost $183,000.00. Funds budgeted in Account 438-512, Revolving Fund. Not shown in budget; ultimately used in 5301 or 6804-50-101, p. 54)

ACTION: Res. 71-1066 adopted approving specifications and bid call. (Clerk to handle)

CONSENT

16A Irrigation, turf, and sandy clay infield, Davis Park.
(Approve plans, specifications and call for bids for Davis Park irrigation, turf and sandy clay infield. Bids to be opened December 28, 1971 at 10:00 A.M. Resolution approving plans, specifications and call for bids needed. Estimated cost $119,600; funds budgeted in Account 6315-31-321, Davis Park Development)

ACTION: Res. 71-1067 adopted approving plans and specifications and bid call. (Clerk to handle)

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

None.

ORDINANCES

CONSENT

18. Final adoption of Ordinance No. 1160 - amendment to Section 23 3-9 of the zoning map (Ellis & Klink)
(Motion adopting needed)

ACTION: By motion Ord. No. 1160-C.S. adopted. (Clerk to handle)

OLD BUSINESS

CONSENT

19. Agreement with Junior Women's Club of Modesto, Inc. to build "Safety Town".
(Memo with agenda. Resolution approving agreement needed)

ACTION: Res. 71-1068 adopted approving agreement. (P & R to handle)

NEW BUSINESS

CONSENT

20. Consider termination of lease agreement with Ernie and Terri Tiwater and approval of lease agreement with Terri J. DuBerg.
(Memo with agenda. Resolutions terminating lease with Ernie and Terri Tiwater and approving lease agreement with Terri J. DuBerg needed)

ACTION: Res. 71-1069 adopted terminating lease agreement with Ernie Tiwater, et ux.

Res. 71-1070 adopted approving lease agreement with Terri J. DuBerg. (Finance to handle)

CONSENT

21. A resolution approving final map of Carver Manor No. 2 Subdivision of the City of Modesto and authorizing an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code.
(The subdivision agreement has been signed and all fees paid. The subdivision is located on the northwest corner of Rumble Road and Carver Road. It contains 8.53 acres. Resolution approving final map and authorizing execution of agreement by City needed)

ACTION: Res. 71-1071 adopted approving final map of Carver Manor No. 2. (Clerk to handle)

22. Letter from Modesto Soccer Club requesting that City provide lights at Del Webb Field for their practice sessions.
(Memo with agenda. Motion directing staff needed)

ACTION: By motion (Elliott/Dixon, unan.) request denied with the suggestion that a request of this type should be submitted at budget time. (P & R to handle)

CONSENT

23. Authorization to hire an auditor for the library grant.
(A motion is requested authorizing City Manager to employ Mr. Charles M. Larimer, C.P.A., to audit the library grant accounting records as required by the Library Services and Construction Act administered by the California State Library. The total cost is $400. Proposals were requested from two other firms. One was unable to do the work at this time, and the other submitted a higher estimate. Motion authorizing City Manager to hire Mr. Larimer needed)

ACTION: By motion City Manager authorized to hire Charles M. Larimer to audit library grant records. (C/Mgr to handle)

CONSENT

24. County referral of open space contract application, Norman Driver, North Avenue.
(Memo with agenda. Resolution expressing Council recommendation of no objections to the County Board of Supervisors needed)

ACTION: Res. 71-1072 adopted expressing no objections to contract. (Planning to handle)

CONSENT

25. Authorize City Manager to file application for bus grant.
(The application is completed. The application requests federal participation in the amount of $22,400 for the purchase of a new bus.
(Resolution authorizing City Manager to file application and to furnish any other information needed)

ACTION: Res. 71-1073 adopted authorizing City Manager to file application. (P & T to handle)

CONSENT

26. Letter from National Guard requesting permission to use Del Webb Field and remain overnight.
(Memo with agenda. Motion granting request needed)

ACTION: By motion National Guard permitted to use Del Webb Field from 7:00 P.M. on February 18, 1972 to 9:00 A.M. February 20, 1972. (P & R to handle)

27. Consider deferred compensation plan for city employees in management positions.
(Memo with agenda. Such a plan allows employee to defer income to a future time, such as retirement, when his income tax rate would be lower. Motion authorizing staff to proceed further in preparation of a plan needed)

ACTION: By motion (Dixon/Simon, unan.) staff authorized to proceed further and to include all City employees. (P & T and Finance to handle)

CONSENT

28. Resolution providing for notice of filing of assessment - Improvement District No. 18. (Sewer Service to the remaining areas in the City)
(This resolution will provide for notice of filing of assessment in Improvement District No. 18. Hearing on assessment will be held on January 10, 1972 at 8:00 P.M. Resolution needed)

ACTION: Res. 1216-S.P. adopted providing for Notice of Filing of Assessment. (Clerk to handle)

CONSENT

29. Consider purchase of programmable calculator.
(Memo with agenda. Resolution needed. Estimated cost $5,000; Funds budgeted in Account 6904-41-321, Printing Computing Calculator)

ACTION: Res. 1074 adopted waiving formal bid procedure and authorizing purchase of a Hewlett-Packard Model 9810A calculator with alpha and mathematics modules at a cost of $4,863.79. (Finance and P/W to handle)

30. Personnel for museum.
(Memo with agenda. Resolution approving letter agreement hiring consultant for month of December needed. Estimated cost $250.00. Funds budgeted in Account 235-29-101, Services Prof. & Other, p.40)

ACTION: Res. 71-1075 adopted (Simon/Elliott, unan. - Dunlap and Smith, absent) approving letter agreement hiring Heidi Warner for month of December. (P & R to handle)

Res. 71-1076 adopted (Elliott/Simon, unan. - Dunlap and Smith, absent) accepting resignation of Heidi Warner as a member of the Library & Culture Commission. (Clerk to handle)

By motion (Dixon/Simon, unan.) staff was directed to accept applications for position of coordinator of museum from the whole community and to report to Council near the end of December. (C/Mgr to handle)

Res. 71-1077 adopted (Dixon/Elliott, unan. - Dunlap and Smith, absent) commending Heidi Warner for services in connection with development of museum. (C/Mgr to handle)

REPORTS

~~CONSENT~~

31. Report on Youth Involvement in city government.
(Report with agenda. Motion accepting report needed)

ACTION: It was agreed that a progress report would be made in two months.

