Modesto City Council
January 3, 1966

The Council of the City of Modesto met in regular session this date at 4:00 P.M. in the Council Chambers, City Hall, 801 11th Street, Modesto, California, Mayor Johansen presiding.

Present: Councilmen: Hughes, Mitchell, Patton, VanderWall, Mayor Johansen

Absent: Councilmen: Shastid, Smith

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

A moment of silent prayer was observed.

APPROVAL OF MINUTES

The minutes of the regular meeting of November 15, 1965, were approved.

LETTER TO MAYOR JOHANSEN FROM LEE R. TUCKER SUBMITTING HIS RESIGNATION AS MEMBER OF THE PLANNING COMMISSION

A letter from Lee R. Tucker, 509 Northwood Drive, Modesto, submitting his resignation as a member of the Modesto City Planning Commission, effective January 1, 1966, was entered into the record of the minutes.

RESOLUTION NO. 66-1
A RESOLUTION ACCEPTING RESIGNATION OF LEE R. TUCKER AND COMMENDING HIM FOR SERVICES RENDERED THE CITY OF MODESTO

Introduced by VanderWall Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, VanderWall, Mayor Johansen
Noes: None Absent: Shastid, Smith

INTRODUCTION OF OSCAR AGUERA - VISITOR FROM SISTER CITY BARRANQUILLA

Councilman Mitchell introduced Senor Oscar Aguera, a visitor from Modesto's Sister City, Barranquilla.

CONSIDER AGREEMENT BETWEEN THE CITY OF MODESTO AND THE GREATER MODESTO CHAMBER OF COMMERCE TO ESTABLISH A CONVENTION FUND

RESOLUTION NO. 66-2
A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND THE GREATER MODESTO CHAMBER OF COMMERCE TO ESTABLISH A CONVENTION FUND

Introduced by VanderWall Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, VanderWall, Mayor Johansen
Noes: None Absent: Shastid, Smith

RESOLUTION NO. 66-3
A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $2,000 TO BE USED BY THE CHAMBER OF COMMERCE IN ATTRACTING CONVENTIONS TO CITY OF MODESTO

Introduced by VanderWall Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, VanderWall, Mayor Johansen
Noes: None Absent: Shastid, Smith

RESOLUTION AUTHORIZING FILING OF APPLICATION TO THE HOUSING AND HOME FINANCE AGENCY FOR GRANT TO ACQUIRE OPEN-SPACE LAND FOR THE CHRYSLER NEIGHBORHOOD PARK

RESOLUTION NO. 66-4
A RESOLUTION AUTHORIZING FILING OF APPLICATION WITH THE HOUSING AND HOME FINANCE AGENCY, UNITED STATES OF AMERICA, FOR GRANT TO ACQUIRE OPEN-SPACE LAND FOR THE CHRYSLER NEIGHBORHOOD PARK

Introduced by VanderWall Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, VanderWall, Mayor Johansen
Noes: None Absent: Shastid, Smith

DESIGNATE AS TRUCK ROUTES SANTA ROSA, SANTA CRUZ, AND EMPIRE AVENUES SOUTH OF YOSEMITE BOULEVARD AND TENAYA DRIVE EAST OF EMPIRE

RESOLUTION NO. 66-5
A RESOLUTION DESIGNATING TRUCK ROUTES IN THE CITY OF MODESTO

Introduced by VanderWall Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, VanderWall, Mayor Johansen
Noes: None Absent: Shastid, Smith

RESOLUTION REFERRING APPLICATION BY LOUIS LOMBARDI FOR A GARBAGE LICENSE TO THE CITY MANAGER FOR INVESTIGATION AND REPORT

RESOLUTION NO. 66-6
A RESOLUTION REFERRING APPLICATION OF LOUIS LOMBARDI, FOR GARBAGE COLLECTION LICENSE, TO THE CITY MANAGER FOR INVESTIGATION AND REPORT

Introduced by VanderWall Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, VanderWall, Mayor Johansen
Noes: None Absent: Shastid, Smith

APPROPRIATION TRANSFER OF $222 TO REPAIR DAMAGE DONE BY STATE- SPRINKLING SYSTEM, NO. 10 PUMP STATION

RESOLUTION NO. 66-7
A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $222 TO REPAIR DAMAGE TO SPRINKLING SYSTEM AT PUMP STATION NO. 10

Introduced by VanderWall Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, VanderWall, Mayor Johansen
Noes: None Absent: Shastid, Smith

RESOLUTION REFERRING THE SCENIC ADDITION ANNEXATION PETITION TO PLANNING COMMISSION

RESOLUTION NO. 66-8
A RESOLUTION REFERRING TO THE MODESTO CITY PLANNING COMMISSION A PETITION FOR ANNEXATION OF CERTAIN UNINHABITED TERRIBORY TO THE CITY OF MODESTO KNOWN AS SCENIC ADDITION

Introduced by VanderWall Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, VanderWall, Mayor Johansen
Noes: None Absent: Smith, Shastid

CONSIDER AMENDMENT TO PERSONNEL RULE 13.4, VACATION ALLOWANCE AMENDMENT

A letter from John Tatoyan, Chairman, City Personnel Commission, dated December 15, 1965, recommending that Personnel Rule 13.4 pertaining to vacations be amended to provide for ten working days' vacation for employees after one year of service, and providing that any employee completing one year of service subsequent to the effective date of the proposed change, be eligible for the increased benefit, was entered into the record of the minutes.

The City Manager stated that County employees receive two weeks vacation after one year's service, school employees, one week.

The Council discussed the following: The practice of private industry pertaining to vacations; turnover in city personnel; increased cost to the City if two weeks' vacation approved (approximately $4,000 per year, depending upon the turnover and retention of new employees hired during each year).

RESOLUTION NO. 66-9
A RESOLUTION AMENDING SECTION 13.4 OF THE PERSONNEL RULES RELATING TO VACATIONS

Introduced by Mitchell Seconded by VanderWall
Ayes: Mitchell, Patton, VanderWall, Mayor Johansen
Noes: Hughes Absent: Shastid, Smith

MATTERS FOR THE GOOD OF THE COMMUNITY 2-15

Advertisement of prevailing wage rates with notice to bidders - construction jobs

City Manager Keefe stated that attention had been called to the fact that the City was not publishing prevailing wage rates with call for bids advertised for construction jobs; that this would be done in the future. He said it was also pointed out that prevailing wage rates being used by the City were not in conformance with the actual wages being paid union employees in this area.

MOTION

That the staff be directed to furnish the Council a report showing if and why the purported errors exist and to place the matter on the agenda of January 17, 1966

Moved by VanderWall Seconded by Hughes Unanimously carried

Report on Arch, "Water, Wealth, Contentment, Health", 9th and I Streets

Councilman Patton stated that a member of the Board of Directors of the Chamber of Commerce had questioned him on the status of the City's position on the Arch located at 9th and I Streets. Dick Hosegood, Assistant City Engineer, said that a definite proposal will be submitted by Mr. Wood, Mobile Oil Company, before next Monday's Council meeting on the matter.

The City Manager stated that the matter would be placed on the agenda of the meeting of January 17th.

PRECISE PLAN FOR PARADISE ROAD AND FOR BRIGGSMORE-NORTHERN AT OLD OAKDALE ROAD

MOTION

That the Mayor be authorized to sign a letter to the Board of Supervisors, requesting that studies of precise plans for Paradise Road and for Briggsmore-Northern at Old Oakdale Road be made jointly by the City and County Planning and Engineering staffs

Moved by Mitchell Seconded by Patton Unanimously carried

FURTHER REPORT ON U. S. 99 FREEWAY FOUNTAIN REST STOPS 2-65

A memorandum from the Director of Parking and Traffic dated December 30, 1965, subject, "U. S. 99 Freeway-Fountain Reststops," was entered into the record of the minutes. The memorandum indicated that the Division of Highways has now reaffirmed its position that the two sites desired by the City for fountain rest stops at the north and south entrances to the City may only be bought or rented on the basis of market value, and that a decision must be made by the City by February 1, 1966.

The City Manager stated that Assemblyman John Veneman was working for the City on the matter.

At the suggestion of Councilman Mitchell that the staff check on whether the State would maintain the rest stops if purchased by the City, Director of Parking and Traffic Carmody stated that the State maintains only rest stops located in rural areas.

The staff was directed to place this matter on the agenda of the February 7th meeting for a final decision as to whether the City will buy or lease the two proposed rest stop sites.

The City's failure to negotiate for state owned land near the municipal golf course at the minimum bid offer was discussed.

HEARING ON PROPOSED ANNEXATION OF THE ST. STANISLAUS SCHOOL ADDITION

Mayor Johansen announced that the hour of 4:30 P.M. had arrived, the time set for consideration of the proposed annexation of the St. Stanislaus School Addition, an 18.535 acre parcel, to the City of Modesto, and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Tribune on December 16, 1965, and notices mailed to the property owner and other interested parties on December 16, 1965. No written protests were filed with the City Clerk.

Planning Commission Resolution No. 65-154 recommends the commencement of proceedings to annex the area to the City.

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

RESOLUTION NO. 66-10
A RESOLUTION ANNEXING UNINHABITED TERRITORY KNOWN AS THE SAINT STANISLAUS SCHOOL ADDITION TO THE CITY OF MODESTO

Introduced by VanderWall Seconded by Patton
Ayes: Hughes, Mitchell, Patton, VanderWall, Mayor Johansen
Noes: None Absent: Shastid, Smith

HEARING ON PROPOSED ANNEXATION OF THE WYLDEWOOD PARK ADDITION

Mayor Johansen announced that the hour of 4:35 P. M. had arrived, the time set for consideration of the proposed annexation of Wyldewood Park Addition, a 9.413 acre parcel, to the City of Modesto, and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Tribune on December 16, 1965; that notices were mailed to the property owners and other interested parties on the same date. No written protests were filed with the City Clerk.

Planning Commission Resolution No. 65-155 recommends the commencement of proceedings to annex this area to the City of Modesto.

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

RESOLUTION NO. 66-11
A RESOLUTION ANNEXING UNINHABITED TERRITORY KNOWN AS THE WYLDEWOOD PARK ADDITION TO THE CITY OF MODESTO

Introduced by Hughes Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, VanderWall, Mayor Johansen
Noes: None Absent: Shastid, Smith

HEARING ON REQUIREMENT FOR INSTALLATION OF CURBS AND GUTTERS ON DRAKE AVENUE

Mayor Johansen announced that the hour of 4:40 P.M. had arrived, the time set for consideration of the proposed requirement for installation of curbs and gutters on various properties on Drake Avenue, and opened the hearing.

The City Clerk reported that affidavits of service and notice of the hearing were served on the following persons by the Public Works Department on December 15, 1965: Humble Oil and Refining Company, 612 South Flower, Los Angeles; Mr. Robert Shaw, 1322 Mary Lane, Modesto; Mr. A. F. Schmidt, 121 Drake Avenue, Modesto; Mr. James Saretti, 201 E. Coolidge Avenue, Modesto (property owners of the properties under consideration).

Mr. Robert Shaw, one of the property owners, stated that the curb and gutter installation would have been completed by this time, without

necessity for the public hearing, except for the fact that the contractor to whom the work had been let was denied a city permit unless the property owners installed vertical curbs and curb cuts instead of drive-over curbs. Mr. Shaw said that the properties are commercially zoned, and that 50% of the curbs already installed are the drive-over type; that he could see no reason why the remaining property owners in the block should be required to install vertical curbs with curb cuts, which are more expensive.

Director of Public Works Campbell stated that it has been the policy of the City to require vertical curbs in developed areas of the City where driveway locations are known.

Mr. Shaw stated that drive-over curbs and gutters were installed in this block only last summer; that the properties in this block were zoned C-M.

MOTION

That the hearing be continued for one week (January 10, 1966, at 7:55 P.M.) for further checking by the staff

Moved by Hughes Seconded by VanderWall Unanimously carried

HEARING ON PROPOSED ZONING REGULATION AMENDMENTS

Mayor Johansen announced that the hour of 4:45 P.M. had arrived, the time set for consideration of proposed amendments to the zoning regulations and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Tribune on December 23, 1965, that notices were availabile in the City Clerk's Office for interested individuals. No written protests were filed with the City Clerk.

Planning Commission Resolution No. 65-151, "A Resolution Recommending to the Council Amendments to Chapter 2 of Title X of the Modesto Municipal Code (Zoning Regulations)" was entered into the record of the minutes.

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

Upon questioning, Director of Planning Fey stated that filing fees for applications other than those listed under Section 7 of Planning Commission Resolution No. 65-151 would be discussed at the January 4th meeting of the Planning Commission for possible revision.

ORDINANCE NO. 768-C. S. entitled "AN ORDINANCE AMENDING SECTION 10-2.901 OF ARTICLE 9 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE; AMENDING SECTION 10-2.1401 OF ARTICLE 14 OF CHAPTER 2 OF TITLE X; AMENDING SECTIONS 10-2.1802 AND 10-2.1807 OF ARTICLE 18 OF CHAPTER 2 OF TITLE X: AMENDING SECTION 10-2.2106 OF ARTICLE 21 OF CHAPTER 2 OF TITLE X: AMENDING SECTION 10-2.2204 OF ARTICLE 22 OF CHAPTER 2 OF TITLE X: AMENDING SECTION 10-2.2906 OF ARTICLE 29 OF CHAPTER 2 OF TITLE X: AND ADDING SECTIONS 10-2.253.1 AND 10-2.268.1 TO ARTICLE 2 OF CHAPTER 2 OF TITLE X THEREOF, RELATING TO ZONING REGULATIONS"

was introduced and ordered published as required by the Charter.

Moved by VanderWall Seconded by Patton
Ayes: Hughes, Mitchell, Patton, VanderWall, Mayor Johansen
Noes: None Absent: Shastid, Smith

HEARING ON COSTS FOR INSTALLATION OF CURB AND GUTTER, BLOCK 6010, WELLESLEY WAY 4-82

Mayor Johansen announced that the hour of 4:50 P.M. had arrived, the time set for consideration of the costs for installation of curbs and gutters in Block 6010, Wellesley Way, and opened the hearing.

The City Clerk reported that Harry Hall, 1021 Roseburg Avenue, Modesto, had been sent a notice of the hearing for cost of the installation.

A copy of the notice furnished the owner of the property indicating a total cost of $109.90 for installation of the curb and gutter was entered into the record of the mintues.

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

RESOLUTION NO. 66-12

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF CURB AND GUTTER ALONG CERTAIN STREETS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF THE AMOUNT OF SAID LIEN. (WELLESLEY WAY)

Introduced by Mitchell Seconded by Patton
Ayes: Hughes, Mitchell, Patton, VanderWall, Mayor Johansen
Noes: None Absent: Shastid, Smith

REQUEST PERMISSION FOR CITY MANAGER AND DEPUTY CITY MANAGER TO ATTEND THE LEAGUE OF CALIFORNIA CITIES CITY MANAGERS' SPRING CONFERENCE ON FEBRUARY 23 - 25, 1966

MOTION

That the request of City Manager and Deputy City Manager to attend League of California Cities City Managers' Spring conference on February 23-25, 1966, be approved

Moved by VanderWall Seconded by Hughes Unanimously carried

CONSIDER APPOINTMENTS TO BOARDS AND COMMISSIONS

The Council went into brief executive session to consider appointments to Boards and Commissions at 5:00 P.M. and returned to regular session at 5:07 P.M.