CONSENT

32. Presentation of financial statement for November 1971.
(Copies of report will be presented at meeting. Motion accepting report needed)

ACTION: By motion report accepted.

CONSENT

33. Presentation of the annual financial report for 1970-71 fiscal year.
(Copies of report with agenda. Motion accepting report needed)

ACTION: By motion report accepted.

REPORTS FROM THE PLANNING COMMISSION

CONSENT

34. Uninhabited annexation to the City of Modesto - Dale Road No. 1 Addition.
(The LAFC Commission has authorized this annexation without notice or public hearing - November 26, 1971. Resolution annexing area needed)

ACTION: Res. 71-1078 adopted annexing Dale Road No. 1 Addition to City of Modesto. (Clerk to handle)

APPROPRIATION TRANSFERS

CONSENT

35. Appropriation transfer of $1,000 for State Board of Equalization filing fees.
(Memo with agenda. Resolution approving appropriation transfer of $1,000 from General Reserve, General Fund, to Account 235-14, Services, Professional and Otherwise, needed)

ACTION: Res. 71-1079 adopted approving appropriation transfer of $1,000 from Account 60-101 to Account 235-14. (Finance to handle)

CONSENT

36. Consider approval of appropriation transfer from General Reserve and the Unappropriated Fund Balance to 6804, Water Line Extensions, in the amount of $156,000.
(Memo with agenda. Resolution approving appropriation transfer needed)

ACTION: Res. 71-1080 adopted approving the transfer of $114,000 from Account 60-101 to Account 6804-50-101 ($84,000) and 5301-50-101 ($30,000). (Finance to handle)

Res. 71-1081 adopted approving appropriation transfer of $42,000 from the Unappropriated Fund Balance of the General Fund to Account 6804-50-101. (Finance to handle)

CONSENT

37. Transfer of funds for appraisal costs and engineering for clear zone land acquisition - City County Airport.
(We have submitted an application to FAA for funding of the clear zone acquisition needed in conjunction with the ILS installation at the City-County Airport. The next step to keep this project moving is obtaining appraisals on the needed property. We are therefore requesting the Council to approve a transfer of $2,000 to cover the cost of appraisals and preliminary engineering required on City's part for the project. Resolution approving transfer needed)

ACTION: Res. 71-1082 adopted approving appropriation transfer of $2,000 from Account 60-46-230 to Account 6488-46-230. (Finance to handle)

MISCELLANEOUS

38. Legislation.
None.

39. Appointments.
None.

40. 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, DECEMBER 13, 1971 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 Ben Jennings, Prescott Bible Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 3, 5, 6, 8, 9, 16, 17, 18, 19, 20, 21, 22, 23, 25, 26, 28, 29, 30, 31
Elliott/Smith, unan.

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

APPROVAL OF MINUTES

CONSENT
1. Minutes of December 6, 1971.

ACTION: By motion minutes approved.

WRITTEN COMMUNICATIONS

2. Proposal of Jack A. Wier to lease land at Airport for construction of a restaurant.

ACTION: By motion (Dixon/Smith, unan.) recommendation of staff approved that any decision on a restaurant be withheld until Airport Master Plan is completed. (P/W to handle)

CONSENT
3. Request of Second Church of Christ, Scientist for refund of $217.00 for sewer connection fees paid under protest.
(Motion referring to staff for report needed).

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

4. Letter from George Edwards (Edwards' Red Wing Shoes) stating that he should not be forced to have garbage service.

ACTION: By motion (Dixon/Newton, unan.) referred to Public Projects Committee for review. (C/Mgr to handle)

BIDS

CONSENT
5. Consider award of bid for construction of irrigation system at Nine Hole Municipal Golf Course.
(Bids were opened November 23, 1971. The low bid submitted by John Birges which is 13% under the Engineer's Estimate is considered acceptable. It is recommended by the Public Works Department and Department of Parks and Recreation that the bid be awarded to John Birges for the base bid of Alternate 1 without the deduction of

5. (continued)
deduction of Alternates 2 and 3 which are shown on the bid tabulation sheet. Resolution awarding bid and resolution approving appropriation transfer of $9,140 from Account 60-321 needed. Estimated cost $94,900 (Contract $90,000; Eng. & Insp. $4,900). $89,400 budgeted in Account 6255-31-321, Muni Golf 3 & 4)

ACTION: Res. 71-1083 adopted awarding contract to John Birges. (P/W to handle)
Res. 71-1084 adopted approving appropriation transfer of $9,140 from Account 60-321 to Account 6255-31-321. (Finance to handle)

CONSENT
6. Approve plans and specifications and call for bids for construction of golf cart storage shed at Dryden Municipal Golf Course. (Suggested bid opening date December 28, 1971 at 10:10 A.M. This structure is needed to protect the golf carts from vandalism and exposure to the weather. Resolution needed. Estimated cost $9,750; ($8,750 Const., Eng. & Insp. $1,000. Funds to be requested later from Fund 321, Golf Cart Storage Bldg., after review of bid prices)

ACTION: Res. 71-1085 adopted approving plans and specifications and bid call. (Clerk to handle)

7. Consider award of bid for the Golf Course Club House.
(Memos with agenda. Resolution approving withdrawal of bid by B. J. Rommel, and resolution awarding bid as recommended by Director of Parks and Recreation needed. Estimated cost $49,247)
ACTION: Res. 71-1086 adopted (Elliott, Simon, unan.) approving withdrawal of bid of B. J. Rommel.

Res. 71-1087 adopted (Elliott/Simon, unan.) awarding contract to Olsen Brothers. (P/W to handle)

CONSENT
8. Consider award of bid for installation of water lines in Elmwood Estates No. 3 and Tradewinds No. 5.
(Bids were opened December 7, 1971. The low bid was submitted by S. M. McGaw Co., and is 12% over the Engineer's Estimate. The Public Works Department is unable to install the lines at this time with its own forces. It is recommended by the Public Works Department that the bid be awarded to S. M. McGaw Company. Resolution needed. Estimated cost $4,732.25 ($3,187.25, Ext., $1,545.00 Drt.) Funds budgeted in Account 5804-50-101, Water Line Extension, and 5301-50-101, New Services)

ACTION: Res. 71-1088 adopted awarding contract to S. M. McGaw Co. (P/W to handle)

CONSENT
9. Accept as complete Flintkote Company's contract for installation of parking lot at King-Kennedy Memorial Center.
(All work on 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 authorize the City Clerk to file a notice of completion. Resolution accepting work needed. Original cost $15,261.00; final cost, $15,494.75. Funds budgeted in Account 6375-31-321, King-Kennedy Center parking lot)

ACTION: Res. 71-1089 adopted accepting contract. (Clerk to handle)

HEARINGS

10. Annexation of McHenry-Sylvan Addition to Sewer District. 7:35 P.M.

ACTION: Res. 71-1090 adopted (Smith/Dunlap, unan.) annexing McHenry-Sylvan Addition to Modesto Municipal Sewer District No. 1. (Clerk to handle)

11. Annexation of Sonoma No. 1 Addition to Sewer District. 7:40 P.M.

ACTION: Res. 71-1091 adopted (Dunlap/Newton, unan.) annexing Sonoma No. 1 Addition to Modesto Municipal Sewer District No. 1. (Clerk to handle)

12. Hearing on appeal from Planning Commission denial of request by Norman Winsor to prezone to R-2 and P-D for a 128-unit, 2-story apartment development, property on north side of Maze Blvd. west of Emerald Avenue. 7:45 P.M.
(Hearing to be dropped)

Hearing dropped at request of appellant.

13. Continued hearing on amendment to Chapter 2 of Title X - zoning regulations (off-street parking) 7:50 P.M.
(Continued from November 22nd meeting)

ACTION: By motion (Smith/Dunlap, unan.) Ord. No. 1164-C.S. introduced. (Clerk to handle)

14. Informal hearing on request for encroachment permit to allow new Modesto Bee building to extend six inches beyond property line on 14th Street. 7:55 P.M.

ACTION: Res. 71-1092 adopted (Elliott/Newton, unan.) granting encroachment permit subject to conditions recommended by staff, a copy of which is on file with the City Clerk. (Clerk to handle)

15. Matters for the good of the community. 8:00 P.M.
(These may be introduced by interested persons in the audience)

ACTION: Rolando Quinonez requested that the Council reconsider the denial of the request by the Modesto Soccer Club for the City to provide lights for practice sessions at Del Webb Field.

By motion (Simon/Dixon, unan.) staff was directed to provide lighting. (P & R to handle)

Res. 71-1093 adopted (Simon/Dixon, unan.) approving appropriation transfer of $200 from Account 60-101 to Account 210-35-101. (Finance to handle)

William G. Neighbor, a TV technician, complained of the poor pictures received on Cable TV and asked that this be investigated. By motion (Simon/Elliott, unan.) staff was directed to investigate and report to Council. (C/Mgr to handle)

John De Boer, a member of the Farm-City Advisory Committee, was introduced.

NEW BUSINESS

CONSENT

16. Resolution withdrawing certain described territories from the following Fire Protection Districts by reason of their annexation to the City of Modesto:

(a) Empire Fire Protection District;

ACTION: Res. 71-1094 adopted withdrawing Riverside No. 4 and Riverside No. 5 Additions from Empire Fire Protection District. (Clerk to handle)

(b) McHenry-Dry Creek Fire Protection District;

ACTION: Res. 71-1095 adopted withdrawing Oakdale-Floyd, Celeste No. 3, E. Orangeburg No. 4, E. Orangeburg No. 5, Norwegian No. 1, Coffee-Floyd, Claremont No. 2, Sonoma No. 1 and Claremont No. 3 Additions from McHenry-Dry Creek Fire Protection District. (Clerk to handle)

(c) Riverbank Fire Protection District;

ACTION: Res. 71-1096 adopted withdrawing McHenry-Sylvan Addition from Riverbank Fire Protection District. (Clerk to handle)

(d) Woodland Fire Protection District.

(The City Clerk's office has been advised that these annexations have been approved by the Secretary of State during the year 1971. These annexations are now considered complete and it is therefore in the best interests of the City that these territories be withdrawn from the above-mentioned fire districts. Adoption of resolutions needed)

ACTION: Res. 71-1097 adopted withdrawing Montclair No. 3 Addition from Woodland Fire Protection District. (Clerk to handle)

CONSENT

17. Consider creation of new classification in city service.
(Memo, job specification, and alphabetical list attached. Resolution establishing new classification of Property Agent and resolution setting salary range needed)

ACTION: Res. 71-1098 adopted establishing new classification of Property Agent.

Res. 71-1099 adopted setting salary range for Property Agent at Range 27. (Personnel to handle)

CONSENT

18. Right of way, Needham Avenue, Reorganized Church of Jesus Christ of Latter Day Saints.
(Memo with agenda. Resolution accepting the grant deed and right of way agreeement and authorizing execution of agreement by City Manager. Estimated cost $23,875; funds budgeted in Account 6647-207, Misc. Right of Way and Improvements)

ACTION: Res. 71-1100 adopted accepting grant deed and approving agreement. (Clerk to handle)

CONSENT

19. Letter from Salvation Army.
(The Salvation Army has requested permission to pick the oranges from trees located in city parksfor use in their Christmas baskets. The Council approved this request last year. Motion approving request needed)

ACTION: By motion request approved. (P & R to handle)

CONSENT

20. Stanislaus County Welfare Department General Relief Recipient Work Program.
(To permit the City of Modesto to use welfare recipients who are qualifying for general relief in special short term work projects. Resolution authorizing City Manager to sign agreement with Stanislaus County needed)

ACTION: Res. 71-1101 adopted approving agreement with Stanislaus County. (Clerk to handle)

CONSENT

21. Consider establishing flat rate water service to the Sylvan Union School District.
(The Council in Resolution No. 67-295 established the basis for flat rate charges to schools in the Sylvan School District. Using this same basis, the charges have been updated and Coleman F. Brown School has been added. Resolution needed)

ACTION: Res. 71-1102 adopted establishing flat-rate charges for water service to schools within Sylvan Union School District and rescinding Res. Nos. 60-170, 63-458, 64-373, 66-47 and 67-295. (Finance to handle)

CONSENT

22. Accept improvements in Riverside North No. 4 Subdivision and authorize City Clerk to file notice of completion and release bonds upon expiration of the statutory periods.
(Riverside North No. 4 Subdivision is located between Trask and Riverside Drive south of Lateral No. 2. All improvements have been completed to the satisfaction of the Public Works Department and all fees have been paid. Resolution needed)