PLANNING COMMISSION

RESOLUTION NO. 66-13

A RESOLUTION REAPPOINTING MEMBER OF THE PLANNING COMMISSION - GEORGE GAGOS, JR. (4-year term ending January 1, 1970)

Introduced by VanderWall Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, VanderWall, Mayor Johansen
Noes: None Absent: Shastid, Smith

RESOLUTION NO. 66-14

A RESOLUTION APPOINTING MEMBER OF THE PLANNING COMMISSION -RAYMOND C. SIMON (Four year term, ending January 1, 1970)

Introduced by VanderWall Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, VanderWall, Mayor Johansen
Noes: None Absent: Shastid, Smith

BOARD OF ZONING ADJUSTMENT

RESOLUTION NO. 66-15

A RESOLUTION REAPPOINTING MEMBER OF THE BOARD OF ZONING ADJUSTMENT - GERALD V. UNDERWOOD (Four year term ending January 1, 1970)

Introduced by VanderWall Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, VanderWall, Mayor Johansen
Noes: None Absent: Shastid, Smith

RESOLUTION NO. 66-16

A RESOLUTION REAPPOINTING MEMBER OF THE BOARD OF ZONING ADJUSTMENT - CHARLES W. THROSSELL (For a four-year term ending January 1, 1970)

Introduced by VanderWall Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, VanderWall, Mayor Johansen
Noes: None Absent: Shastid, Smith

PERSONNEL COMMISSION

RESOLUTION NO. 66-17

A RESOLUTION REAPPOINTING MEMBER OF THE PERSONNEL COMMISSION - JOSEPH E. FULFORD (Four-year term ending January 1, 1970)

Introduced by VanderWall Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, VanderWall, Mayor Johansen
Noes: None Absent: Shastid, Smith

LIBRARY AND CULTURE COMMISSION

RESOLUTION NO. 66-18

A RESOLUTION REAPPOINTING MEMBER OF THE LIBRARY AND CULTURE COMMISSION - DAVID W. McAULEY (Four-year term ending January 1, 1970)

Introduced by VanderWall Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, VanderWall, Mayor Johansen
Noes: None Absent: Shastid, Smith

RESOLUTION NO. 66-19

A RESOLUTION REAPPOINTING MEMBER OF THE LIBRARY AND CULTURE COMMISSION - M. L. "LEE" CONDIT (Four-year term ending January 1, 1970)

Introduced by VanderWall Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, VanderWall, Mayor Johansen
Noes: None Absent: Shastid, Smith

BOARD OF PLUMBING EXAMINERS

RESOLUTION NO. 66-20

A RESOLUTION REAPPOINTING MEMBER OF THE BOARD OF PLUMBING EXAMINERS - CHARLES C. COON (Four-year term ending January 1, 1970)

Introduced by VanderWall Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, VanderWall, Mayor Johansen
Noes: None Absent: Shastid, Smith

BOARD OF ELECTRICAL EXAMINERS

RESOLUTION NO. 66-21

A RESOLUTION REAPPOINTING MEMBER OF THE BOARD OF ELECTRICAL EXAMINERS - CURTIS L. HOLLEY (Four-year term ending January 1, 1970)

Introduced by VanderWall Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, VanderWall, Mayor Johansen
Noes: None Absent: Shastid, Smith

BOARD OF HEATING AND COOLING EXAMINERS

RESOLUTION NO. 66-22

A RESOLUTION REAPPOINTING MEMBER OF THE BOARD OF HEATING AND COOLING EXAMINERS - ROY KEIR (Four-year term ending January 1, 1970)

Introduced by VanderWall Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, VanderWall, Mayor Johansen
Noes: None Absent: Shastid, Smith

UNSAFE STRUCTURE CODE BOARD OF APPEALS

RESOLUTION NO. 66-23

A RESOLUTION REAPPOINTING MEMBER OF THE UNSAFE STRUCTURE CODE BOARD OF APPEALS - S. M. (STEVE) ANGELO - (Four-year term ending January 1, 1970)

Introduced by VanderWall Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, VanderWall, Mayor Johansen
Noes: None Absent: Shastid, Smith

MODESTO BEAUTIFICATION COMMITTEE

RESOLUTION NO. 66-24

A RESOLUTION CONFIRMING THE APPOINTMENT OF MEMBERS TO THE MODESTO BEAUTIFICATION COMMITTEE (Irene C. Angelo, 1521 Victoria; Paul J. Corrigan, 922 Helm Avenue; Dr. John H. Freemyer, 1916 Ralston Court; Elaine D. Grinage, 2301 Dana Lane; John H. Kirkpatrick, 1026 McHenry Avenue; Vernon S. Mullen 706 Northgate Drive; Bette Belle Smith, 415 Sycamore Avenue; Vernon S. Mullen, appointed Chairman)

Introduced by Hughes Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, VanderWall, Mayor Johansen
Noes: None Absent: Shastid, Smith

MOTION

That the appointments to the Modesto Beautification Committee be for a four-year term, the terms of the appointees to be staggered as provided by Section 1102 of the Charter

Moved by Mitchell Seconded by VanderWall Unanimously carried

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by VanderWall Seconded by Mitchell Unanimously carried

The meeting adjourned at 5:29 P.M.

ATTEST: _____
REX E. GAILFUS, City Clerk

Modesto City Council
January 10, 1966

The Council of the City of Modesto met in regular session this date at 7:30 P.M. in the Council Chambers, City Hall, 801 11th Street, Modesto, California, Mayor Johansen presiding.

Present: Councilmen: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Councilman Shastid arrived at 7:39 P.M.
Absent: Councilmen: None

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

Reverend George E. DeWeese gave the invocation.

APPROVAL OF MINUTES

The minutes of the regular meetings of December 20 and 27, 1965, were approved.

LETTER FROM FRANK ANDREWS REGARDING THE ELECTRICAL SYSTEM WITHIN THE CITY

A letter from Frank Andrews, dated January 5, 1966, indicating intent to circulate a petition for the City of Modesto to acquire the Modesto Irrigation District's electrical system, was entered into the record of the minutes. Mr. Andrews also requested the use of the council chambers for a public meeting.

Mr. Andrews spoke briefly and questioned the accuracy of figures appearing in a recent newspaper article pertaining to the construction of a new Don Pedro Dam.

No change was made by the Council in its present policy pertaining to the use of the council chambers.

LETTER OF GREAT AMERICAN INSURANCE COMPANY REGARDING INSPECTION OF INSURED EQUIPMENT

A letter from Donald N. Powell, Chief Inspector, Great American Insurance Company, dated January 4, 1966, complimenting the city staff for the maintenance, operation, and care of insured equipment located at the City Hall, Police Communications Building, 14th and I Street Library and Community Service Center, was entered into the record of the minutes.

The letter was ordered filed.

LETTER FROM TIDEWATER OIL COMPANY REQUESTING CURB CUT VARIANCE AT 5TH AND H STREETS

RESOLUTION NO. 66-25

A RESOLUTION SETTING TIME AND PLACE FOR HEARING REQUEST OF TIDEWATER OIL COMPANY FOR CURB CUT VARIANCE AT 5TH AND H STREETS

Introduced by VanderWall Seconded by Patton

Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

January 17, 1966, at 4:15 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

CONSIDER AWARD OF BID FOR CONSTRUCTION OF SANITARY SEWER FACILITIES, SEWAGE LIFT STATION AND APPURTENANCES ON (1) MARTIN AVENUE BETWEEN CLAYTON AVENUE AND IDALOU AVENUE AND (2) AT ROSE AVENUE AND CELESTE DRIVE

RESOLUTION NO. 66-26

A RESOLUTION ACCEPTING THE BID OF DANVILLE PIPELINE, INC. FOR CONSTRUCTION OF SANITARY SEWER FACILITIES - (2) SEWAGE LIFT STATIONS AND APPURTENANCES ($29,782.50)

Introduced by VanderWall Seconded by Patton

Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen

Noes: None Absent: Shastid

RESOLUTION NO.66-42

A RESOLUTION APPROVING APPROPRIATION TRANSFER FOR CONSTRUCTION OF SANITARY SEWER FACILITIES - SEWAGE LIFT STATIONS AND APPURTENANCES ON MARTIN AVENUE AND AT ROSE AVENUE AND CELESTE DRIVE

Introduced by VanderWall Seconded by Patton

Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

APPROVE SPECIFICATIONS AND AUTHORIZE CALL FOR BIDS FOR FURNISHING ONE SAND TRAP FOR PUMP STATION NO. 25

RESOLUTION NO. 66-27

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR FURNISHING ONE SAND TRAP FOR PUMP STATION NO. 25

Introduced by VanderWall Seconded by Patton

Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

January 25, 1966, at 10:00 A.M. in the City Clerk's office was set as the time and place for opening of bids.

ACCEPT IMPROVEMENTS IN KING ARTHUR'S CAMELOT SUBDIVISION AND AUTHORIZE CITY CLERK TO FILE NOTICE OF COMPLETION AND RELEASE BOND UPON EXPIRATION OF STATUTORY LIEN PERIOD

RESOLUTION NO. 66-28

A RESOLUTION ACCEPTING IMPROVEMENTS IN KING ARTHUR'S CAMELOT SUBDIVISION AND AUTHORIZING RELEASE OF SUBDIVISION BOND UPON EXPIRATION OF STATUTORY LIEN PERIOD

Introduced by VanderWall Seconded by Patton

Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

CONSIDER RENEWAL OF LEASE AGREEMENT BETWEEN THE CITY AND EAST MODESTO INDUSTRICAL WASTE COMPANY FOR THE LEASE OF 40 ACRES OF LAND AT THE MODESTO CITY-COUNTY AIRPORT

RESOLUTION NO. 66-29

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND EAST MODESTO INDUSTRIAL WASTE COMPANY - LEASE RENEWAL - MODESTO CITY-COUNTY AIRPORT LAND (1/1/66 to 12/31/66, $1,000 yearly rental)

Introduced by VanderWall Seconded by Patton

Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

APPROVE SUBDIVISION AGREEMENT AND FINAL MAP OF CRANBROOK COLONY NO. 1 SUBDIVISION

RESOLUTION NO. 66-30

A RESOLUTION APPROVING THE FINAL MAP OF THE CRANBROOK COLONY NO. 1 SUBDIVISION OF THE CITY OF MODESTO

Introduced by VanderWall Seconded by Patton

Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

RENEWAL OF LEASE - DOWNEY PARK PROPERTY SITE

RESOLUTION NO. 66-31

A RESOLUTION RENEWING LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND GLEN WHEAT FOR THE LEASING OF LAND AT FUTURE DOWNEY PARK PROPERTY SITE FOR THE SUM OF 15% OF GROSS PROCEEDS (1/1/66 to 10/31/66)

Introduced by VanderWall Seconded by Patton

Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

CONSIDER LICENSE GRANTED BY TIDEWATER SOUTHERN RAILWAY COMPANY TO CITY OF MODESTO SO THAT A WATER MAIN MAY BE BORED UNDER THE TRACKS AT LEVELAND LANE

RESOLUTION NO. 66-32

A RESOLUTION APPROVING LICENSE GRANTED BY TIDEWATER SOUTHERN RAILROAD TO THE CITY OF MODESTO FOR BORING OF WATER MAIN UNDER TRACKS AT LEVELAND LANE

Introduced by VanderWall Seconded by Patton

Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen

Noes: None Absent: Shastid

RESOLUTION INSTRUCTING THE SUPERINTENDENT OF STREETS TO GIVE NOTICE REQUIRING CONSTRUCTION OF CURB AND GUTTER ALONG CERTAIN STREETS IN THE CITY OF MODESTO

RESOLUTION NO. 66-33

A RESOLUTION INSTRUCTING THE SUPERINTENDENT OF STREETS TO GIVE NOTICE REQUIRING CONSTRUCTION OF CURB AND GUTTER ALONG CERTAIN STREETS IN THE CITY OF MODESTO (Block 706, South Side of Griswold Avenue)

Introduced by VanderWall Seconded by Patton

Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

January 24, 1966, at 7:50 P. M., in the Council Chambers, City Hall, was set as the time and place of hearing.

RECOMMEND COMMENCEMENT OF ANNEXATION PROCEEDINGS - SCENIC ADDITION

RESOLUTION NO. 66-34

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

Introduced by VanderWall Seconded by Patton

Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

January 24, 1966, at 7:45 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

RECOMMEND EXTENSION OF TIME FOR FILING FINAL MAP OF LIBERINI PARK NO. 2 SUBDIVISION

RESOLUTION NO. 66-35

A RESOLUTION APPROVING EXTENSION OF TIME FOR FILING FINAL MAP OF LIBERINI PARK NO. 2 SUBDIVISION (EXTENDED TO JANUARY 5, 1967)

Introduced by VanderWall Seconded by Patton

Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

APPROPRIATION TRANSFER - REPLACEMENT OF SEWAGE PUMP AT LA LOMA SEWAGE PUMPING STATION

RESOLUTION NO. 66-36

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $651 FROM GENERAL RESERVE FUND TO MAINTENANCE AND REPAIR (EQUIPMENT) FUND FOR REPLACEMENT OF SEWAGE PUMP AT LA LOMA SEWAGE PUMPING STATION

Introduced by VanderWall Seconded by Patton

Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

Councilman Shastid arrived at 7:39 P. M.

ADOPTION OF ORDINANCE NO. 768-C.S. AMENDING ZONING REGULATIONS

ORDINANCE NO. 768-C.S. entitled "AN ORDINANCE AMENDING SECTION 10-2.901 OF ARTICLE 9 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE; AMENDING SECTION 10-2.1401 OF ARTICLE 14 OF CHAPTER 2 OF TITLE X; AMENDING SECTIONS 10-2.1802 AND 10-2.1807 OF ARTICLE 18 OF CHAPTER 2 OF TITLE X; AMENDING SECTION 10-2.2106 OF ARTICLE 21 OF CHAPTER 2 OF TITLE X; AMENDING SECTION 10-2.2204 OF ARTICLE 22 OF CHAPTER 2 OF TITLE X; AMENDING SECTION 10-2.2906 OF ARTICLE 29 OF CHAPTER 2 OF TITLE X; AND ADDING SECTIONS 10-2.253.1 AND 10-2.268.1 TO ARTICLE 2 OF CHAPTER 2 OF TITLE X THEREOF, RELATING TO ZONING REGULATIONS"

introduced January 10, 1966, and having been published as required, was moved and adopted.

Moved by Mitchell Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

RESOLUTION AUTHORIZING AGREEMENT BETWEEN CITY AND MODESTO BASEBALL CLUB, INC., FOR USE OF DEL WEBB FIELD AND THE OPERATION OF CONCESSION RIGHTS 2-12

Terms of the proposed agreement between the City and Modesto Baseball Club, Inc., for the use of Del Webb Field and operation of the concession rights were reviewed by the City Attorney.

Terms of the agreement were discussed by the Council.

RESOLUTION NO. 66-37

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO BASEBALL CLUB, INC., FOR USE OF DEL WEBB FIELD AND THE OPERATION OF CONCESSION RIGHTS (Five year term)

Introduced by VanderWall Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

NOTICE OF TERMINATION OF GRISWOLD AND WIGHT PARKING LEASE AT 10TH NEAR K STREET LOT

A report that Griswold and Wight was terminating its lease with the City for 15 parking spaces on the 10th near K Street lot effective January 15, 1966, was made to the Council. No action was taken.

CONSIDER BUS BENCH FRANCHISE RENEWAL

The following documents were entered into the record of the minutes: Memorandum from Director of Parking and Traffic, dated December 29, 1965, subject, "Bus Bench Franchise," requesting direction from the Council as to whether bids are to be sought for a bus bench franchise, and if double benches are to be permitted; letter from Willis M. Kleinenbroich, Modesto Motor Bus Service, 421 Enslen Park Court, dated January 7, 1966, requesting that the Council consider favorably the renewal of the bus bench franchise presently held by Transadtise Company.

MOTION

That the City Attorney be directed to prepare the necessary documents to effect renewal of the bus bench franchise with Transadtise Company, and approving double benches (five-year term)

Moved by Hughes Seconded by Shastid Unanimously carried

CONSIDER SALE OF OLD CORPORATION YARD 3-35

A memorandum from the Director of Finance, dated January 6, 1966, subject, "Sale of Old Corporation Yard Property," indicating interest by several local firms in purchasing the old corporation yard site, was entered into the record of the mintues. Recommendation was made that the staff be authorized to acquire an appraisal of the property, and to review the desirability of either relocating city equipment presently located on the site or providing an easement and leaving the equipment at its present location.

Mayor Johansen said it was the suggestion of the Public Relations Committee that consideration on this matter be withheld until the bids are let for the new corporation yard construction.

Director of Public Works Campbell stated that the plans, specifications and call for bids for the new corporation yard would probably be presented to the Council for consideration at the January 17th meeting.

MOTION

That an appraisal be secured on the old corporation yard site

Moved by Hughes Seconded by Mitchell Unanimously carried

By order of the Chair, the staff was directed to consider any use the City might have for the old corporation yard site.

CONTINUATION OF HEARING ON REQUIREMENT FOR INSTALLATION OF CURB AND GUTTER ON DRAKE AVENUE 3-98

Mayor Johansen announced that the hour of 7:55 P.M. had arrived, the time set for further consideration of the requirement that curbs and gutters be installed on four properties on Drake Avenue, and opened the hearing. This matter was continued from the January 3rd meeting for further information from the staff. A memorandum from the Director of Public Works, dated January 6, 1966, subject, "Installation of curb and gutter on Drake Avenue," indicating that after reviewing the various factors involved, the staff still believed that 6-inch vertical curbs in the area would best serve the public's interest without detriment to the property owners, was entered into the record of the mintues.

Robert Shaw, 1322 Mary Lane, stated that he had no objections to installing curbs and gutters; that he objected to the vertical curbs because they would hamper the entrance and exit of cars from his small parking lot; that more than fifty percent of the curbs already installed are driveover curbs; that his rights as an individual should be considered.

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

Upon questioning, Director of Public Works Campbell stated that the south side of the street was 100% driveover curbs; on the north side of the street, about two-thirds of the block had driveover curbs; that water drainage on this street presented no particular problem.