ACTION: Res. 71-1103 adopted accepting improvements in Riverside North No. 4. (Clerk to handle)

CONSENT

23. Accept improvements in Pleasant View No. 2 Subdivision and authorize City Clerk to file notice of completion and release bonds upon expiration of statutory periods.
(Pleasant View No. 2 Subdivision is located south of Floyd Avenue and East of Rose Avenue. All improvements have been completed to the satisfaction of the Public Works Department and all fees have been paid. Resolution needed)

ACTION: Res. 71-1104 adopted accepting improvements in Pleasant View No. 2 Subdivision. (Clerk to handle)

24. Consider agreement with Modesto Motor Bus Service for 1972.
(Memo and agreement with agenda. Agreement covers operation of city buses for 1972. City would pay or advance up to $8,580 additionally to the $2,400 now paid for no advertising on outside of buses. Resolution approving agreement and resolution approving appropriation transfer of $8,040 from General Reserve needed)

ACTION: Res. 71-1105 adopted (Smith/Elliott, unan.) approving agreement with Modesto Motor Bus Service. (P & T to handle)

Res. 71-1106 adopted (Smith/Elliott, unan.) approving appropriation transfer of $8,040 from Account 60-101 to Account 232-65-101. (Finance to handle)

CONSENT

25. Consider cooperative project between the City and the Modesto Irrigation District to replace the footbridge across Lateral No. 4 at Enslen Avenue.
(Memo with agenda. Motion approving project needed. Estimated cost $300; funds budgeted in Account 6647-41-321, Misc. R/W and Impvt.)

ACTION: By motion project approved. (P/W to handle)

CONSENT

26. Consider approval of lease agreement with E. R. Vine and Sons for delivery of oil products at the Modesto City-County Airport.
(The fee schedule at the Airport requires payment of 5¢ per gallon of oil delivered to the Airport. The proposed lease agreement formalizes the activity of E. R. Vine and Sons at the Airport by providing for payment of the 5¢ per gallon charge. Resolution approving lease agreement needed)

ACTION: Res. 71-1107 adopted approving lease agreement with E. R. Vine and Sons. (P/W to handle)

27. Agreement - Central California Art League, Inc.
(Lease agreement with Central California Art League, Inc., for rental of space in Old McHenry Library building. Resolution approving agreement needed)

ACTION: Res. 71-1108 adopted (Simon/Dunlap, unan.) approving agreement. (City Clerk to handle)

APPROPRIATION TRANSFERS

CONSENT

28. Appropriate money for purchase of transcribing machine.
(Memo with agenda. Resolution approving appropriation transfer of $400 from General Reserve of General Fund (101)

ACTION: Res. 71-1109 adopted approving appropriation transfer of $400 from Account 60-101 to Account 5501-17-101. (Finance to handle)

CONSENT

29. Additional funds of $300 are necessary to continue undercover work with the use of rental cars.
(Funds are available in account)

No action needed.

CONSENT

30. Consider approval of appropriation transfer from General Reserve to Account 6578-212, Carver Trunk Relief.
(Design changes and revisions in the contract work necessitated a change order which was not funded in the original costs and hence the appropriation transfer if required. Resolution approving transfer of $2,208 from General Reserve to Carver Trunk Relief needed)

ACTION: Res. 71-1110 adopted approving appropriation transfer of $2,208 from Account 60-212 to Account 6578-212. (Finance to handle)

CONSENT

31. Appropriation transfer of $3,449 from Police funds to General Reserve in connection with Public Employment Program. (Resolution needed)

ACTION: Res. 71-1111 adopted approving appropriation transfer from Accounts 221 ($65), 223 ($50), 224 ($6), 301 ($95), 302 ($20), 308 ($1,016), 5409 ($628), 5410 ($447) and 5411 ($1,122), Department 22, Fund 101 to Account 60-101 (General Reserve). (Finance to handle)

MISCELLANEOUS

32. Legislation.

None.

33. Appointments.

(a) Appointment of a representative to the Stanislaus Area Transportation Study Policy Advisory Committee.
(Memo with agenda. Resolution appointing representative to the Stanislaus Area Transportation Study Policy Advisory Committee needed)

ACTION: Res. 71-1112 adopted (Smith/Dunlap, unan.) appointing Councilman James Dixon as representative of City of Modesto. (Clerk to handle)

34. Matters too late for the agenda.

ACTION: Councilman Dixon reported that the Board of Supervisors would like a study made of Airport Commissions. By motion (Dixon/Simon, unan.) staff directed to make a search of comparable cities where similar commissions are functioning and report to the Council on January 17, 1972. (C/Mgr to handle)

35. Executive session for further consideration of property acquisition, Dry Creek Park Phase 2.

ACTION:: The Council retired to executive session at 8:50 P.M. with the announcement that it would not return to open meeting.

Adjournment at 8:50 P.M.

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

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, DECEMBER 20, 1971 AT 4:00 P.M.

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

Councilman Dunlap arrived at 4:05 P.M. and Councilman Simon arrived at 4:25 P.M.
Pledge of allegiance to the Flag
Invocation:

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2, 4, 5, ~~6~~, 7, 8, 9, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 25
Item 6 dropped from agenda
Elliott/Smith, unan. - Dunlap and Simon, absent
(Information concerning the consent items listed above has been forwarded to each councilman prior to this meeting for his study. Unless some councilman or member of the audience has a question concerning a particular item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation for the individual items)

APPROVAL OF MINUTES

CONSENT
1. Minutes of December 13, 1971.

ACTION: By motion minutes approved.

WRITTEN COMMUNICATIONS

CONSENT
2. Request of Mrs. Floyd Patrick for permission to pay assessment for costs of curb and gutter over a four year period. (Resolution needed)

ACTION: Res. 71-1113 adopted permitting payment of assessment for curb and gutter at 116 Maple Street over a four-year period. (Finance to handle)

3. Recommendations of Downtown Improvement District for revitalization of Downtown Modesto.

ACTION: By motion (Elliott/Dunlap, unan.) referred to City Manager and staff for study and preliminary report on January 17. (C/Mgr to handle)

BIDS

CONSENT
4. Consider acceptance of Valley Construction's contract for installation of water lines in Granada Park No. 2 and Brookview Estates No. 2 subdivisions.
(Original contract $6,972.00. All work in conjunction with this contract is completed to the satisfaction of the Public Works Department. It would be in order to accept the work as complete. Resolution accepting work as complete needed. Final cost $6,890.40 (Ser. $3,500; Main $3,390.40. Funds budgeted in Accounts 6804-50-101, Water Line Extension and 5301-50-101, New Services)

ACTION: Res. 71-1114 adopted accepting contract. (Clerk to handle)

CONSENT

5. Consider acceptance of W. M. Lyles contract to construct sewer on Carver between Scott and Rumble.
(Original contract, $29,564.00. 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. Resolution accepting work as complete needed. Final cost $31,648.30. Funds budgeted in Account 6578-212, Carver Relief Line)

ACTION: Res. 71-1115 adopted accepting contract. (Clerk 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 subdivisions. (Original contract: $33,164.20)
(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. Resolution accepting work as complete needed. Final cost $33,135.30 (Ext. $24,855.30; Ser. $8,280.00). Funds budgeted in Accounts 6804-50-101, Water Line Extension and 5301-50-101, New Services)

Dropped from agenda.

CONSENT

7. Consider approval of plans and specifications and call for installation of lights at Mancini Park.
(Suggested bid opening date January 4, 1972 at 10:00 A.M. These lights are desired to provide lighted area around the parking areas and the restroom areas. Resolution needed. Estimated cost $5,000 ($4,500 const., $500 Eng & Insp). Funds budgeted in Account 6331-324)

ACTION: Res. 71-1116 adopted approving plans and specifications and bid call. (Clerk to handle)

CONSENT

8. Consider approval of plans and specifications and call for bids for the installation of water lines in Carver Manor No. 2, Tully Manor No. 6 and Standiford Avenue.
(Suggested bid opening: January 4, 1972 at 10:15 A.M. Costs & Revenues: Carver Manor No. 2, Const. cost, $8513.70; connection charges $5,500; Net annual revenue, $704.00. Tully Manor No. 6, Construction cost, $11,042.03; connection charges, $7,000; net annual revenue, $896. Standiford Avenue, Construction cost $4,100.61; connection charges, $627; net annual revenue, $153.00. Funds budgeted in Account 6804-50-101, Water Line Extension. Estimated cost $23,656.34 (Materials $11,283.34; labor, $12,373.00)

ACTION: Res. 71-1117 adopted approving plans and specifications and bid call. (Clerk to handle)

CONSENT

9. Consider call for bids for the drilling, casing, testing and development of one deep well for City of Modesto Well No. 39. (Bid opening January 4, 1972 at 10:10 A.M. Resolution needed. Estimated cost $7,000; funds budgeted in Account 6816-50-101, New Well & Pump Station, 4th High School Park Site)

ACTION: Res. 71-1118 adopted approving bid call. (Clerk to handle)

HEARINGS

10. Hearing, annexation of Claremont No. 3 Addition to Sewer District. 4:05 P.M.

ACTION: Res. 71-1119 adopted (Smith/Simon, unan.) annexing Claremont No. 3 Addition to Modesto Municipal Sewer District No. 1. (Clerk to handle)

11. Hearing, amendment to Section 27-3-9 of zoning map to rezone from R-1 to R-2, property located on west side of El Vista south of Edgebrook Drive. (Kirkpatrick Homes) 4:10 P.M.

ACTION: By motion (Smith/Dixon, unan.) Ord. No. 1165-C.S. introduced amending Sec. 27-3-9 of zoning map. (Clerk to handle)

12. Hearing, amendment to P-D (83) to allow Head Rest, Inc. interim occupancy of St. Paul'a Episcopal Church Building. 4:15 P.M.

ACTION: By motion (Newton/Elliott, unan.) Ord. No. 1166-C.S. introduced amending P-D(83). Clerk to handle)

Res. 71-1120 adopted (Newton/Elliott, unan.) approving revised development plan. (Planning to handle)
(Resolution not prepared - not needed)

13. Matters for the good of the community. 4:20 P.M.
(These may be presented by interested people in the audience)

None.

ORDINANCES

CONSENT

14. Final adoption of Ord. 1164-C.S. - off street parking. (Motion adopting needed)

ACTION: By motion Ord. No. 1164-C.S. adopted. (Clerk to handle)

NEW BUSINESS

CONSENT

15. Resolution of intention to call special election for annexation of Glendale-Miller Addition to the City of Modesto.
(A petition containing 146 valid signatures and requesting that the Glendale-Miller Addition be annexed to the City of Modesto has been filed with the City Clerk. This represents 51.7% of the registered voters. Resolution setting January 24, 1972 at 7:35 P.M. for hearing protests needed)

ACTION: Res. 71-1121 adopted setting protest hearing. (Clerk to handle)

CONSENT

16. A resolution determining that the public interest and convenience require that Dale Road No. 1 Addition be annexed to the Modesto Municipal Sewer District No. 1 and naming a time and place for hearing.
(This area has been annexed to the City of Modesto and it is now necessary to annex it to the Modesto Municipal Sewer District. Suggested hearing date February 7, 1972 at 4:05 P.M. Resolution setting hearing needed (2/3 affirmative vote)

ACTION: Res. 71-1122 adopted setting hearing. (Clerk to handle)

CONSENT

17. Authorize City Manager to sign agreement with Department of Justice, State of California, P.O. Box 1859, Sacramento, California for the use of selected equipment for police intelligence activities.
(Jurisdictions are required to sign a waiver releasing the State of California from any claims or losses resulting from the use of the equipment. Resolution authorizing City Manager to sign agreement needed)

ACTION: Res. 71-1123 adopted approving agreement and authorizing City Manager to sign. (Clerk to handle)

CONSENT

18. Resolution approving final map of Tully Manor No. 6 Subdivision of the City of Modesto and authorizing 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 at Montclair Drive, east of Carver Road. It contains 14.26 acres. Resolution approving final map and agreement needed)

ACTION: Res. 71-1124 adopted approving final map of Tully Manor No. 6. (Clerk to handle)

CONSENT

19. Consider lease of peach orchards on the Riverside Park site and the Dry Creek Park site.
(Mr. Arnold C. Dickens has offered to lease the approximately 20-acre peach orchard on the Riverside Park site and the approximately 16-acre peach orchard on the Dry Creek Park site for the period ending September 30, 1972. The rental will be 10% of the gross receipts from the sale of the peaches. The lease agreements provide that the City will pay the possessory interest tax; Dickens will provide liability insurance coverage in the amount of $100,000/$300,000 and $50,000 property damage. We recommend that the lease agreements be approved.)