RESOLUTION NO. 66-38

A RESOLUTION ORDERING THE WORK OF CONSTRUCTION OF DRIVEOVER CURB AND GUTTER ALONG CERTAIN STREETS IN THE CITY OF MODESTO (DRAKE AVENUE)

Moved by Hughes Seconded by Smith
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

HEARING ON PROPOSED REVISIONS TO TITLE 7, MUNICIPAL CODE (PUBLIC WORKS TEXT) 3-57

Mayor Johansen announced that the hour of 8:00 P.M. had arrived, the time set for consideration of proposed revisions to Title 7 of the Municipal Code (Public Works text), and opened the hearing.

The City Clerk reported that notices of the hearing were mailed to general and electrical contractors on December 21, 1965.

The following documents were entered into the record of the minutes: Memorandum from the Director of Public Works, dated November 26, 1965, subject, "Revisions to Title VII, Public Works, of the Municipal Code;" memorandum from Planning Director Fey, dated January 7, 1966, subject, "Amendments to Title VII -- Council Informal Hearing, January 10, indicating that the Planning Commission has recommended to the Council that the amendments to Title VII as considered by the Planning Commission (sidewalk requirements and a corollary question concerning the types of materials required by the City) be approved.

The proposed revisions listed in memorandum, dated November 26, 1965, and attachment thereto were reviewed by Director of Public Works Campbell. Added were sections requiring curbs, gutters, sidewalks, and driveways in conjunction with all new building construction or major alterations to existing buildings, and a new chapter regulating all excavations in the public right of way by establishing permit procedures, backfill repaving requirements, insurance and performance responsibilities, and a provision for inspection fees.

Mr. Campbell stated that a report would be made to the Council in about a month on the Council's suggestion that the staff make a study on mandatory requirement of sidewalks within the City.

George Gagos, Jr., said that he hoped that the newly appointed Beautification Committee would check on sidewalk construction within the near future and consider the use of aggregates and bricks in certain areas. He said that this was being done with beauty in mind. Mr. Gagos also questioned the value of requiring a sidewalk in the middle of an established residential area, with no other sidewalk in the immediate area. It was his opinion that the text should be revised with a little more flexibility in certain cases and especially in areas with grade dropoffs from homes to the street, citing the Edgebrook Drive area; that the general requirement that all sidewalks be of portland cement was not to the best interest of the property owner, in spite of the right to appeal.

Councilman Shastid suggested that the newly appointed Beautification Committee be given the power to either grant or recommend variances for use of materials for sidewalks other than cement, stating that this procedure would minimize the number of appeals to the Council.

The suggestion was discussed by the Council, with no action taken.

MOTION

That the hearing be continued to January 24, 1966, at 8:00 P.M.

Moved by Smith Seconded by VanderWall Unanimously carried

HEARING ON UNCLASSIFIED USE PERMIT - DOCTOR'S HOSPITAL 6-30

Mayor Johansen announced that the hour of 8:05 P.M. had arrived, the time set for consideration of the request of Modesto Medical Development Company for an unclassified use permit to permit expansion of Doctors' Hospital, Block 6062, 333 West Orangeburg Avenue, to enlarge kitchen facilities, office uses and gift shop, and to provide 70 additional off-street parking spaces for hospital personnel, and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Tribune on December 23, 1965. Notices were posted in the area on December 20th and distributed to residents in the area on January 3, 1966. No written protests were filed with the City Clerk.

Planning Commission Resolution No. 65-150 recommends that the Council grant an unclassified use permit to permit the requested expansion.

A letter from Dr. Hoyt R. Gant, dated January 5, 1965, suggesting possible land uses of areas adjacent to Doctors' Hospital was entered into the record of the minutes.

Dallas Riddle, Administrator, Doctors' Hospital, said that during the past several months he had been negotiating with the planning staff on the question of the City sharing the cost of Condition No. 3 which requires that dedication and all street improvements, including street trees and street lights, be provided on Sherwood Avenue to collector street standards; that he hoped that the Council would approve the application for the unclassified use permit with the knowledge that there has been past negotiations and negotiations could continue. He stated that this condition required Doctors' Hospital to acquire additional land at an estimated cost of $15,000, with about 45% to be dedicated for street improvement purposes; that installation of curbs, gutters, and sidewalks would cost about $7,000.

Mayor Johansen stated that it was established policy that differences should be resolved between applicants and the Planning Commission before matters are brought to the Council for consideration.

Mr. Riddle was questioned by the Council on the following: the land which would need to be acquired by Doctors' Hospital in order to comply with Condition No. 3, for which Mr. Riddle stated the hospital had no need; whether or not as a representative of the hospital he agreed with Condition No. 3, Mr. Riddle stating that he did not agree with Condition No. 3.

Director of Planning Fey indicated on a map the land for which the unclassified use permit was requested, stating that as a condition for expansion of the parking lot, and placing more traffic on Sherwood Avenue, the Planning Commission felt that the entire length of the Sherwood Avenue block should be widened to accommodate the increased traffic, and not just the portion of the street adjacent to the hospital property.

Upon questioning, Mr. Riddle said he had suggested to Planning Director Fey that all of the improvements involved in the paving and installation of curbs and gutters be borne by the City; that the sidewalks and street lights and dedication of land be the responsiblity of Doctors' Hospital.

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

A motion proposed by Councilman Hughes that the matter be referred back to the Planning Commission to resolve the disagreement connected with Condition No. 3 died for lack of a second.

The Council discussed the following: The fact that the granting of the unconditional use permit provides access to the hospital from Sherwood Avenue, which hitherto has been restricted to Orangeburg Avenue.

RESOLUTION NO. 66-39

A RESOLUTION GRANTING AN UNCLASSIFIED USE PERMIT TO MODESTO MEDICAL DEVELOPMENT COMPANY FOR EXPANSION OF DOCTORS' HOSPITAL (as recommended by the Planning Commission and subject to conditions listed in Planning Resolution No. 65-150)

Introduced by Mitchell Seconded by Patton
Ayes: Mitchell, Patton, Shastid, VanderWall
Noes: Hughes, Smith, Mayor Johansen Absent: None

Mr. Riddle was informed that if the conditions were not satisfactory, a new application would have to be submitted to the Planning Commission.

INFORMAL HEARING ON PROPOSED DOWNTOWN DISTRICT UNDER AB-103

Mayor Johansen announced that the hour of 8:10 P.M. had arrived, the time set for consideration of a proposed downtown district under AB-103, and opened the hearing.

A report from the City Clerk, dated January 10, 1966, indicating that notices were mailed to all licensed businesses in the proposed area on December 30, 1965, was entered into the record of the minutes.

Don West, 820 H Street, a merchant in the proposed district, and chairman of the committee formed by the Downtown Modesto Association to study AB-103, said that he was in favor of the proposal and sincerely hoped that the district proposed would be created.

A letter from the AB-103 Committee, Downtown Modesto Association, dated December 14, 1965, recommending that the Council adopt a resolution of intention to create a business improvement area as authorized by AB-103, was read into the record by Mr. West. The letter recommended the amount of tax to be levied on the businesses in the area, the maximum payment for any single firm, proposed promotion and advertising, and programs to decorate and beautify the area. It was suggested that about 60% of the funds be used for promotion and coordinating expenses, and the balance spent for decoration; that an advisory committee composed of approximately 15 members be chosen from businesses in the district, the committee having discretion as to the expenditure of the funds.

Mr. West stated that at the last committee meeting, the area of the proposed district was defined more specifically by including the businesses on both sides of the streets which were used as boundaries; that a map indicating this clarification had been prepared by Director of Parking and Traffic Carmody, a copy of which is filed with the record of the minutes.

Mr. West said that the downtown merchants had tried for several years to establish an aggressive voluntary promotional program with varying degrees of success; that most were aware of the limitations of voluntary community activities; that they were faced with increasing competition from new and large, well-organized shopping centers having ample parking and generous promotional funds built into their leases. When AB-103 was passed, Mr. West said it was recognized by officers of the Downtown Modesto Association that the legislation was a possible answer to the merchants' problem of promotional need. He said that there was almost universal support by the merchants aware of the proposal; that they believed that a well-run promotional program, together with a planned co-ordinated beautification project, would create more business in the downtown area, bring in new business ventures, and greatly improve the general appearance of the City.

John Hogue, Sears, Roebuck & Company, said that the anticipated funds to be derived from the proposed district would be about $40,000 annually, and a formula suggested of about 60% for promotional purposes and 40% for beautification. He said that the proposed 15-member committee would make recommendations to the Council as to how the funds would be expended. He listed the following likely recommendations: Hiring of professional help, either a company or individual, for about $5,000 per year; institutional advertising - promoting downtown Modesto, $2,000 per year; the balance of $12,700 earmarked for specific events (about eight per year). He stated that the 40% for beautification would be spent to make the downtown area attractive to the point where customers would look forward to shopping in the downtown area.

Hy Youngheim, President of the Downtown Modesto Associatinn, said that the Board of Directors are recommending that the Council pass a resolution of intention to form the district.

George Gagos, Jr., 225 El Rio, member of the Downtown Modesto Association, suggested the following beautification procedures: Installation of water fountains, stating that he hoped the Modesto Irrigation District and the City would be willing to assist; installation of drinking fountains wherever feasible; expansion of a tree-planting program; tree-lining and full lighting of I Street; display of the American Flag on holidays, the Junior Chamber of Commerce having agreed to undertake this project with the cooperation of downtown merchants; expansion of the Christmas decoration program; Kiosks, colorful billboards common in France, which could be located on downtown corners, which would provide space for advertisement of performances, cards, want ads, etc.; elimination of ads on bus benches; covering bus benches for the comfort of patrons during inclement weather; hiring a walking patrolman; litter containers; a bell which would toll on the hour; street cleanliness; alley lighting; music; small type telephone booths. He also suggested a ladies' and children's lounge similar to one located in the Fleishacker Zoo play area in San Francisco, which contains a rest area, comfort station, and fountain. He said that he could foresee downtown space being rented at some future date to provide the above facilities, plus an area devoted to various service clubs for displays, an area for Christmas wrapping sponsored by women's groups, and an informational area. He pointed out that the above could not possibly be accomplished with funds derived from the proposed district, but assistance would be needed from the City and other agencies.

The City Attorney briefly outlined the provisions of AB-103. Upon questioning, he said that if businesses representing more than fifty percent of the present business license taxes protest, the establishment of the district is automatically terminated.

Director of Parking and Traffic Carmody described newly proposed boundaries for the proposed district. A copy of the map marked "Jan. 7th Expansion" is on file with the record of the minutes.

Director of Finance Bird stated that the proposed tax for the district would apply only to those businesses presently paying a mill rate times gross receipts, primarily retail businesses; that these businesses were presently paying 1 mill times gross receipts. Under the proposed district, an additional one-half mill would be added to the 1 mill. He said that the second classification includes professional services, etc., this classification paying 2 mills times gross receipts; under the proposed district, this group would pay an additional 1 mill times gross receipts. Those businesses not presently paying the mill tax would be exempt from the additional tax; car dealers would pay 1/4 of one mill times gross receipts in addition to the one mill presently paid, on new and used car sales. Services and parts included in the gross receipts would be subject to an additional one-half mill. Maximum payment from one business per year is $1,500.

Raymond Joseph Duddy, representing the three downtown theaters, asked if the theaters would be exempt from paying the proposed additional tax since the theaters did not pay a mill tax, but paid an admission tax. Director of Finance Bird stated that theaters were presently paying two mills times gross receipts.

Mr. Duddy stated that the downtown theaters opposed the proposed district on the basis that the beautification should be on a voluntary basis, and not through forced taxation.

Dean Jones, automobile dealer, asked how the boundaries of the proposed district had been determined.

Mr. West stated that the boundaries of the proposed district were placed to include the area considered to be the downtown core.

Mr. Jones suggested that the boundaries be expanded to include a few more car dealers on the fringe areas of the proposed district in order to secure more funds to expend on downtown beautification, or other needs.

Ronald Bates, practicing attorney, said that he objected to the proposed tax from the standpoint that his business, and that of other attorneys and doctors, was not dependent on walk-in trade; that so far as he was concerned, he could benefit only with provision of additional parking. He suggested that attorneys be given a special rate.

A letter from Attorney Edward Taylor, dated January 7, 1966, protesting the inclusion of attorneys in the proposed district was entered into the record of the minutes.

Clark Bradford, Modesto Lumber Company, said his company felt that the proposed district should include the entire downtown area - westward to the freeway, northward to Needham, eastward to Burney, and southward to perhaps D Street. He said that this would eliminate the objections presented by Mr. Jones and similar objections of his own. He objected to the "jagged" system as being an improper approach. He suggested that consideration be given to either decreasing the boundaries to include only the central business district - from 9th street east a few blocks, and north and south as decided by the committee, or enlarging the area as outlined earlier.

Carl Wille, president, Wille Supply Company, 1016 G Street, agreed with Mr. Bradford, suggesting that the area be increased to include all businesses in the downtown area, or decreased to include the central downtown core only. Upon questioning, he said that he would be in favor of an enlarged district.

Upon questioning, Mr. Bates said he was not particularly opposed to the proposed district, but was unhappy over the fact that the mill tax was originally imposed to take care of merchants, and the professional businesses were paying twice as much as the merchants who were being benefited by it. It was his contention that the district would benefit only the merchants; that the professional businesses would get no benefit from the program; that parking facilities would be congested further. From the standpoint of fairness, he suggested that everyone be assessed the same amount of tax.

Jerrold Bair, Manager, Woolworths, 1014 - 10th Street, said that consideration should be given to the investment made by a retail business vs. that of a professional business on a square footage basis; that he thought this might have had some bearing at the time the mill tax was imposed. He stated that his company was in favor of the proposed district.

Ray Whitburn, Manager, Bank of America, main office, and president of the Modesto Clearing House Association, said that at its last meeting, the Association went on record as being in favor of the proposed district; that the Association paid no mill tax, and was making a study to determine an equitable way to contribute to the district.

Upon questioning by Sam Smith, representing Mode-O Day, 1028 J Street, the City Attorney stated that the mill tax imposed could be increased after the district is in effect, but only after undergoing identical procedures taken in establishing the tax; that parking could be included in the initial ordinance establishing the district, or the ordinance could be amended at some later date to include a new purpose, by undergoing identical procedures taken in establishing the district.

Mr. Smith said that he was in favor of the proposed district, but was not in favor of having the tax raised to a point where small businesses would be hurt.

Upon questioning, Mr. West said that the committee studying AB-103 felt from the beginning that parking was a separate subject and that the funds which would be generated from the district would not be sufficient to handle parking; that although the day might arrive when the merchants would pick up the tab for downtown parking, the committee felt that it should not be included in this program.

Mr. West was also questioned on the possibility of equalizing the proposed tax assessment so that the businesses presently paying a 2-mill tax would pay one-half a mill, thus paying the same as retailers. Mr. West said that this would create problems as to what the various groups should be taxed, which accounted for the committee establishing the rate on the mill tax already in existence. It was his opinion that everyone in the business community would benefit indirectly from the prosperity of the downtown district.

John Mancini, owner of Rapid Shoe Repair, said that he believed that thought should be given to the provision of adequate parking before beautification is considered.

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

The Council discussed the following: The objections to the proposed tax assessment presented by the professional businesses; the boundaries established by the Committee for the proposed district; the percentage of businesses signing the petition favoring the district.

Several councilmen requested that the following information be furnished by the staff: the number of new businesses which would be included and the resulting increased revenue if the boundaries are extended to the freeway and Needham Avenue; the effect on revenues if 9th Street, both sides of the street, is established as the western boundary; whether enlargement of the boundaries would generate increased support for the district.

MOTION

That the question of boundaries be referred back to the staff and the staff be instructed to approach the AB-103 committee for assistance in determining the businesses to be included, and area to be covered; that a report be made back to the Council at the January 24th meeting; that the Council declares its intent to set a date for a formal public hearing to form a district

Moved by Smith Seconded by Shastid Unanimously carried

Mayor Johansen set the evening meeting of February 28, 1966, as the time for the formal hearing to consider the proposed district.

MATTERS FOR THE GOOD OF THE COMMUNITY

Off-street Parking deposit, Dr. Valentine

Dr. George Valentine, 518 Needham Street, read a letter from Director of Parking and Traffic Carmody, giving the results of a parking survey in the area adjacent to Dr. Valentine's office at 518 Needham Street, which indicated that an adequate supply of on-street parking was available in the immediate area.

Dr. Valentine said that plans were being prepared for double-deck parking to provide the four off-street parking spaces required by the City, and asked if his deposit of $3,000 would be refunded by the City if he provided the four off-street parking spaces. He was assured that the money would be refunded if satisfactory off-street parking was provided.

Availability of T-Hangar space, Modesto City-County Airport

Councilman VanderWall said he had received several telephone calls regarding the lack of T-hangar space at the Modesto City-County Airport, which has resulted in the loss of several potential customers to neighboring cities.