ACTION: Res. 71-1125 adopted approving lease agreement for Riverside Park site.

Res. 71-1126 adopted approving lease agreement for Dry Creek Park site. (Finance to handle)

CONSENT

20. Right of way - Scenic Drive, Mr. and Mrs. Thomas A. Davis.
(Memo with agenda. Resolution accepting grant deed and right of way agreement needed. Estimated cost $1,500; funds budgeted in Account 6647-207, Misc. Right of Way and Improvements)

ACTION: Res. 71-1127 adopted accepting grant deed and approving right of way agreement. (Clerk to handle)

CONSENT

21. Consider approval of agreement to provide sewer and water to a subdivision outside the City.
(Developers, Wally and Helen DeVe. The developers of Palomino Estates, a 69 lot subdivision in the County of Stanislaus on the west side of Tully Road south of M.I.D. Lateral No. 6, have signed an agreement for sewer and water 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 the City when so requested. Resolution approving agreement needed)

ACTION: Res. 71-1128 adopted approving agreement. (Clerk to handle)

21A. Consider authorizing work to be done at the McHenry Library Building (Museum) which is required to permit Museum and the Art League functions to begin operations.
(The work includes a variety of items having to do with fire-proofing and fire protections in the building, along with repair work on the boiler. The cost of the fire-proofing and fire protection is $2,477. The repair work on the boiler is $250. The cost of the work is being paid for by the groups occupying the building and the Finance Dept. has a check in trust in the amount of $2,800 to cover cost of the work. (Motion authorizing City Manager to issue purchase orders for the work needed;motion accepting check for $2,800 needed; resolution appropriating money to Account 6546-31-321 from the General Reserve, 60-321, needed)

ACTION: By motion (Elliott/Simon, unan.) check for $2,800 accepted. (Finance to handle)

By motion (Elliott/Simon, unan.) City Manager authorized to issue purchase orders for work. (P/W to handle)

Res. 71-1129 adopted (Elliott/Simon, unan.) approving appropriation transfer of $2,800 from Account 60-321 to Account 6546-31-321. (Finance to handle)

REPORTS

CONSENT

22. Report on cast iron pipe antitrust action commenced by Nashville, Tennessee.
(Memo with agenda. Motion approving report and authorizing City Manager to sign request to be excluded from the case)

ACTION: By motion report accepted and City Manager authorized to request exclusion from case. (C/Atty to handle)

REPORTS FROM THE PLANNING COMMISSION

CONSENT

23. Uninhabited annexation to the City of Modesto - Sonoma No. 2 Addition.
(The LAFC Commission has authorized this annexation without notice or public hearing - November 26, 1971. Resolution approving annexation to City needed)

ACTION: Res. 71-1130 adopted annexing Sonoma No. 2 Addition to City. (Clerk to handle)

24. Further report by Planning Commission regarding amendment to P-D (30) to allow expansion of existing facilities. (Stanislaus Medical Building Corporation)
(By Resolution No. 71-165 adopted December 7, 1971 the Planning Commission recommends an amendment to P-D (30) (Stanislaus Medical Building Corporation), with a revised development schedule, to allow expansion of existing facilities on property located at the northeast corner of Coffee Road and Lucern Avenue. Introduction of ordinance amending P-D (30) to permit additional uses and adoption of a resolution approving development plan for P-D (30) needed)

ACTION: By motion (Dunlap/Newton, unan. - Dixon, absent) Ord. No. 1167-C.S. introduced amending P-D(30). (Clerk to handle)

Res. 71-1131 adopted (Dunlap/Newton, unan. - Dixon, absent) approving revised development plan. (Planning to handle)

(Councilman Dixon was excused from consideration of this item due to a possible conflict of interest)

APPROPRIATION TRANSFERS

CONSENT

25. Appropriation transfer to provide funds to modernize street light controllers at Station No. 3.
(Memo with agenda. Resolution approving transfer of $28,000 needed)

ACTION: Res. 71-1132 adopted approving appropriation transfer of $18,000 from Account 6636 and $10,000 from Account 6636 of Department 41, Fund 321 to Account 6634-41-321. (Finance to handle)

MISCELLANEOUS

26. Legislation.

None

27. Appointments.

None

28. Matters too late for the agenda.

None

29. Executive session to consider appointment of a museum director.

ACTION: The Council retired to executive session at 5:00 P.M. with the announcement that it would not return to open meeting.

Adjournment at 5:00 P.M. to December 22, 1971, at 12:00 o'clock noon in the Work Reference Room at City Hall for the purpose of meeting with Assemblyman La Coste.

ATTEST: W. T. Chynoweth

W. T. CHYNOWETH, City Clerk

Modesto City Council
Adjourned Regular Meeting
December 22, 1971

The Council of the City of Modesto convened at 12:00 o'clock noon on December 22, 1971, pursuant to adjournment. The purpose of the meeting was to have a discussion with Assemblyman La Coste on matters of mutual interest.

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

Also present were City Manager Keefe, City Attorney Johnson, Police Chief Ammerman, Administrative Assistant Bartholomew, City Clerk Chynoweth and a reporter for the Modesto Bee.

Assemblyman La Coste gave an explanation of the give-and-take process involved in redistricting.

Chief Ammerman outlined problems caused by such things as delays in Court procedures and crimes committed by persons who are out on bail for previous offences. He also outlined various prevention programs that are used locally.

Mr. Bartholomew pointed out that it appeared as though a large percentage of crimes against property were committed by juveniles.

Assemblyman La Coste explained that due to the make-up of the Criminal Justice Committee of the Assembly it was almost impossible to get bills to the floor of the Assembly if the bills are not written in such a manner as to reflect an extreme liberal attitude. He explained the political maneuvers involved in committee appointments.

It was agreed that the City should work through the League of California Cities to get the membership of this committee changed and the City Attorney was requested to draft a resolution for presentation to the League Directors in January.

The meeting was adjourned at 1:45 P.M.

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

MINUTES AND ACTION AGENDA

CITY OF MODESTO
AGENDA FOR COUNCIL MEETING OF MONDAY, DECEMBER 27, 1971 AT 7:30 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: 1, 4, 5, 6, 7, 9, 10, 11, 12, 15, 16, 17, 18, 19, 20, 21, 22, 23, ~~24~~, 28, 30, 31, 32, 33
Item 27 dropped from consent.
Elliott/Smith, unan.

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

APPROVAL OF MINUTES

CONSENT
1. Minutes of December 20 and 22, 1971.

ACTION: By motion minutes approved.

WRITTEN COMMUNICATIONS

2. Proposal of Modesto Bee for City participation in special Agriculture, Business and Industry Review edition on January 28, 1972.

ACTION: By motion (Elliott/Simon, maj. - Smith and Mayor Davies, no) approval given to one-half ($\frac{1}{2}$) page advertisement omitting pictures of councilmen but to be in nature of a report to the people. (C/Mgr to handle)

3. Offer of Fresno Guarantee Savings & Loan Association to present a commemorative Liberty Bell to the City of Modesto.

ACTION: By motion (Simon/Dixon, unan.) offer accepted with thanks. (Clerk to handle)

BIDS

CONSENT
4. Consider authorizing the staff to negotiate for the purchase of 2 replacement lawn mowers.
(Memo with agenda. Resolution waiving formal bid procedures and authorizing the staff to negotiate purchase of lawn mowers.)

ACTION: Res. 71-1133 adopted waiving formal bid procedure and authorizing staff to negotiate purchase of two lawn mowers. (Finance to handle)

CONSENT

5. Consider award of bid for construction of wading pool at Marshall Park.
(Bids were opened on December 21, 1971. The low bid submitted by Wolverine Building Service, Inc., which was 1% 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: $19,300 (Contract $18,300, Engineer and Inspection $1,000); funds budgeted in Account No. 6274-31-321, Marshall Park - Stage 2)

ACTION: Res. 71-1134 adopted awarding contract to Wolverine Building Service, Inc. (P/W to handle)

CONSENT

6. Approve plans and specifications and call for bids for construction of Storeroom at Maddux Youth Center.
(Bid opening - January 11, 1972 at 10:00 A.M. This addition is requested to provide additional room for storage at the Maddux Youth Center. Resolution approving plans & specs needed. Estimated cost $4,169 ($3,869 construction $300 Engineer & Inspection); funds budgeted in Account No. 52-1-33-321, Maddux Youth Center - Storeroom)

ACTION: Res. 71-1135 adopted approving plans and specifications and bid call. (Clerk to handle)

CONSENT

7. Approve plans and specifications and call for bids for the installation of automatic sprinkling systems at Pike, Roosevelt and T. B. Scott Parks.
(Bids to be opened January 18, 1972, at 10:00 A.M. Resolution approving plans and specs and call for bids needed. Funds budgeted in Account 6340-31-321, Pike Park; 6370-31-321, T. B. Scott Park; 6367-324, Roosevelt Park.)

ACTION: Res. 71-1136 adopted approving plans and specifications and bid call. (Clerk to handle)

HEARINGS

8. Matters for the good of the community. 7:35 P.M.
(These may be presented by interested persons in the audience)

ACTION: Art Kempf, Manager of Cablecom-General of Modesto, requested permission to continue telecasts of Council meetings.
By motion (Dunlap/Dixon, unan.) permission granted to continue telecasts indefinitely. (Clerk to handle)

ORDINANCES

CONSENT
9. Final adoption of Ord. No. 1166-C.S. - (Amend P-D(83) Motion adopting needed)

ACTION: By motion Ord. No. 1166-C.S. adopted. (Clerk to handle)

Final adoption of Ord. No. 1167-C.S. - (Amend P-D(30) (Motion adopting needed)

ACTION: By motion Ord. No. 1167-C.S. adopted. (Clerk to handle)

NEW BUSINESS

CONSENT
10. Resolution approving contract for Grant for Urban Beautification Funds.
(This grant contract covers approved Urban Beautification Projects for the fiscal year ending June 30, 1971, in the amount of $52,757. Memo with agenda. Resolution approving the contract and authorizing execution by the City Manager)

ACTION: Res. 71-1137 adopted approving contract for Urban Beautification Grant. (Clerk to handle)

CONSENT
11. Resolution adopting "City of Modesto Emergency Services Operational Plan"
(Memo with agenda. Resolution adopting needed)

ACTION: Res. 71-1138 adopted adopting Emergency Services Operational Plan. (C/Atty to handle)

CONSENT
12. Formation of Police Radio Reserve Group.
(The Police Radio Reserve Group would assist the Police Department in search and rescue operations and other events and projects that do not require peace officer powers. Resolution approving Police Radio Reserve Group needed)

ACTION: Res. 71-1139 adopted approving Police Radio Reserve Group. (Police to handle)

13. Consideration of Proposal by Councilman Simon to establish a new Council committee.
(Copies of memo from Councilman Simon being distributed with the agenda.)

ACTION: By motion (Dixon/Newton, unan.) Committee of Project Review and Analysis (COPRA) established.
The Mayor then appointed Councilmen Simon, Newton and Elliott to this committee and named Councilman Simon as chairman. (Clerk to handle)
It was suggested that the committee invite a member of the Planning Commission to attend meetings.

14. Consider options for property near Strand Theater.
(Memo with agenda. Options ($1 each) cover property near Strand Theater that might be needed for parking should the City purchase the theater. Three resolutions authorizing purchase of options and two resolutions approving continued use of parking lot 5 rent-free until March 31, 1972)

ACTION: This item continued to end of meeting for the purpose of considering it in executive session.

Following the executive session, it was announced that no action would be taken.