The City Manager stated that this matter was presently being studied by the staff, and that a recommendation would be presented shortly.

Reminder - Police Reserves Dinner

Deputy Manager Ray stated that the Police Reserves dinner would be held in the Fable Room, Hotel Covell, on Wednesday, January 26, 1966; that he hoped that all councilmen would be able to attend.

Discussion on Christmas street decorations

With the unanimous consent of the Council, this matter was held over to the January 24th meeting.

APPROPRIATION TRANSFER FOR IMPROVEMENTS AT DEL WEBB FIELD

RESOLUTION NO. 66-40

A RESOLUTION APPROVING APPROPRIATION TRANSFER- $11,200 FOR IMPROVEMENTS AT DEL WEBB FIELD

Introduced by Hughes Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

PRESENTATION OF FINANCIAL STATEMENT FOR DECEMBER 1965

The financial statement for December, 1965, was presented and ordered filed.

STAFF REPORT ON REQUEST OF SCHOOLS TO USE MADDUX YOUTH CENTER FOR "CONTINUATION SCHOOL"

A memorandum from the Director of Parks and Recreation, dated January 6, 1966, subject, "Proposed Continuation High School at Maddux Youth Center" was entered into the record of the minutes.

Recommendation was made by the staff that permission be granted to the Modesto City Schools to use Maddux Youth Center for a continuation high school from January 17, 1966, to June 15, 1966, subject to certain conditions listed in the memorandum.

MOTION

That the staff be authorized to prepare an agreement with the Modesto City Schools on the basis of the conditions set forth in memorandum from Director of Parks and Recreation Grogan, dated January 6, 1966

Moved by VanderWall Seconded by Patton Unanimously carried

REPORT ON CITY OF MODESTO COUNCIL AND STAFF MEMBER APPOINTMENTS TO LEAGUE OF CALIFORNIA CITIES COMMITTEES FOR 1966

A memorandum from the City Manager, dated January 6, 1966, subject, "League of California Cities Committees," listing City appointees to League of California Cities committees for 1966 was entered into the record of the minutes.

The memorandum was ordered filed.

CONSIDER APPOINTMENT TO THE PERSONNEL COMMISSION

RESOLUTION NO. 66-41

A RESOLUTION APPOINTING MEMBER OF THE MODESTO CITY PERSONNEL COMMISSION - HAROLD L. McKEE (for a four-year term ending January 1, 1970)

Introduced by VanderWall Seconded by Hughes
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by VanderWall Seconded by Smith Unanimously carried

The meeting adjourned at 11:15 P.M.

ATTEST: _____
REX E. GAILFUS, City Clerk

Modesto City Council
January 17, 1966

The Council of the City of Modesto met in regular session this date at 4:00 P.M. in the Council Chambers, City Hall, 801 11th Street, Modesto, California, Mayor Johansen presiding.

Present: Councilmen: Mitchell, Patton, Smith, VanderWall, Mayor Johansen
(Councilman Shastid arrived at 4:08 P.M.)

Absent: Councilmen: Hughes

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

Reverend Hubert Byrd gave the invocation.

LETTER FROM RAYMOND F. WHITGROVE, PRESIDENT, GREATER MODESTO CHAMBER OF COMMERCE EXPRESSING APPRECIATION FOR CONVENTION PROMOTION FUNDS

A letter from Mr. Whitgrove, dated January 7, 1966, expressing appreciation for the convention promotion check received from the City to be used for promotion of conventions in the City, was entered into the record of the minutes. The letter was ordered filed.

LETTER FROM NORMAN V. MACLUSI, 1212½ Ritsch Court, REGARDING A MASTER PARK PLAN

A letter from Norman V. Maclusi, dated January 6, 1966, requesting that data--topographical maps, flood plan maps, aero photos, etc., be made available to him for study to permit the making of a model of a park area along the river, was entered into the record of the minutes.

The letter was referred to the staff for report to the Council.

COMMUNICATION FROM THE CITY OF ORANGE REQUESTING RESOLUTION OF SUPPORT FOR OUR FIGHTING MEN IN VIET NAM

A letter from City Clerk Florence G. Phillips, Orange, California, enclosing a copy of a resolution adopted by the City of Orange, expressing support and devotion to members of the Armed Forces in Viet Nam, was entered into the record of the minutes. The Council was asked to adopt a similar resolution.

The letter was ordered filed.

LETTER FROM FRANK ANDREWS REGARDING GREATER DON PEDRO PROJECT

A letter from Frank Andrews, dated January 12, 1966, criticizing the proposed greater Don Pedro Dam Project was entered into the record of the minutes. The letter was ordered filed.

RESOLUTION AMENDING RESOLUTION 65-653 - POLICE UNIFORM ALLOWANCE

RESOLUTION NO. 66-43

A RESOLUTION ESTABLISHING PROCEDURE FOR PAYMENT OF UNIFORM ALLOWANCE FOR POLICE AND FIRE PERSONNEL AND THE POUNDMASTER

Introduced by VanderWall Seconded by Smith

Ayes: Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Hughes, Shastid

APPROVE SUBDIVISION AGREEMENT AND FINAL MAP OF WYLDEWOOD PARK NO. 3 SUBDIVISION

RESOLUTION NO. 66-44

A RESOLUTION APPROVING THE FINAL MAP OF THE WYLDEWOOD PARK NO. 3 SUBDIVISION OF THE CITY OF MODESTO

Introduced by VanderWall Seconded by Smith
Ayes: Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Hughes, Shastid

RESOLUTION OF INTENTION OF THE COUNCIL OF THE CITY OF MODESTO TO CALL A SPECIAL ELECTION TO ANNEX TERRITORY TO THE CITY OF MODESTO (WESTVIEW GARDENS ADDITION)

RESOLUTION NO. 66-45

A RESOLUTION OF INTENTION OF THE COUNCIL OF THE CITY OF MODESTO TO CALL A SPECIAL ELECTION TO ANNEX TERRITORY TO THE CITY OF MODESTO(WESTVIEW GARDENS ADDITION)

Introduced by VanderWall Seconded by Smith
Ayes: Mitchell, Smith, Patton, VanderWall, Mayor Johansen
Noes: None Absent: Hughes, Shastid

February 14, 1966, at 7:45 P.M. in the Council Chambers, City Hall, was set as the time and date of hearing protests thereto.

RENTAL OF CITY OWNED PROPERTY - DAVIS HIGH SCHOOL PARK SITE

RESOLUTION NO. 66-46

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND THOMAS A. FONTANA FOR THE RENTAL OF CITY-OWNED PROPERTY (FUTURE DAVIS HIGH SCHOOL COMMUNITY PARK) FOR 25% OF GROSS PROCEEDS

Introduced by VanderWall Seconded by Smith
Ayes: Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Hughes, Shastid

RESOLUTION ESTABLISHING FLAT-RATE CHARGES FOR WATER SERVICES TO THE SOMERSET JUNIOR HIGH SCHOOL - FLOYD AVENUE, SYLVAN SCHOOL DISTRICT

RESOLUTION NO. 66-47

A RESOLUTION ESTABLISHING FLAT RATE CHARGES FOR WATER SERVICE TO THE SOMERSET JUNIOR HIGH SCHOOL

Introduced by VanderWall Seconded by Smith
Ayes: Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Hughes, Shastid

REFERRAL OF DOWNEY PARK NO. 2 ANNEXATION PETITION TO PLANNING COMMISSION

RESOLUTION NO. 66-48

A RESOLUTION REFERRING TO THE MODESTO CITY PLANNING COMMISSION A PETITION FOR ANNEXATION OF CERTAIN UNINHABITED TERRITORY TO THE CITY OF MODESTO KNOWN AS DOWNEY PARK NO. 2 ADDITION

Introduced by VanderWall Seconded by Smith
Ayes: Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Hughes, Shastid

APPROPRIATION TRANSFER OF $2,000 FOR APPRAISAL OF ADDITIONAL LAND FOR DOWNEY HIGH SCHOOL PARK SITE

RESOLUTION NO. 66-49

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $2,000 FOR APPRAISAL AND INCIDENTAL COSTS - ADDITIONAL LAND FOR DOWNEY HIGH SCHOOL PARK SITE

Introduced by VanderWall Seconded by Smith
Ayes: Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Hughes, Shastid

APPROPRIATION TRANSFER OF $64,000 - COST OF EXPANDED WATER LINE EXTENSIONS

RESOLUTION NO. 66-50
A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $64,000 - COST OF EXPANSION OF WATER LINE EXTENSIONS

Introduced by VanderWall Seconded by Smith
Ayes: Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Hughes, Shastid

REPORT CONCERNING RECENT AMENDMENT TO PERSONNEL RULE 13.4 (VACATIONS)

A memorandum from Personnel Assistant Cheatham, dated January 10, 1966, subject, "Recent Amendment to Personnel Rule 13.4 (Vacations)" requesting adoption of new resolution to correct typographical error in Resolution No. 66-9, was entered into the record of the minutes.

RESOLUTION NO. 66-51
A RESOLUTION AMENDING SECTION 13.4 OF THE PERSONNEL RULES RELATING TO VACATIONS, AND RESCINDING RESOLUTION NO. 66-9

Introduced by VanderWall Seconded by Smith
Ayes: Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Hughes, Shastid

ORDINANCE AMENDING SECTION 11-2.14 OF CHAPTER 2 OF TITLE XI OF THE MODESTO MUNICIPAL CODE, RELATING TO PUBLIC UTILITY FRANCHISE

ORDINANCE NO. 769-C.S. entitled "AN ORDINANCE AMENDING SECTION 11-2.14 OF CHAPTER 2 OF TITLE XI OF THE MODESTO MUNICIPAL CODE, RELATING TO PUBLIC UTILITY FRANCHISES" was introduced and ordered published as required by the Charter.

Moved by VanderWall Seconded by Mitchell
Ayes: Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Hughes, Shastid

REVIEW OF WAGE RATES FOR OFFICIAL ADVERTISING - CITY CONSTRUCTION JOBS

A memorandum from the City Attorney, dated January 13, 1966, subject, "Determination by City Council of General Prevailing Rate of Per Diem Wages," and a memorandum from the City Manager, dated January 13, 1966, subject, "Prevailing Wage Rates," were entered into the record of the minutes.

At the request of the City Manager, no action was taken by the Council until word is received from the Director of Industrial Relations.

Councilman Shastid arrived at 4:08 P.M.

FURTHER DISCUSSION REGARDING PROPOSED NEIGHBORHOOD PARK SITE IN BELLENITA NEIGHBORHOOD - APPLICATION OF FEDERAL GRANT, SECURING OF OPTION TO PURCHASE BY CITY

The location of the proposed Bellenita park site was discussed by the Council.

MOTION

That the staff be authorized to apply for an open-space land grant from the federal government for the Bellenita Park site; that the staff be authorized to secure an option for the park site adjacent to the Bellenita School when the site is chosen by the Schools

Introduced by Smith Seconded by VanderWall Unanimously carried

A proposed park in the Burbank School area was also discussed.

CONSIDER PLANS AND SPECIFICATIONS FOR NEW CORPORATION YARD

Deputy Manager Ray gave a brief summary on the need for a larger corporation yard, stating that the matter gained momentum after a staff report presented in 1959 which indicated that it would cost approximately $20,000 per mile per year if the corporation year was located away from the geographical center of the City. Recommendation was made by a council committee in 1960 that the City acquire seven to eight acres in the location of the actual new corporation yard site, which was approved by the Council. Mr. Ray described theproblems connected with the lack of space in the old corporation yard.

A sketch showing the four main structures of the proposed new corporation yard were shown to the Council. Director of Public Works Campbell stated that the cost of site development will be about $100,000, independent of building structures; that this included the grading, paving of 155,000 square feet of area, sewer work, including 300 feet of sewer line extension, a water line extension from about a block away, construction of chain link fencing from about the middle of the Jefferson Street to the south to complete the enclosure, sprinkler irrigation and landscaping around the Chestnut and Jefferson Street frontage of the site, construction of curb, gutter, and sidewalk on the street frontages of the site, connection to an existing storm drain line at Jefferson and the freeway, extending it north to Chestnut Street, picking up intermediate drainage spots, and also providing a key to the drainage from the site itself. Mercury vapor street lighting at three intersections adjacent to the site is also proposed.

Mr. Campbell stated that the estimated cost of site improvement and construction costs for the new corporation yard was still $420,000, which reflects a number of deletions and additions since the plans were last discussed with the Council.

Mr. Campbell was questioned by the Council on the following: The length of time the proposed corporation yard will meet the needs of the City; the storage of equipment; whether or not the buildings proposed for the new corporation yard can be expanded to meet future growth of the City; the number of off-street parking spaces to be provided for employees (about 50 spaces, which Mr. Campbell stated was well within the code requirement); the proposed on-street parking (diagonal parking around the periphery of the corporation yard site, which will provide about 150 on-street parking spaces; changes made in the plans affecting the cost of the project.

Mr. Robert Welty, engineer hired by the City to prepare the plans and specifications for the corporation yard structures, described the plans for the orporation yard. Upon questioning, he stated that the built-in benches and cabinet work were included in the construction cost; that the proposed buildings, with all of the inclusions, would cost about $282,100; engineering fee, $16,000; total cost, about $299,026; site improvements, $100,000; engineering fee for the City, $5,000; furnishings, $15,000; making a total project cost of $419,026; that the life of the proposed buildings was about 50 years; that he did not anticipate any change orders, but had yet to see a building constructed where one or two was not required; that it was much better to have one general contractor handling and being responsible for the entire project; that it was anticipated that construction would be completed about 4 or 5 months after the bid is awarded.

The staff was directed to furnish a report in writing, giving an explanation for the increase in building costs from $285,000 to $298,000; to furnish a breakdown of the $100,000 costs estimated for site improvement; the basic costs of equipment needed - mechanical, electrical, etc.; to indicate those items which are absolutely essential to carry out the functions of the yard; those unnecessary to operate the yard, but which are essential to make the project attractive and a credit to the City.

HEARING ON REQUEST BY TIDEWATER OIL COMPANY FOR CURB CUT VARIANCE AT 5TH AND H STREETS

Mayor Johansen announced that the hour of 4:15 P.M. had arrived, the time set for consideration of the request of Tidewater Oil Company for a curb cut variance at the northwest corner of 5th and H Streets, and opened the hearing.

A letter from Tidewater Oil Company, dated January 5, 1966, with an attached layout drawing indicating the intended use and location of the driveway approaches, and a memorandum from the Director of Public Works, dated January 11, 1966, subject, "Request for a Variance to Permit Four 30-foot Curb Cuts at 5th and H Streets," recommending that construction of four 30-foot curb cuts be approved, were entered into the record of the minutes. The requested curb cuts exceed the code limitation of 40% of the property frontage by 20%.

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

RESOLUTION NO. 66-52

A RESOLUTION GRANTING DRIVEWAY VARIANCE TO TIDEWATER OIL COMPANY (Property located on northwest corner of 5th and H Streets)

Introduced by VanderWall Seconded by Shastid
Ayes: Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Hughes

MATTERS FOR THE GOOD OF THE COMMUNITY 7-10

Report of Councilman Mitchell, serving as Council liaison member, Chamber of Commerce Convention Fund

Councilman Mitchell reported that he met with the executive committee of the Chamber of Commerce and a representative from the Modesto Men's Bowling Association; that the Bowling Association has filed a request with the Chamber for $1,000 for the statewide bowling tournament to be held in 1967. The request was approved. It is anticipated that 30,000 individuals will visit Modesto during the tournament, which will last for about 16 weekends.

REPORT OF CITY-COUNTY COMMITTEE ON JOINT SEWER STUDY

Mayor Johansen reported that the preliminary figures had been presented to the City-County Committee on the joint sewer study by Bartle Wells; that the financial consultants were beginning to receive information needed to proceed with their phase of the study. He said it was hoped that by the time the report is due on February 11th, a complete recommendation will be available from both the engineering firm and financial consultants hired. Mayor Johansen stated that his report was kept brief because of the fine coverage of the matter in the press.

CONSIDER CONSTRUCTION OF T-HANGAR UNIT AT MODESTO CITY-COUNTY AIRPORT 7-39

A memorandum from the Director of Public Works, dated January 12, 1966, subject, "Construction of "T" Hangar at City-County Airport" was entered into the record of the minutes. A suggestion was made that the Council consider advancing the construction of the T-Hangar units from next year's budget to the current year because of the fact that several aircraft owners are considering moving from the City-County Airport because of the lack of T-Hangar space.

Director of Public Works Campbell stated that the estimated cost of an 8-unit T-Hangar, including the hangar, site improvement, and engineering costs, was about $28,000.

The Council discussed the following: The economic feasibility of increasing the number of T-Hangar units; availability of space to increase the number of units; whether a demand existed for more than eight hangars.