CONSENT
15. Resolution recommending P.O.S.T. as consultant for special study - "Feasibility Study - Alternate Law Enforcement Systems"
(The grant for this study has been approved for funding by the California Council on Criminal Justice. The Peace Officers Standards and Training Commission will assume the role of Project Consultant. Approval of resolution needed)

ACTION: Res. 71-1140 adopted requesting Peace Officers Standards and Training Commission to determine whether it would conduct a feasibility study on alternate law enforcement systems. (Clerk to handle)

CONSENT
16. Grant Deed and Right of Way Agreement, Needham Avenue - Elsie G. Rhien.
(Memo with agenda. Resolution accepting Grant Deed and authorizing execution by the City Manager of the Right of Way Agreement. Estimated cost $25,200)

ACTION: Res. 71-1141 adopted accepting grant deed and approving right of way agreement. (Clerk to handle)

CONSENT
17. Resolution authorizing exercising of option to purchase second land parcel for sanitary landfill.
(Memo with agenda. Resolution authorizing acquisition of land for sanitary landfill. Estimated cost: $32,517.60; funds budgeted in Account No. 6536-41-321, Sanitary landfill)

ACTION: Res. 71-1142 adopted authorizing acquisition of land for sanitary landfill. (Finance to handle)

CONSENT

18. A resolution approving the final map of Coleman Acres 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. Coleman Acres No. 2 Subdivision is located on the north side west of Claremont Avenue south of Sylvan Avenue. It contains 2.81 acres. Resolution needed)

ACTION: Res. 71-1143 adopted approving final map of Coleman Acres No. 2. (Clerk to handle)

CONSENT

19. Consider approving request for aid under the Federal Aid Airport Program for drainage project adjacent to south end of 6,000 foot runway (28R)
(Memo with agenda. A resolution approving negative environmental impact statement and authorizing City Manager to execute necessary documents on behalf of the City)

ACTION: Res. 71-1144 adopted approving negative environmental impact statement.

Res. 71-1145 adopted approving request for aid under Airport and Airways Development Act of 1970. (P/W to handle)

CONSENT

20. Consider letter agreement between the City and Harley D. and Norma Brannan, subdividers, for participation in the cost of street lights in Riverside North No. 4 Subdivision adjacent to City Park Site. (This letter agreement has been prepared in accordance with established City policy which provides for sharing the cost of perimeter street lights. Resolution approving agreement needed. Estimated cost: $1,546.26; funds budgeted in Account No. 53-1-41-321, Misc. Street Lights City Park Development)

ACTION: Res. 71-1146 adopted approving letter agreement. (Clerk to handle)

CONSENT

21. Agreement with Museum Supervisor, Mrs. Heidi Warner.
(Memo with agenda. Resolution approving agreement needed)

ACTION: Res. 71-1147 adopted approving agreement with Mrs. Warner. (Clerk to handle)

REPORTS

CONSENT

22. Mandatory Garbage Service for Commercial Accounts.
(Memo with agenda (from Public Projects Committee). Motion to approve report needed)

ACTION: By motion report approved.

CONSENT

23. Consider adopting ordinance amending Municipal Code section on lateral sewer charges re establishing the effective date of the charge as March 1, 1972.
(Memo attached. Introduction and adoption of emergency ordinance needed)

ACTION: By motion Ord. No. 1168-C.S. introduced and adopted. (Clerk to handle)

24. Report by Director of Public Works concerning unfilled basements in the downtown area.

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

25. Report by Public Projects Committee on letter from Francis R. Ruggieri regarding Variance Provisions of Sign Regulations.
(Report with agenda. Motion approving report and denying request needed)

ACTION: By motion (Dunlap/Dixon, maj. - Elliott and Simon, no) report accepted and request for change in variance provisions denied. (Clerk to handle)

26. Report by Public Projects Committee on Letter from Francis R. Ruggieri Regarding the Dangerous Building Code.
(Report with agenda. Motion approving report and Resolution amending schedule of priorities of inspection needed)

ACTION: By motion (Dunlap/Smith, unan.) report approved. (Clerk to handle)

Res. 71-1148 adopted amending schedule of priorities to include all buildings rather than just unoccupied buildings first. (P/W to handle)

It was agreed that the Council would be furnished an explanation of a letter written by the Chief Building Inspector regarding occupancy of the Merry Garden Building (Rollerrink) (P/W to handle)

CONSENT

27. Further report on Deferred Compensation Plan.
(Memo with agenda recommending that Crocker Bank handle funds. Memo also suggests that this matter be discussed at informal hearing at 7:35 P.M. at the January 10, 1972 Council meeting. Resolution setting hearing needed)

ACTION: Res. 71-1149 adopted (Smith/Simon, unan.) setting hearing. (Clerk to handle)

CONSENT

28. Report on appointment of City of Modesto officials and staff members to League of California Cities committees.
(Copies of report being distributed with the agenda. Motion accepting report needed)

ACTION: By motion report accepted.

29. Report on Cable TV Reception.
(Memo with agenda. Motion accepting report needed)

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

REPORTS FROM PLANNING COMMISSION

CONSENT
30. Uninhabited annexation to the City of Modesto - Floyd-Rose Addition.
(The LAF Commission has authorized this annexation without notice or public hearing - December 17, 1971. A resolution annexing needed)

ACTION: Res. 71-1150 adopted annexing Floyd-Rose Addition to City. (Clerk to handle)

CONSENT
31. Recommend amendment to Section 9-3-9 of the Zoning Map (Medeiros)
(By Res. No. 71-168, adopted on December 21, 1971, the Planning Commission recommended an amendment to Section 9-3-9 of the Zoning Map as requested by Gilbert Medeiros to rezone from R-1 to R-2 and R-3, property located on the south side of Sylvan Avenue, West of Coffee Road. Resolution setting January 17, 1972 at 4:10 P.M. for public hearing needed)

ACTION: Res. 71-1151 adopted setting hearing. (Clerk to handle)

APPROPRIATION TRANSFERS

CONSENT
33. Appropriation Transfer. Funds are requested to make major repairs to Fire Department Engine Co. 4 not provided for in the regular maintenance Account 222-21-101.
(Memo with agenda. Resolution approving transfer of $3,663 from General Reserve needed)

ACTION: Res. 71-1152 adopted approving appropriation transfer of $3,663 from Account 60-101 to Account 5401-21-101. (Finance to handle)

MISCELLANEOUS

34. Appointments.

None.

35. Matters too late for the agenda.

None.

36. Executive session for further consideration of property acquisition for Dry Creek Park.

ACTION: The Council retired to executive session at 9:30 P.M. to consider acquisition of land for Dry Creek Park and to consider Item 14 and returned to open meeting at 10:15 P.M.

By motion (Dunlap/Smith, unan.) staff was directed to negotiate for the purchase of the three parcels of land for Dry Creek Regional Park. (C/Mgr to handle)

Adjournment at 10:17 P.M.

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