MOTION

That the staff be authorized to prepare plans and specifications for a T-Hangar at the Modesto City-County Airport; that the staff investigate further the costs before the call for bids are issued for report to the Council; that alternate bids be obtained for an 8-, 10-, and 12-unit hangar.

Moved by Shastid Seconded by Smith Unanimously carried

Airport Manager Sham said that a 12-unit hangar would not fit in the proposed location for the T-Hangar unit, but would have to be located further south.

CONSIDER REQUEST BY MODESTO IRRIGATION DISTRICT FOR WATER SERVICE TO NEW ELECTRICAL SUBSTATION AT OLD OAKDALE ROAD AND M. I. D. LATERAL NO. 3

A memorandum from the Director of Public Works, dated January 13, 1966, subject, "Request for Water Service on Old Oakdale Road by Modesto Irrigation District," was entered into the record of the minutes. Recommendation was made that M. I. D.'s request for water service to the site of its new substation at Old Oakdale Road and M. I. D. Lateral No. 3 be approved.

MOTION

That the request of Modesto Irrigation District for water service to new electrical substation at Old Oakdale Road and M. I. D. Lateral No. 3 be approved.

Moved by Shastid Seconded by VanderWall Unanimously carried

NOTICE OF SALE OF EXCESS LAND BY THE DIVISION OF HIGHWAYS IN THE CITY OF MODESTO 8-48

A letter from J. G. Meyer, District Engineer, dated January 11, 1966, containing information requested by the Council regarding two state-owned parcels of excess land located near Neece Drive and Tuolumne Boulevard, was entered into the record of the minutes. The letter indicated that the City could purchase the two parcels at their stated minimum value, a total of $5,900 for the two parcels. The offer was discussed by the Council. The City Manager stated that he had been informed by the State that if no bids were received for the two parcels as a result of the present call for bids, a new appraisal would be obtained.

No action was taken by the Council.

The City Manager stated that the staff does not recommend the purchase of the former Maze-Wren Park, which is also for sale by the State.

ORAL REPORT ON THE I STREET ARCH IMPROVEMENT

The City Manager reported that several letters had been received for various clubs and individuals relative to the Arch on 11ht Street, that a letter had been received from Mobil Oil Company, dated January 6, 1966, proposing the contribution of $1,000 towards the expense of moving the arch in a westerly direction, a minimum of 22 feet to a maximum of 34 feet, or contributing $2,000 towards the complete removal of the arch if it is not re-erected between Ninth Street and the Southern Pacific Railroad tracks. The following documents were entered into the record of the minutes: letter from Mobil Oil Company, dated January 6, 1966; memorandum from Assistant City Engineer to Mobil Oil Company, dated November 19, 1965, requesting a definite proposal on the relocation of the arch.

The City Manager said that a Public Works estimate sets the cost of $3,000 to move the arch 22 feet, and $3,500 to remove it from the area entirely.

A suggestion was made that the matter of the Arch be referred to the Modesto Beautification Committee to get community feelings.

REPORT CONCERNING EMPLOYEES' GROUP INSURANCE

The following documents were entered into the record of the minutes: Letter to Giddings, Corby, Hynes, and Lyng, Inc. from Assistant Director of Sales, Blue Shield of California, dated January 5, 1966; memorandum from the City Manager, dated January 13, 1966, subject, "Employees' Group Insurance Plan." The memorandum from the City Manager indicated that in order to renew the employees' health insurance program on March 1, 1966, a rate increase totaling 32% would be necessary; that on the basis of this notice, it was the intention of the staff to request Council permission to call for bids at the January 24th meeting.

The increase in rates was discussed by the Council.

The staff was directed to notify the carrier of the poor timing of the proposed increase in rates, and to proceed with its plans as indicated in the memorandum from the City Manager, dated January 13, 1966.

YEAR-END REPORT BY MAYOR ON 1965 HIGHLIGHTS AND 1966 GOALS

The following statement was read into the record by Mayor Johansen:

"At the close of the year 1965, it seems a good idea to take a backward look at what has been achieved during the past year, and to take a forward look at decisions which must be faced and projects which must be undertaken during 1966.

"As we review the highlights of 1965, it becomes evident that it was a year of great activity.

1. Expansion of airport facilities continued with the control tower and administration building leading the way. The airport came into further prominence with the attempt on the part of United Air Lines to turn over its service to Pacific Air Lines. Our concern is not only of reduced service but the possibility of eventual loss of service. The City, in cooperation with the County and surrounding cities, employed a Washington, D. C. attorney to represent us in this case. Lengthy hearings and possible litigation are a probability in this matter.

2. Development of our City parks continued at an accelerated pace. Highlights were the development of Standiford and Mellis Parks and the construction of the Davis High School swimming pool.

3. Our Finance Department reports a four-year downward trend in the City expenditures per capita.

4. New City Council advisory committees were formed, including the Human Rights, Farm-City Advisory, Crime, Beautification, and City-State Hospital Liaison.

5. The accelerated street construction program was made possible by the increased gasoline tax. Evidence of this during the past year was the construction work done on Tully Road, Kansas Avenue, College Avenue, and Rumble Road. The total street construction and reconstruction comprised 2.05 miles at a cost of $216,000.

6. The number of Police Department personnel was increased by 15 people, making the total force 86.

7. The last phase of construction of the Police and Communications Building was implemented during 1965 with the completion of the automation of our water system. The cost of this automated equipment will be offset in salary savings in less than a ten-year period. The benefits of this system will mean that we will be able to maintain an even, uniform pressure throughout the system during the daily use of water as well as during fires.

"Two significant steps have been taken toward revitalizing the downtown area.

"The first was the opening of the freeway which relieved Ninth Street of highway traffic.

"The second step was the adoption of the Unsafe Structure Code in October, 1964. The Code was actually implemented in February of this year with the hiring of a building inspector. This code is directed toward the conservation and rehabilitation of existing structures which meet certain minimum building, health and safety requirements, and the demolition of those structures which are beyond reasonable repair. The initial phases of the program are being conducted in the downtown core of the City bounded by Ninth and Fourteenth Streets from G to L.

"The program has been developing slowly with every effort being made to see that the property owners and tenants of affected buildings are fully aware of their rights and the reasons for the program and the benefits which are anticipated as the result. Cooperation of the owners has been excellent. On all the orders issued, appeals have been made only for time extensions to allow businesses more time to close out or relocate.

"Evidence of the program is beginning to show in the demolition of several structures. However, the major effects of the program are still several years away. Up to the present time, 28 demolition orders have been issued in the downtown area, and there are 4 pending. Six repair orders have been issued, with 2 pending. There are 7 buildings at the present time on which demolition has been completed, 5 under demolition, and 3 under repair. One building owner "caught the fever" and is voluntarily demolishing his building. It was quite interesting to read recently that the First Research Corporation of San Francisco ranked Modesto as fourth of the top ten cities of the State of California which have quality growth. It stated that an excellent downtown redevelopment plan, which is under way, is one of the reasons for putting Modesto in this high rank.

"In looking to 1966, I would propose we give special attention to the following:

"The City no longer has the exclusive responsibility for the urban area, nor the County the exclusive responsibility for the rural area. Even though we have made progress in working closely with other governmental agencies, we have a responsibility to work even closer with the county, the schools, surrounding cities, and the Modesto Irrigation District. Our responsibilities for government are so closely interwoven, and our interest so closely related, that complete cooperation is a necessity. Our lines of communication must be opened. Once governmental officials sit down to consider their problems together, the possibility of obtaining results is unlimited. For the sake of our taxpayers, and for increased efficiency in public service, we can do no less. I would propose that once each quarter, on the fifth Tuesday, we again meet with the Board of Supervisors and occasionally invite Modesto Irrigation District directors.

"In line with this, I would like to request Councilman Mitchell and Councilman Shastid to report to the City Council no later than March 15 the recommendations of the Joint M. I. D.-City Committee on the steps to be taken to improve lighting within the City. It appears that this is mainly a policy decision by the two boards, and I see no problem in the March 15 deadline.

"During the past year the Pacific Telephone Company volunteered to work with the City to help improve the City's public relations. An intensive program of self-improvement by the City staff is underway and will continue during 1966.

"The Council and staff have been active throughout the year as speakers to groups on City matters, and this is a worthwhile program which I know we wish to continue.

"I believe that we should also give thought to other ways of keeping the public informed on matters of community importance and step up the City's activity in these fields. Information programs are almost always time consuming, and their results are not immediately visible nor their value measurable in dollars and cents, but I think they are essential to citizen understanding and support of needed community activities and projects. The staff is presently working to implement this suggestion.

"Upon the presentation of our second engineering report on sewers, we must immediately study both reports and determine the action necessary to enlarge the sewage treatment facilities in order to provide the sewage needs, not just for the City but for the whole Modesto community. It will be necessary to apply for federal aid and to pass a bond issue in order to finance this project. Sewage must have the high priority in 1966.

"The yearning for cultural things by our citizens can be a great resource in the future. This yearning can be turned into bold leadership and planning to transform our city into a thing of beauty and culture. We hear continual comments about a beautiful city, a cultural center, need for additional library facilities, museums and auditoriums, trees, parks, and recreation programs. We have a responsibility to make site selections for many of these facilities and to encourage our citizens to offer the leadership so necessary to complete some of these projects.

"On Tuesday, February 1, I have called a joint meeting of the City Council, Planning Commission, and Parking and Traffic Advisory Committee for the unveiling of a downtown plan. This plan will clearly define the downtown area and will encompass the traffic pattern for down town, the location of the underpasses from the freeway into the downtown area, and also the establishment of the location of the library, cultural center and auditorium.

"Along these same lines, a group of business and professional men in the downtown area have approached the Council with a proposal and a request to form an improvement district. We must proceed, after proper public hearings, with the formation of this district. This will help to bring about further promotion and beautification of downtown Modesto. We should also encourage and cooperate with downtown property owners in the formation of a land owners' association to assist in the improvement of the downtown area.

"During 1966 the City Council must continue its efforts to have the State reconstruct and improve both Yosemite Boulevard and McHenry Avenue.

"We must continue the acceleration of park development by using money from the special park tax.

"The Corporation yard and the Dryden Park golf clubhouse, two major construction projects which have long been needed, should be completed this year.

"I am also going to request that the Crime Committee, appointed last year, give the Council its initial report no later than June 30. This will no doubt include some plans of action to involve the entire community in helping to stem the rising crime rate within our own community.

"In closing, I would like to compliment our City employees on their capabilities, productivity, and attitudes. We have a very dedicated group of people working for the City, and, speaking for the City Council as a whole, I want to thank each employee for his or her concern and efforts in making Modesto progress. We also recognize and appreciate the excellent talents and dedication of our professional people--the city manager and department heads. On their shoulders rests the responsibility for pointing out the City's problems and needs. They must also have the leadership necessary to recommend programs and projects which we need to undertake to keep Modesto in its "fourth of the top ten cities" status. I would like to challenge the department heads, working with the city manager, to be

imaginative and creative, to think big, to plan for the future, and to bring their ideas, suggestions, and recommendations to the Council.

"As elected officials and staff professionals, we must view our city government as a dynamic public enterprise rather than as a custodial or regulatory machine. It is possible to enter into creative, cooperative projects of all kinds with business, industry, education, and other levels of government. If we want to maintain home rule and self-determination, we cannot ignore problems or sweep them under the rug. We must assume the leadership to establish the conditions necessary for the good life.

"I know that I speak for all the Council when I pledge to the people of Modesto our continuing best efforts to be aware of present and developing needs, to weigh all the facts, and to recommend the community action we believe will be the most beneficial, not only for today but also for the future."

REMINDER

The Council was reminded of the quarterly League dinner to be held in Oakdale on Thursday, January 27, 1966, at 6:30 P.M.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by Patton Seconded by Smith Unanimously carried

The Meeting adjourned at 6:24 P.M.

ATTEST: Rex E. Gailfus
REX E. GAILFUS, City Clerk

Modesto City Council
January 24, 1966

The Council of the City of Modesto met in regular session this date at 7:30 P.M. in the Council Chambers, City Hall, 801 11th Street, Modesto, California, Mayor Johansen presiding.

Present: Councilmen: Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
(Councilman Hughes arrived at 7:50 P.M.)
Absent: Councilmen: None

The pledge of allegiance was given by all present.

Reverend Donald E. Smith gave the invocation.

APPROVAL OF MINUTES

The minutes of the regular meetings of November 22, 1965, and January 4, 1966, were approved.

INTRODUCTION OF NEW FIRE MARSHALL AND REPRESENTATIVE OF FARM-CITY COMMITTEE

Mayor Johansen introduced Ronald Smith, new Fire Marshall, and Everett Jolliff, Farm-City Committee representative.

CONSIDER BID FOR CONSTRUCTION OF DRYDEN PARK CLUBHOUSE 1-10

The following documents were entered into the record of the minutes: Memorandum from Director of Public Works, dated January 19, 1966, subject, "Dryden Park Golf Course Clubhouse;" bid tabulation; letter from Kenneth K. Kaestner, Architect, dated January 20, 1966. One bid was received at the January 18th bid opening for the construction of the Dryden Park Clubhouse, 80% over the Architect's estimate.

The City Attorney stated that the agreement with the architect requires that the bid be within 10% of the estimated cost of the Architect; and if not, the plans must be redrawn and resubmitted to bid until such time as they are within the 10% limitation of the original estimate.

Upon questioning, Mr. Kaestner stated that he believed the clubhouse plans could be revised to within 10% of the architect's estimate and still retain its present size and general character; that the bid received was quite high; that he did not believe the bid quite valid because there were no other bids to measure it by.

RESOLUTION NO. 65-53
A RESOLUTION REJECTING ALL BIDS FOR CONSTRUCTION OF DRYDEN PARK CLUBHOUSE

Introduced by Shastid Seconded by Mitchell
Ayes: Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Hughes

Councilman Hughes arrived at 7:50 P.M.

Director of Public Works Campbell stated that nine sets of plans and specifications were mailed to general contractors; that several local contractors stated that they did not submit bids after their bid development indicated that a figure of $100,000 had been reached.

MOTION
That the staff be instructed to work with Mr. Kaestner, in reviewing the plans, perhaps with consultations with local contractors, with a view to presenting plans within the range of the budgetary limitations, within thirty days; that if it appears within the thirty days that it is unlikely

that revisions can be made on the existing plans and size of the building to lower the costs within the budgetary limitations, the architect report back to the Council when this determination has been reached without waiting the full thirty days

Moved by Mitchell Seconded by Smith Unanimously carried

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR THE INSTALLATION OF WATER LINES TO M. I. D. SUBSTATION LOCATED AT OLD OAKDALE ROAD AND M. I.D. LATERAL NO. 3

RESOLUTION NO. 66-54

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR INSTALLATION OF WATER LINES TO M. I. D. SUBSTATION LOCATED AT OLD OAKDALE ROAD AND M. I. D. LATERAL NO. 3

Introduced by VanderWall Seconded by Smith
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

February 8, 1966, at 10:10 A.M. in the City Clerk's office was set as the time and place for opening of bids.

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR INSTALLATION OF WATER LINES TO SERVE CRANBROOK COLONY NO. 1 SUBDIVISION

RESOLUTION NO. 66-55

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR INSTALLATION OF WATER LINES TO SERVE CRANBROOK COLONY NO. 1 SUBDIVISION

Introduced by VanderWall Seconded by Smith
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

February 8, 1966, at 10:05 A.M. in the City Clerk's office was set as the time and place for opening of bids.

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR INSTALLATION OF WATER LINES IN WYLDEWOOD PARK NO. 3 SUBDIVISION

RESOLUTION NO. 66-56

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR INSTALLATION OF WATER LINES IN WYLDEWOOD PARK NO. 3 SUBDIVISION

Introduced by VanderWall Seconded by Smith
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

February 8, 1966, at 10:00 A.M. in the City Clerk's Office was set as the time and place for opening of bids.

RESOLUTION AMENDING RESOLUTION NO. 65-575 ENTITLED "A RESOLUTION DETERMINING THE GENERAL PREVAILING RATES OF PER DIEM WAGES

RESOLUTION NO. 66-57

A RESOLUTION AMENDING RESOLUTION NO. 65-575 ENTITLED "A RESOLUTION DETERMINING THE GENERAL PREVAILING RATES OF PER DIEM WAGES"

Introduced by VanderWall Seconded by Smith
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

REPORT ON APPLICATION FOR LICENSE TO COLLECT GARBAGE - LOMBARDI WASTE DISPOSAL

RESOLUTION NO. 66-58

A RESOLUTION SETTING TIME AND PLACE FOR HEARING REQUEST OF LOMBARDI WASTE DISPOSAL FOR LICENSE TO COLLECT GARBAGE IN THE CITY OF MODESTO

Introduced by VanderWall Seconded by Smith
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

February 7, 1966, at 4:15 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

REPORT OF SUPERINTENDENT OF STREETS ON COST OF REPAIR OF SIDEWALK AT 722 TENTH STREET

RESOLUTION NO. 66-59

A RESOLUTION SETTING TIME AND PLACE FOR HEARING REPORT OF SUPERINTENDENT OF STREETS ON COST OF REPAIR OF SIDEWALK AT 722 - 10TH STREET

Introduced by VanderWall Seconded by Smith
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

February 7, 1965, at 4:15 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

CONSIDER AGREEMENT BETWEEN CITY AND PRECISION MATERIALS COMPANY, INC., RELATING TO IMPROVEMENTS TO BE COMPLETED IN TULLY MANOR NO. 2 SUBDIVISION

RESOLUTION NO. 66-60

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND PRECISION MATERIALS COMPANY, INC., RELATING TO IMPROVEMENTS TO BE COMPLETED IN TULLY MANOR NO. 2 SUBDIVISION

Introduced by VanderWall Seconded by Smith
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

ACCEPT IMPROVEMENTS IN TULLY MANOR NO. 2 SUBDIVISION, EXCEPT THOSE COVERED BY SEPARATE AGREEMENT, AND AUTHORIZE THE CITY CLERK TO FILE NOTICE OF COMPLETION AND RELEASE BOND UPON EXPIRATION OF STATUTORY LIEN PERIOD

RESOLUTION NO. 66-61

A RESOLUTION ACCEPTING IMPROVEMENTS IN TULLY MANOR NO. 2 SUBDIVISION WITH EXCEPTIONS, AND AUTHORIZING RELEASE OF SUBDIVISION BOND UPON EXPIRATION OF STATUTORY LIEN PERIOD

Introduced by VanderWall Seconded by Smith
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

AGREEMENT BETWEEN CITY AND MODESTO HIGH SCHOOL DISTRICT OF STANISLAUS COUNTY, CALIFORNIA, FOR USE OF MADDUX YOUTH CENTER AS CONTINUATION HIGH SCHOOL

RESOLUTION NO. 66-62

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO HIGH SCHOOL DISTRICT OF STANISLAUS COUNTY, CALIFORNIA, FOR USE OF MADDUX YOUTH CENTER AS A CONTINUATION HIGH SCHOOL

Introduced by VanderWall Seconded by Smith
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

APPROVE SUBDIVISION AGREEMENT AND FINAL MAP OF GREENBRIER NO. 1 SUBDIVISION

RESOLUTION NO. 66-63

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

Introduced by VanderWall Seconded by Smith
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

CONSIDER RIGHT OF WAY CONTRACT FROM ADRIAN J. MEIER AND GENEVIEVE C. MEIER, DEDICATION OF PROPERTY FOR WIDENING OF YOSEMITE BOULEVARD

RESOLUTION NO. 66-64

A RESOLUTION APPROVING RIGHT OF WAY AGREEMENT BETWEEN THE CITY OF MODESTO AND ADRIAN J. MEIER AND GENEVIEVE C. MEIER, RELATING TO DEDICATION OF PROPERTY FOR WIDENING OF YOSEMITE BOULEVARD FOR STATE HIGHWAY PURPOSES

Introduced by VanderWall Seconded by Smith
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

RECOMMEND UNCLASSIFIED USE PERMIT TO ROMAN CATHOLIC WELFARE CORPORATION OF STOCKTON

RESOLUTION NO. 66-65

A RESOLUTION FIXING THE TIME AND PLACE FOR A PUBLIC HEARING ON AN UNCLASSIFIED USE PERMIT TO ROMAN CATHOLIC WELFARE CORPORATION OF STOCKTON

Introduced by VanderWall Seconded by Smith
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

February 14, 1966, at 7:50 P.M., in the Council Chambers, City Hall, was set as the time and place of hearing.

RECOMMEND AMENDMENT TO SECTION 21-3-9 OF THE ZONING MAP

RESOLUTION NO. 66-66

A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO SECTION 21-3-9 OF THE ZONING MAP

Introduced by VanderWall Seconded by Smith
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

February 14, 1966, at 7:55 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

RECOMMEND AMENDMENT TO SECTION 20-3-9 OF THE ZONING MAP

RESOLUTION NO. 66-67

A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO SECTION 20-3-9 OF THE ZONING MAP

Introduced by VanderWall Seconded by Smith
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

February 14, 1966, at 8:00 P.M., in the Council Chambers, City Hall, was set as the time and place of hearing.

RECOMMEND AMENDMENTS TO SECTION 22-3-9 OF THE ZONING MAP

RESOLUTION NO. 66-68

A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO SECTION 22-3-9 OF THE ZONING MAP

Introduced by VanderWall Seconded by Smith
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

February 14, 1966, at 8:05 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

RECOMMEND AMENDMENTS TO THE ZONING REGULATIONS

RESOLUTION NO. 66-69

A RESOLUTION SETTING TIME AND PLACE FOR HEARING RECOMMENDED AMENDMENTS TO THE ZONING REGULATIONS INITIATED BY THE PLANNING COMMISSION

Introduced by VanderWall Seconded by Smith
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

February 14, 1966, at 8:10 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

APPROPRIATION TRANSFER OF $2,000 - SUBTRUNK SEWER LINE, NORWEGIAN AVENUE

RESOLUTION NO. 66-70

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $2,000 FOR SUBTRUNK SEWER LINE IN NORWEGIAN AVENUE (City's share of costs)

Introduced by VanderWall Seconded by Smith
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

RESOLUTION COMMENDING ALVIN H. TURNER FOR SERVICE ON PERSONNEL COMMISSION

RESOLUTION NO. 66-71

A RESOLUTION COMMENDING ALVIN H. TURNER, JR., FOR SERVICE RENDERED TO THE CITY OF MODESTO AS A MEMBER OF THE PERSONNEL COMMISSION

Introduced by VanderWall Seconded by Smith
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

AUTHORIZE STAFF TO PROCEED WITH ACQUISITION OF WELL SITE FOR PUMP STATION NO. 33

MOTION

That the staff be authorized to proceed with acquisition of a well site for Pump Station No. 33

Moved by Shastid Seconded by Patton Unanimously carried

CONSIDER REQUEST FOR SEWER SERVICE EXTENSION TO PROPERTY LOCATED AT 2067 WEST ORANGEBURG AVENUE

MOTION

That the request for sewer service extension to property located at 2067 West Orangeburg Avenue be approved

Moved by Shastid Seconded by Patton Unanimously carried

HEARING ON PROPOSED SCENIC ADDITION ANNEXATION 2-115

Mayor Johansen announced that the hour of 7:45 P.M. had arrived, the time set for consideration of the proposed annexation of Scenic Addition to the City of Modesto, a 5.178 acre parcel, and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Tribune on January 13, 1966. No written protests to the proposed annexation were filed with the City Clerk.

Planning Commission Resolution No. 66-2 recommends commencement of proceedings to annex the area to the City.

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

RESOLUTION NO. 66-72

A RESOLUTION ANNEXING UNINHABITED TERRITORY KNOWN AS THE SCENIC ADDITION TO THE CITY OF MODESTO

Introduced by Mitchell Seconded by Shastid
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

HEARING ON REQUIREMENT OF CURB AND GUTTER IN Block 706, GRISWOLD AVENUE

Mayor Johansen announced that the hour of 7:50 P.M. had arrived, the time set for consideration of the requirement of curb and gutters in Block 706, Griswold Avenue, and opened the hearing.

The City Clerk reported that an affidavit of service filed by the Public Works Department indicated that owners of the two properties involved, Mr. H. Russell Green, 814 Geer Avenue (Lot 8 of Block 706), and Mr. John J. Winger, 120 Griswold Avenue (Lot 4 of Block 706), were served with a notice of the hearing on January 12, 1966.

Mr. John J. Winger, owner of Lot 8, Block 706, asked that the curb and gutter requirement be delayed to permit him to take care of the installation before the beginning of the next rainy season, possibly by September.

The Council's policy on curb and gutter requirements was outlined by Director of Public Works Campbell.

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

Mr. Winger's request was discussed by the Council.

A resolution introduced by Councilman Hughes, granting an extension of time to September 1, 1966, to permit Mr. Winger to have the curb and gutter installed, died for lack of a second.

Upon questioning, Mr. Winger said it was his intention to hire a contractor to perform the work, and to assist him personally, in order to cut the cost.

A motion proposed by Mr. Shastid, seconded by Councilman Smith, that the staff be directed to work with Mr. Winger and contractors so that the bid would be awarded to a contractor approved by Mr. Winger, and that the work be done as expeditiously as possible, was withdrawn by Councilmen Shastid and Smith.

MOTION

That the matter be referred to the staff to work with Mr. Winger and the staff directed to report back to the Council in two weeks

Moved by Shastid Seconded by Smith Unanimously carried

CONTINUATION OF HEARING ON REVISION OF TITLE 7, MUNICIPAL CODE, PUBLIC WORKS TEXT 4-58

MOTION

That continuation of the hearing on proposed amendments to the Public Works Text be carried over to February 7, 1966, at 4:30 P.M.

Moved by Shastid Seconded by VanderWall Unanimously carried

MATTERS FOR THE GOOD OF THE COMMUNITY

Al Haag - Per Diem Wage Rates, Agenda Items 3, 4, 5

Upon questioning by Al Haag, 321 Roselawn, Modesto, California, the City Attorney stated that the specifications contained the prevailing per diem wage rates as determined by the State Director of Industrial Relations.

Announcement

The City Manager announced that a 15-week course on "Effective Supervisory Practices" would begin February 9, 1966, from 7:00 to 9:00 P.M. in the Modesto Police Department Classroom, and would continue on each Wednesday evening through May 25th, with the exception of the 5th Wednesday in March.

ADOPTION OF ORDINANCE NO. 769-C. S., PUBLIC UTILITY FRANCHISES

ORDINANCE NO. 769-C.S. entitled "AN ORDINANCE AMENDING SECTION 11-2.14 OF CHAPTER 2 OF TITLE XI OF THE MODESTO MUNICIPAL CODE, RELATING TO PUBLIC UTILITY FRANCHISES

introduced January 17, 1966, and having been published as required by the Charter, was moved and adopted.

Moved by Shastid Seconded by Smith
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

FURTHER CONSIDERATION OF BOUNDARY LINES FOR THE PROPOSED BUSINESS IMPROVEMENT DISTRICT (AB-103) 4-95

The following documents were entered into the record of the minutes: Memorandum from Director of Parking and Traffic, dated January 18, 1966, subject, "AB-103 Law"; memorandum from Director of Finance, dated January 19, 1966, subject, "Modifications to Business Improvement District Boundaries"; letter from Donald West, Chairman, AB-103 Committee, dated January 21, 1966, stating that at a meeting of the AB-103 Committee of the Downtown Modesto Association on January 21, 1966, with members of the city staff and two representatives to the City Council, a recommendation developed that the district be enlarged to include those areas indicated on an enclosed map.

A sketch of the proposed enlarged district area was shown to the Council, with the area extended to include businesses to the portion of the freeway extending from G Street to Washington Street, Washington Street to Ninth Street; Ninth Street to Needham; Needham Avenue from Ninth Street to 17th Street; 17th Street to J Street; J Street from 17th to 14th Street; Fourteenth Street from J to G Street; G Street from 14th Street to the point of beginning at the freeway.

RESOLUTION NO. 66-73

A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO DECLARING ITS INTENTION TO FORM A BUSINESS IMPROVEMENT AREA TO BE KNOWN AS "BUSINESS IMPROVEMENT AREA OF THE CITY OF MODESTO," FIXING THE TIME AND PLACE FOR HEARING, AND GIVING NOTICE THEREOF

Introduced by Shastid Seconded by Patton Unanimously carried
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

February 28, 1966 at 8:00 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

The City Attorney stated that state law requires that every business paying a business license tax in the area be mailed a copy of the resolution of intention by the City Clerk.

Director of Finance Bird stated that the Finance Department, if the District is approved, would advise each new business moving into the area of the additional district tax required for businesses in the district area.

CONSIDER PLANS AND SPECIFICATIONS FOR NEW CORPORATION YARD 5-20

Director of Public Works Campbell and Mr. Robert Welty, engineer hired by the City to prepare plans and specifications for the corporation yard buildings, were questioned by the Council on the following: The feasibility of combining the four proposed separate buildings into one building, thus eliminating the total area required for driveways, etc. Mr. Campbell stated that the layout of the buildings was considered by department heads and staff involved - Parking and Traffic, Parks and Recreation, Public Works, and the various divisions having responsibilities of the corporation yard, and the plans presented for Council consideration seemed to be the ones which appeared to be the best to meet the City's needs.

Mr. Welty said it was possible to put the entire area under one roof, but he felt that this would create congestion of the layout of the various departments within the structure, plus parking complications; that reducing the buildings to two structures would also cause congestion; that due to the triangular shape of the parcel, a long narrow building with movable partitions would limit the amount of expansion possible.

Mr. Campbell was questioned by the Council on the proposed locker requirements, on-street and off-street parking; the feasibility of utilizing the former Maze-Wren Park site, located across the freeway, in connection with the new corporation yard.

RESOLUTION NO. 66-74

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR NEW CORPORATION YARD.

Introduced by Shastid Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

February 23, 1966, at 10:00 A.M. in the City Clerk Office was set as the time and place for opening of bids.

DISCUSSION ON CHRISTMAS DECORATION 6-15

At the request of Mayor Johansen, and with the unanimous consent of the Council, the staff was directed to place this matter back on the agenda of either the February 14th or 28th meeting.

CONSIDER WAIVER OF PARKING PLEDGE, LOT NO. 14, CORNER OF 10TH AND H STREETS

The following documents were entered into the record of the minutes: Letter from Director of Finance Bird to F. M. Brack, owner of property located at 723 10th Street, dated July 15, 1965, suggesting October 1, 1965 as a termination date for a parking pledge for the 10th and H parking lot covering Mr. Brack's building located at 723 10th Street, which was ordered demolished under the Unsafe Structure Code, October 1, 1965 being the date given tenants to vacate; memorandum from Director of Finance Bird, dated January 18, 1966, subject, "Condemned Buildings and Parking Pledges," requesting Council action on Mr. Brack's request for waiver of the pledge.

RESOLUTION NO. 66-75

A RESOLUTION WAIVING PARKING PLEDGE OF MR. F. M. BRACK - 10TH AND H STREET CITY PARKING LOT (effective October 1, 1965)

Introduced by Shastid Seconded by Hughes
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

FURTHER REPORT ON EMPLOYEES' GROUP INSURANCE MATTERS 6-37

A memorandum from Personnel Assistant Cheatham, dated January 20, 1966, subject, "Further Report on Employees' Group Insurance," listing the cumulative experience on the employees' group insurance program with California Physicians' Service from 1963 through 1965, was entered into the record of the minutes. The memorandum indicated that during the first two years the plan was in existence, the company was operating on a 16% retention; that the retention was reduced to 15.5% in 1965.

City Manager Keefe stated that California Physicians' Service has agreed to extend the health insurance policy one month, if needed, to permit the City to solicit bids.

Mr. Robert A. Corby, of Giddings, Corby, Hynes & Lyng, Inc., stated that California Physicians' Service, the City's carrier for the past three years, has requested a rate increase of about 32% for the coming year - an overall rate increase - predicated on the fact that the loss ratio has been over 100%. He said that the loss ratio has not been caused by employee use of the plan, but by excessive use of the plan by employee dependents.

Mr. Corby listed alternative plans and suggestions submitted by the Employees' Insurance Committee in an attempt to keep the cost of insurance for dependents in line with what is presently being paid: (1) A plan identical to the present plan, except that a $25 deductible would be reimposed on the x-ray and lab portion of the plan, for both employees and dependents; (2) A coordination of benefits on the base portion of the plan, stating that if covered by another plan, there would be no duplication of payment; (3) To have either a $25 or $50 deductible per person per calendar year for each dependent on the plan, and after that, all charges up to $10,000 life time would be paid on a 80% (company)-20% (employee) ratio for all charges; (4) A $25 or $50 deductible per person per calendar year, and then an 80% - 20% ratio for all charges except that all doctors' charges would be paid in full. He emphasized that the alternates 3 and 4 were being considered on the dependents' portion of the plan, and not employees.

The medical history and physical examination of new employees, and falsification of information thereon was discussed by the Council.

After questioning by the Council, Mr. Corby stated that it behooved the City to go to bids for the health insurance.

RESOLUTION NO. 66-76

A RESOLUTION AUTHORIZING STAFF TO PREPARE SPECIFICATIONS AND ISSUE CALL FOR BIDS FOR EMPLOYEES' GROUP HEALTH INSURANCE

Introduced by Shastid Seconded by Hughes
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

February 14, 1966, at 2:00 P.M. in the City Clerk's office was set as the time and place for opening of bids.

RESOLUTION COMMENDING THE RESERVE POLICE FOR CONTRIBUTION TO COMMUNITY WELFARE AND SAFETY

RESOLUTION NO. 66-77

A RESOLUTION COMMENDING THE RESERVE POLICE FOR CONTRIBUTIONS TO COMMUNITY WELFARE AND SAFETY

Introduced by Mitchell Seconded by Hughes
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

RESOLUTION IN APPRECIATION OF OUTSTANDING SERVICE - ALBERT PEDERSEN

RESOLUTION NO. 66-78

A RESOLUTION COMMENDING ALBERT PEDERSEN FOR HIS YEARS OF SERVICE AS COMMANDER OF THE MODESTO POLICE RESERVES

Introduced by VanderWall Seconded by Shastid
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

REMINDER - RESERVE POLICE DINNER

The Council was reminded that the Reserve Police dinner would be held Wednesday, January 26, 1966, in the Fable Room, Hotel Covell.

REPORT ON PROPOSED POLICE AND FIRE DEPARTMENTS OPEN HOUSE - MARCH 4, 1966

The City Manager stated that an expense of about $300 - $400 would be incurred in connection with the open house proposed for the Police and Fire departments on March 4, 1966; that it was hoped that the public in general and particularly school children would visit the exhibits.

REMINDER

The Council was reminded of the League of California Cities meeting to be held in Oakdale on Thursday, January 27, at 6:30 P.M.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by VanderWall Seconded by Smith Unanimously carried

The meeting adjourned at 9:19 P.M.

ATTEST: REX E. GAILFUS, City Clerk

Modesto City Council
February 7, 1966

The Council of the City of Modesto met in regular session this date at 4:00 P.M. in the Council Chambers, City Hall, 801 11th Street, Modesto, California, Mayor Johansen presiding.

Present: Councilmen: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen (Councilman Shastid arrived at 4:04 P.M.)

Absent: Councilmen: None

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

Reverend Walter Zeck gave the invocation.

SUGGESTION AWARD

Mayor Johansen presented an award of $25 to Roy Kehrer, Fire Department, for the suggestion that city water tank trucks be equipped with outlets on the bottom of the tanks so Fire Department pumpers can use them for a portable water supply.

Councilman Shastid arrived at 4:04 P.M.

APPROVAL OF MINUTES

The minutes of the regular meetings of January 10 and 17, 1966 were approved.

LETTER FROM J. G. MEYER, DISTRICT ENGINEER, STATE DIVISION OF HIGHWAYS, REGARDING ASSEMBLY BILL NO. 3404 RELATING TO STATE HIGHWAYS

A letter from J. G. Meyer dated January 27, 1966 with copy of Assembly Bill 3404 attached, relative to the requirement of a public hearing when recommending the adoption of a state highway route, was entered into the record of the minutes.

The letter was ordered filed.

PETITION FROM THE CITIZENS OF CARLTON AVENUE AND VICINITY REGARDING ANY PROPOSED CHANGE OF ZONE CLASSIFICATION IN THEIR AREA

A letter from neighborhood citizens of Carlton Avenue and vicinity dated January 28, 1966 opposing the rezoning of property bounded on the north by M.I.D. Lateral No. 3, on the south by Granger Avenue, on the west by Tidewater Southern Railroad tracks, and on the east by Our Lady of Fatima Church, was entered into the record of the minutes.

The letter was ordered filed until such time as the application for rezoning presented by Northgate Enterprises is considered by the Council at public hearing.

LETTER FROM BEN HOLLINGER RESIGNING FROM THE BOARD OF ZONING ADJUSTMENT

A letter from Ben Hollinger, Executive Vice President, The Grange Company, dated January 21, 1966 submitting his resignation as a member of the City Board of Zoning Adjustment, was entered into the record of the minutes.

RESOLUTION NO. 66-79

A RESOLUTION COMMENDING BEN HOLLINGER FOR SERVICE RENDERED TO THE CITY OF MODESTO AS A MEMBER OF THE BOARD OF ZONING ADJUSTMENT

Introduced by VanderWall Seconded by Patton

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen

Noes: None Absent: None

LETTER FROM J. E. FULFORD RESIGNING FROM THE MODESTO PERSONNEL COMMISSION

A letter from J. E. Fulford dated January 19, 1966 resigning as a member of the City Personnel Commission effective February 28, 1966 was entered into the record of the minutes

RESOLUTION NO. 66-80

A RESOLUTION COMMENDING JOSEPH E. FULFORD FOR SERVICE RENDERED TO THE CITY OF MODESTO AS A MEMBER OF THE PERSONNEL COMMISSION

Introduced by Shastid Seconded by Smith

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen

Noes: None Absent: None

LETTER FROM WALTER M. GARCIA, SUPERINTENDENT - PRESIDENT, YOSEMITE JUNIOR COLLEGE DISTRICT, REGARDING ADMISSION TAX ON ASSOCIATED STUDENT PRODUCTIONS

A letter from Walter M. Garcia, dated January 18, 1966 requesting that productions sponsored by the Associated Students which involve the performance of professional talent, be exempt from the City three-cent admission tax, was entered into the record of the minutes.

MOTION

That the matter be referred to the City Attorney for preparation of the necessary documents to exempt the Associated Students from paying the three-cent admission tax on performances involving professional talent

Moved by Smith Seconded by VanderWall Unanimously carried

LETTER FROM W. T. RADEMAKER, NORTHERN CALIFORNIA COMPANY, REGARDING THE PROPOSED PURCHASE OF CITY PROPERTY

A letter from W. T. Rademaker dated February 3, 1966 regarding the purchase of city-owned property adjacent to Northern California Company property on Ninth and B Streets, was entered into the record of the minutes.

MOTION

That the matter be referred to the Planning Commission for recommendation

Moved by Shastid Seconded by VanderWall Unanimously carried

LETTER FROM WILLIAM NEMOUR, PRESIDENT, BAYLEAF CORPORATION, REGARDING PROPOSED OFF-RAMP AT U. S. HIGHWAY 99 AND PRESCOTT INTERCHANGE 1-40

A letter from William Nemour dated January 25, 1966 subject, "Proposed Off-Ramp Addition at U. S. Hwy 99 and Prescott Interchange near Modesto, California," expressing the opinion that the present interchange at Prescott frontage Road and Highway was adequate and satisfactory for the servicing of this area, was entered into the record of the minutes.

By order of the Chair, the letter was referred to the staff for answer on the present status of city-state negotiations.

LETTER FROM ABE SINER OF SINER AND SINER ENTERPRISES, REGARDING PROPOSED OFF-RAMP AT U. S. 99 HIGHWAY AND PRESCOTT INTERCHANGE

A letter from Abe Siner, dated January 24, 1966, subject, "Proposed additional off-ramp, U. S. 99 and Prescott interchange near Modesto, California," protesting the additional off-ramp being requested by the City of Modesto, was entered into the record of the minutes.

By order of the Chair, the letter was referred to the staff for answer on the present status of city-state negotiations.

APPROVE SPECIFICATIONS AND CALL FOR BIDS FOR CONSTRUCTION OF BLEACHERS AT DEL WEBB BALL PARK 1-60

RESOLUTION NO. 66-81

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR CONSTRUCTION OF BLEACHERS AT DEL WEBB BALL PARK

Introduced by Smith Seconded by Shastid

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen

Noes: None Absent: None

February 23, 1966 at 11:15 A.M. in the City Clerk's office was set as the time and place for opening of bids

CONSIDER AWARD FOR LAMPS FOR MUNICIPAL LIGHTING TO WILLE ELECTRIC SUPPLY CO., THE LOW BIDDER, FOR ONE YEAR PERIOD ENDING JANUARY 31, 1967 AS REQUIRED AT LIST PRICES ON FILE, LESS 46%

RESOLUTION NO. 66-82

A RESOLUTION ACCEPTING THE BID OF WILLE ELECTRIC SUPPLY COMPANY FOR LAMPS FOR MUNICIPAL LIGHTING FOR A ONE YEAR PERIOD ENDING JANUARY 31, 1967

Introduced by Smith Seconded by Shastid

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen

Noes: None Absent: None

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR INSTALLATION OF WATER LINES FOR CORPORATION YARD

RESOLUTION NO. 66-83

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR INSTALLATION OF WATER LINES FOR CORPORATION YARD

Introduced by Smith Seconded by Shastid

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen

Noes: None Absent: None

February 23, 1966 at 10:50 A.M. in the City Clerk's office was set as the time and place for opening of bids

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR CONSTRUCTION OF CURB, GUTTER, SIDEWALKS, DRIVEWAYS AND STORM SEWER ON JEFFERSON AND CHESTNUT STREETS AT NEW CORPORATION YARD

RESOLUTION NO. 66-84

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR CONSTRUCTION OF CURB, GUTTER, SIDEWALKS, DRIVEWAYS AND STORM SEWER ON JEFFERSON AND CHESTNUT STREETS AT NEW CORPORATION YARD

Introduced by Smith Seconded by Shastid

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen

Noes: None Absent: None

February 23, 1966 at 11:00 A.M. in the City Clerk's office was set as the time and place for opening of bids

CONSIDER APPLICATION FOR BUS BENCH FRANCHISE

RESOLUTION NO. 66-85

A RESOLUTION DECLARING THE INTENTION OF THE CITY COUNCIL TO CONSIDER THE APPLICATION OF W. R. TOMSON, DOING BUSINESS AS THE TRANSADTISE COMPANY, FOR A BUS BENCH FRANCHISE IN THE CITY OF MODESTO AND FIXING THE TIME AND PLACE FOR A HEARING ON SAID APPLICATION

Introduced by Smith Seconded by Shastid

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen

Noes: None Absent: None

(February 28, 1966 at 7:45 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing)

REPORT OF SUPERINTENDENT OF STREETS ON COST OF CONSTRUCTION OF CURB AND GUTTER AT BLOCK 709, PORTION OF LOT 45 (EAST SIDE OF SYCAMORE AVENUE)

RESOLUTION NO. 66-86

A RESOLUTION SETTING TIME AND PLACE FOR HEARING REPORT OF SUPERINTENDENT OF STREETS ON COST OF CONSTRUCTION OF CURB AND GUTTER AT BLOCK 709, PORTION LOT 45 (EAST SIDE OF SYCAMORE AVENUE)

Introduced by Smith Seconded by Shastid

Ayes: Hughes, mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen

Noes: None Absent: None

February 21, 1966 at 4:15 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing

CONSIDER RIGHT OF WAY CONTRACT AND GRANT DEED FROM ARTHUR AND MARIAN CAMPOS RELATING TO THE DEDICATION OF PROPERTY TO THE CITY OF MODESTO FOR WIDENING OF COLDWELL AVENUE

RESOLUTION NO. 66-87

A RESOLUTION APPROVING RIGHT OF WAY AGREEMENT BETWEEN THE CITY OF MODESTO AND ARTHUR R. AND MARIAN CAMPOS RELATING TO THE DEDICATION OF PROPERTY TO THE CITY OF MODESTO FOR WIDENING OF COLDWELL AVENUE

Introduced by Smith Seconded by Shastid

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen

Noes: None Absent: None

CONSIDER RIGHT OF WAY CONTRACT FROM ARTHUR C. HIATT AND JOSEPHINE C. HIATT RELATING TO DEDICATION OF PROPERTY TO THE CITY OF MODESTO FOR WIDENING OF YOSEMITE BOULEVARD FOR STATE HIGHWAY PURPOSES

RESOLUTION NO. 66-88

A RESOLUTION APPROVING RIGHT OF WAY AGREEMENT BETWEEN THE CITY OF MODESTO AND ARTHUR C. HIATT AND JOSEPHINE C. HIATT RELATING TO DEDICATION OF PROPERTY TO CITY OF MODESTO FOR WIDENING OF YOSEMITE BOULEVARD

Introduced by Smith Seconded by Shastid

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen

Noes: None Absent: None

CONSIDER RIGHT OF WAY CONTRACT AND GRANT DEED FROM LEON E. SQUIER RELATING TO DEDICATION OF PROPERTY TO THE CITY OF MODESTO FOR WIDENING OF MCHENRY AVENUE

RESOLUTION NO. 66-89

A RESOLUTION APPROVING RIGHT OF WAY AGREEMENT BETWEEN THE CITY OF MODESTO AND LEON E. SQUIER AND ARLENE V. SQUIER RELATING TO DEDICATION OF PROPERTY TO THE CITY OF MODESTO FOR WIDENING OF MCHENRY AVENUE

Introduced by Smith Seconded by Shastid

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen

Noes: None Absent: None

APPROVE AGREEMENT BETWEEN THE CITY OF MODESTO AND ALFRED L. FLORY, ET AL, FOR THE CONSTRUCTION OF A SANITARY SUBTRUNK SEWER ON COFFEE ROAD FOR MULTNOMAH DRIVE AND GLORIA WAY TO PROVIDE SEWER SERVICE TO GREENBRIER NOS. 1 AND 2 SUBDIVISION

RESOLUTION NO. 66-90

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND ALFRED L. FLORY, ET AL, FOR THE CONSTRUCTION OF A SANITARY SUBTRUNK SEWER ON COFFEE ROAD BETWEEN MULTNOMAH DRIVE AND GLORIA WAY, TO PROVIDE SEWER SERVICE TO GREENBRIER NOS. 1 AND 2 SUBDIVISIONS

Introduced by Smith Seconded by Shastid

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen

Noes: None Absent: None

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR CONSTRUCTION OF A SANITARY SUBTRUNK SEWER ON COFFEE ROAD BETWEEN MULTNOMAH DRIVE AND GLORIA WAY TO PROVIDE SEWER SERVICE TO GREENBRIER NOS. 1 AND 2 SUBDIVISIONS

RESOLUTION NO. 66-91

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR CONSTRUCTION OF A SANITARY SUBTRUNK SEWER ON COFFEE ROAD BETWEEN MULTNOMAH DRIVE AND GLORIA WAY - PROVIDE SEWER SERVICE TO GREENBRIER NOS. 1 AND 2 SUBDIVISIONS

Introduced by Smith Seconded by Shastid

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen

Noes: None Absent: None

February 23, 1966 at 10:30 A.M. in the City Clerk's office was set as the time and place for opening of bids.

APPROVE AGREEMENT BETWEEN THE CITY OF MODESTO AND ROBERT P. BOMBERGER FOR A SANITARY SEWER EXTENSION ON DRAKE AVENUE EAST OF MCHENRY AVENUE

RESOLUTION NO. 66-92

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND ROBERT P. BOMBERGER FOR A SANITARY SEWER EXTENSION ON DRAKE AVENUE EAST OF MCHENRY AVENUE

Introduced by Smith Seconded by Shastid

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen

Noes: None Absent: None

APPROVE AGREEMENT BETWEEN THE CITY OF MODESTO AND ALFRED L. FLORY, ET AL, FOR THE CONSTRUCTION OF A SANITARY SEWER BETWEEN COFFEE ROAD AND GRANADA WAY, APPROXIMATELY 600 FEET NORTH OF MULTNOMAH DRIVE, TO PROVIDE SEWER SERVICE TO GREENBRIER NOS. 1 AND 2 SUB-DIVISIONS

RESOLUTION NO. 66-93

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND ALFRED L. FLORY, ET AL, FOR THE CONSTRUCTION OF A SANITARY SEWER BETWEEN COFFEE ROAD AND GRANADA WAY, NORTH OF MULTNOMAH DRIVE, TO PROVIDE SEWER SERVICE TO GREENBRIER NOS. 1 AND 2 SUBDIVISIONS

Introduced by Smith Seconded by Shastid

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen

Noes: None Absent: None

AMENDMENT TO RESOLUTION 66-43, UNIFORM ALLOWANCE

RESOLUTION NO. 66-94

A RESOLUTION ESTABLISHING PROCEDURE FOR PAYMENT OF UNIFORM ALLOWANCE FOR POLICE AND FIRE PERSONNEL AND THE POUNDMASTER

Introduced by Smith Seconded by Shastid

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen

Noes: None Absent: None

RECOMMEND AMENDMENT TO SECTION 31-3-9 (KIRKPATRICK)

RESOLUTION NO. 66-95

A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO SECTION 31-3-9 OF THE ZONING MAP (KIRKPATRICK)

Introduced by Smith Seconded by Shastid

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen

Noes: None Absent: None

March 14, 1966 at 8:00 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing

RECOMMEND COMMENCEMENT OF ANNEXATION PROCEEDINGS - DOWNEY PARK NO. 2 ADDITION

RESOLUTION NO. 66-96

A RESOLUTION GIVING NOTICE OF THE PROPOSED ANNEXATION TO THE CITY OF MODESTO OF UNINHABITED TERRITORY DESCRIBED HEREIN AND DESIGNATED AS DOWNEY PARK NO. 2 ADDITION AND GIVING NOTICE OF TIME AND PLACE FOR HEARING PROTESTS THERETO

Introduced by Smith Seconded by Shastid

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen

Noes: None Absent: None

March 21, 1966 at 4:30 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing

RECOMMEND AMENDMENTS TO THE ZONING REGULATIONS (FEES)

RESOLUTION NO. 66-97

A RESOLUTION SETTING TIME AND PLACE FOR HEARING PROPOSED AMENDMENTS TO SECTION 10-2.2204 OF THE MUNICIPAL CODE TO INCREASE CERTAIN FILING FEES WITHIN THE ZONING REGULATIONS

Introduced by Smith Seconded by Shastid

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen

Noes: None Absent: None

March 7, 1966 at 4:45 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

FURTHER REPORT ON U. S. 99 FREEWAY REST STOPS

MOTION

That the memorandum from City Manager dated January 25, 1966, subject, "Freeway Reststops" be accepted and ordered filed

Moved by Shastid Seconded by VanderWall Unanimously carried

QUARTERLY REPORT, GREATER MODESTO CHAMBER OF COMMERCE

MOTION

That the report of the Greater Modesto Chamber of Commerce for quarter ending December, 1965 be accepted and ordered filed

Moved by Shastid Seconded by VanderWall Unanimously carried

REPORT ON NOTICE OF PUBLIC HEARINGS

MOTION

That the notice of public hearings from Local Agency Formation Commission be filed

Moved by Shastid Seconded by VanderWall Unanimously carried

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR INSTALLATION OF WATER LINES IN GREENBRIER NO. 1 SUBDIVISION

At the request of the City Manager, and with the unanimous consent of the Council, this item was removed from the agenda.

AN ORDINANCE AMENDING SECTION 2-5.12 OF CHAPTER 5 OF TITLE II OF THE MODESTO MUNICIPAL CODE RELATING TO THE PERSONNEL SYSTEM

ORDINANCE NO. 770-C.S. entitled "AN ORDINANCE AMENDING SECTION 2-5.12 OF CHAPTER 5 of TITLE II OF THE MODESTO MUNICIPAL CODE RELATING TO THE PERSONNEL SYSTEM" was introduced and ordered published as required by the Charter.

Moved by Shastid Seconded by VanderWall

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen

Noes: None Absent: None

CONSIDER EXERCISING OPTION FOR PURCHASE OF BUMGARDNER WATER SYSTEM 1-80

A letter from Deputy Manager Ray to George Bumgardner dated January 17, 1966 advising him that a request would be made to the Council that steps be taken to exercise the option for purchase of the Bumgardner Water Company, was entered into the record of the minutes. April 1, 1966 was suggested as the date that the system be turned over to the City if the application is cleared by the Public Utilities Commission.

RESOLUTION NO. 66-98
A RESOLUTION AUTHORIZING EXERCISE OF OPTION TO PURCHASE THE BUMGARDNER WATER COMPANY, INC.

Introduced by Shastid Seconded by Patton

Ayes: Hughes, Mitchell, Patton, Smith, Shastid, VanderWall, Mayor Johansen

Noes: None Absent: None

RESOLUTION NO. 66-103
A RESOLUTION APPROVING APPROPRIATION TRANSFER - $266,500 FOR PURCHASE OF BUMGARDNER WATER SYSTEM

Introduced by Shastid Seconded by Patton

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen

Noes: None Absent: None

The City Manager stated that an appropriation transfer of $10,000 would be requested at a later date to improve connections between the Bumgardner system and that of the City.

LETTER FROM JOHN McFALL, MEMBER OF CONGRESS, RE GRANTS FOR WATER COMPANY PURCHASES

A letter from Congressman John McFall dated January 21, 1966 indicating that no federal funds were available for the purchase of water companies was entered into the record of the minutes.

RECOMMEND AMENDMENT TO SECTION 17-3-9

RESOLUTION NO. 66-104
A RESOLUTION REFERRING THE PROPOSED AMENDMENT TO SECTION 17-3-9 OF THE ZONING MAP BACK TO THE PLANNING COMMISSION FOR FURTHER STUDY (NORTHGATE ENTERPRISES)

Introduced by VanderWall Seconded by Smith

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen

Noes: None Absent: None

REPORT ON STATUS OF YOSEMITE BOULEVARD PROJECT

Deputy Manager Ray reported that when the last phase of right of way acquisitions was begun, 49 rights of way remained to be acquired within the city section of the Yosemite Boulevard project, between Trask Lane and Las Flores Avenue; that to date, 11 of the 49 parcels have been acquired, 17 of the property owners have not been contacted for various reasons, and the remaining parcels are in various stages of acquisition. The total of the frontage within the city limits remaining to be acquired is just slightly over 37%. Mr. Ray stated that the County has acquired all of the needed rights of way outside the city limits.

APPROPRIATION TRANSFERS - None

PRESENTATION OF FINANCIAL REPORT FOR MONTH OF JANUARY 1966

The financial report for the month of January 1966 was presented to the Council and ordered filed.

NOTICE FROM NATIONAL LEAGUE OF CITIES THAT THE SECOND LEGISLATIVE CONFERENCE IS TO BE HELD ON MARCH 29-31 IN WASHINGTON, D. C.

MOTION

That Mayor Johansen and Councilman Mitchell be authorized to attend the second Legislative Conference to be held in Washington, D. C. March 29-31, 1966

Introduced by VanderWall Seconded by Smith Unanimously carried

REQUEST OF CITY ATTORNEY TO ATTEND BIENNIAL SPRING MEETING OF CITY ATTORNEYS' DEPARTMENT, LEAGUE OF CALIFORNIA CITIES

MOTION

That the City Attorney be authorized to attend the biennial Spring meeting of City Attorneys' Department, League of California Cities, to be held in Palm Springs March 30 through April 1, 1966

Introduced by Smith Seconded by Patton Unanimously carried

INFORMAL HEARING ON GARBAGE LICENSE APPLICATION

Mayor Johansen announced that the hour of 4:15 P.M. had arrived, the time set for consideration of the application of Lombardi Waste Disposal for a garbage license, and opened the hearing.

The following documents were entered into the record of the minutes: Letter of application from Lombardi Waste Disposal dated December 29, 1965; memorandum from City Manager dated January 20, 1966, subject, "Report on Application for License to Collect Garbage - Lombardi Waste Disposal," recommending that a license be granted to the applicant for a ten-year term commencing January 1, 1966, with the license being subject to the same terms and conditions governing licenses granted to existing garbage collectors and in accordance with all provisions contained in Chapter V of the Municipal Code relating to garbage disposal.

Louis Lombardi, 1909 Dartmouth, representing Lombardi Waste Disposal, offered complete cooperation with the City if awarded a license.

Upon questioning, Mr. Lombardi stated his company was presently making one pick up a week; that the company was presently dumping in the Geer Dump; that the company does not intend to use the city disposal area until an adequate load is available from city residences. He said that the area covered by his application was not yet developed.

Code provisions covering collection of garbage were discussed.

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

RESOLUTION NO. 66-99

A RESOLUTION GRANTING A LICENSE TO LOMBARDI WASTE DISPOSAL FOR THE COLLECTION OF GARBAGE IN THE CITY OF MODESTO

Introduced by Shastid Seconded by VanderWall

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen

Noes: None Absent: None

HEARING ON SUPERINTENDENT OF STREETS REPORT ON SIDEWALK REPAIR, 722 10th STREET 2-83

Mayor Johansen announced that the hour of 4:15 P.M. had arrived, the time set for consideration of a report of costs for sidewalk repair, 722 10th Street, Modesto, and opened the hearing.

The following documents were entered into the record of the minutes: A report to the City Council dated January 20, 1966 indicating a cost of $46.40 for repair of the sidewalk; affidavit of service, Raymond K. Durr, indicating that a copy of the Notice to Repair was posted on the premises, and notice mailed to the property owner, John E. Griffin, 1008 12th Street.

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

RESOLUTION NO. 66-100

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF REPAIR OF SIDEWALK IN FRONT OF PROPERTY LOCATED AT 722 10th STREET IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY, AND DIRECTING THE METHOD OF COLLECTION OF THE AMOUNT OF SAID LIEN

Introduced by Mitchell Seconded by Hughes

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen

Noes: None Absent: None

CONTINUATION OF HEARING ON REQUIREMENT OF CURB AND GUTTER ON GRISWOLD AVENUE (JOHN J. WINGER AND H. RUSSELL GREEN)

Mayor Johansen announced that the hour of 4:25 P.M. had arrived, the time set for continuation of the hearing for the requirement of curb and gutters in Block 706, Griswold Avenue, and opened the hearing.

This matter was considered by the Council at the January 24, 1966 meeting, and by motion the matter referred back to the staff to work with Mr. Winger on his request that the curb and gutter requirement be delayed to permit him to find a contractor who would be willing to perform the work jointly with Mr. Winger in order to save costs to Mr. Winger.

The City Manager reported that Mr. Winger has informed the Public Works Department that he is ready to proceed with the installation.

RESOLUTION NO. 66-101

A RESOLUTION ORDERING THE WORK OF CONSTRUCTION OF CURB AND GUTTER ALONG CERTAIN STREETS IN THE CITY OF MODESTO (BLOCK 706 - SOUTH SIDE OF GRISWOLD AVENUE)

Introduced by Smith Seconded by Shastid

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen

Noes: None Absent: None

CONTINUATION OF HEARING ON PUBLIC WORKS TEXT

MOTION

That the hearing for proposed amendments to the Public Works text be continued to

February 21, 1966 at 4:30 P.M.

Introduced by Shastid Seconded by VanderWall Unanimously carried

CONSIDER AWARD OF BID FOR FURNISHING ONE SAND TRAP FOR PUMP STATION NO. 25, WOODROW AVENUE

The following documents were entered into the record of the minutes: Memorandum from Director of Public Works dated January 27, 1966, subject, "Sand Trap for Pump Station No. 25, Woodrow Avenue," recommending that the bid for Alternate 2 in the amount of $3,045.12 be awarded to Edward S. Walsh Co.; bid tabulation indicating that a bid in the amount of $2,652 was submitted by California Tank & Mfg. Corp., but not accompanied by a bid bond, and therefore not valid.

Upon questioning as to whether the bids should be rejected and the sand trap for the pump station readvertised, Director of Public Works Campbell stated that no information was included with the low bid to indicate whether or not it met specifications; that since the bid did not contain a bid bond, the bid was not pursued further.

Whether or not the bids should be rejected and the sand trap readvertised, was discussed by the Council.

MOTION

That the matter be held over for one week to give the staff an opportunity to check whether the low bid submitted without a bid bond meets specifications

Moved by Shastid Seconded by Hughes

The motion failed to carry, Councilmen Mitchell, Smith, VanderWall and Johansen dissenting.

RESOLUTION NO. 66-102

A RESOLUTION ACCEPTING THE BID OF EDWARD S. WALSH COMPANY FOR FURNISHING ONE SAND TRAP FOR PUMP STATION NO. 25, WOODROW AVENUE (Alternate No. 2)

Introduced by Mitchell Seconded by Smith

Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen

Noes: Shastid Absent: None

MATTERS FOR THE GOOD OF THE COMMUNITY 3-99

Proposed branch library - Gregory Gardens area

At the request of the City Manager, the Council agreed to meet in executive session to consider matters pertaining to a proposed branch library in the Gregory Gardens area.

Requirement by federal government - mailboxes on posts - newly annexed areas

Mayor Johansen stated that he had received several complaints from citizens residing in the city limits who have been asked to install mail boxes on posts at the curb. He said that word has been received from Acting Postmaster Taylor that this policy is contained in a federal directive from Washington.

MOTION

That the staff be authorized to secure further information concerning the directive from Washington, and to communicate with the proper officials to see if the directive can be changed.

Moved by Smith Seconded by VanderWall Unanimously carried

Proposed Tuolumne Park

A resolution introduced by Councilman VanderWall, seconded by Councilman Mitchell, instructing the Mayor to write a letter to the Chairman of the Board of Supervisors requesting that the Board authorize the county staff to work with city staff in preparation of a joint application for funds for the Tuolumne Park, for submission to the State, was withdrawn by Councilmen VanderWall and Mitchell.

MOTION

That the matter be referred to the staff for report on costs to the City, etc., for report to the Council

Moved by Hughes Seconded by Shastid Unanimously carried

EXECUTIVE SESSION TO CONSIDER APPOINTMENT TO PERSONNEL COMMISSION AND BOARD OF ZONING ADJUSTMENT

MOTION

That the meeting be adjourned to executive session to discuss appointments to the Personnel Commission and Board of Zoning Adjustment, and to consider matters pertaining to a proposed branch library in the Gregory Gardens area.

Moved by VanderWall Seconded by Hughes Unanimously carried

The meeting adjourned at 4:54 P.M.

ATTEST: REX E. GAILFUS, City Clerk

Modesto City Council
February 14, 1966

The Council of the City of Modesto met in regular session this date at 7:30 P.M. in the Council Chambers, City Hall, 801 11th Street, Modesto, California, Mayor Johansen presiding.

Present: Councilmen: Mitchell, Patton, VanderWall, Mayor Johansen
(Councilman Hughes arrived at 7:32 P.M.)
(Councilman Smith arrived at 7:37 P.M.)
(Councilman Shastid arrived at 7:40 P.M.)
Absent: Councilmen: None

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

Reverend Herbert Rasske gave the invocation.

Councilman Hughes arrived at 7:32 P.M.

APPROVAL OF MINUTES

The minutes of the regular meetings of December 6 and 13, 1965 and January 24, 1966 were approved.

LETTER FROM NORMAN V. MACLUSI, 1212½ RITSCH COURT, MODESTO, REGARDING MASTER PLAN MODEL FOR THE TUOLUMNE RIVER PARK AREA

A letter from Norman V. Maclusi dated February 7, 1966 asking that the Council consider the hiring of his services to build a master plan model of the proposed Tuolumne River park area was entered into the record of the minutes.

By order of the Chair, the letter was referred to the staff for discussion with Mr. Maclusi.

Councilman Smith arrived at 7:37 P.M.

LETTER FROM DOWNTOWN MODESTO ASSOCIATION REGARDING A GEORGE WASHINGTON BIRTHDAY SALE FEBRUARY 22, 1966

A letter from J. G. Bair, Promotional Chairman, Downtown Modesto Association, dated February 10, 1966 asking for permission to advertise free parking downtown for a George Washington Birthday Sale on February 22, 1966 was entered into the record of the minutes.

Mayor Johansen stated that parking was not normally enforced on a city holiday, and that the City's regular policy would be followed this year.

By order of the Chair, the staff was directed to inform Mr. Bair that the City's normal policy will be followed on February 22nd.

LETTER FROM FRANK ANDREWS

A letter from Frank Andrews dated February 10, 1966 suggesting administration changes in City and M.I.D. management was entered into the record of the minutes. The letter was ordered filed.

CONSIDER AWARD OF BID FOR INSTALLATION OF WATER LINES TO MODESTO IRRIGATION DISTRICT SUBSTATION -OLD OAKDALE ROAD AND M.I.D. LATERAL NO. 3

RESOLUTION NO. 66-105

A RESOLUTION ACCEPTING THE BID OF HAROLD W. LOGSDON FOR INSTALLATION OF WATER LINES TO M.I.D. SUBSTATION LOCATED AT OLD OAKDALE ROAD AND M.I.D. LATERAL #3

Introduced by Mitchell Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

CONSIDER AWARD OF BID FOR THE INSTALLATION OF WATER LINE TO SERVE CRANBROOK COLONY NO. 1 SUBDIVISION

RESOLUTION NO. 66-106

A RESOLUTION ACCEPTING THE BID OF HAROLD W. LOGSDON - INSTALLATION OF WATER LINE TO SERVE CRANBROOK COLONY NO. 1 SUBDIVISION

Introduced by Mitchell Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

CONSIDER AWARD OF BID FOR INSTALLATION OF WATER LINE IN WYLDEWOOD PARK NO. 3 SUBDIVISION

RESOLUTION NO. 66-107

A RESOLUTION ACCEPTING THE BID OF H. LOGSDON FOR INSTALLATION OF WATER LINES IN WYLDEWOOD PARK NO. 3 SUBDIVISION

Introduced by Mitchell Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

APPROVE AGREEMENTS FOR TRAFFIC SIGNALS AND INTERCONNECT WORK ON McHENRY AVENUE AT BRIGGSMORE AND BOWEN

RESOLUTION NO. 66-108

A RESOLUTION APPROVING AGREEMENTS BETWEEN THE CITY OF MODESTO AND STATE OF CALIFORNIA DIVISION OF HIGHWAYS FOR TRAFFIC SIGNALS AND INTERCONNECT WORK ON McHENRY AVENUE AT BRIGGSMORE AND BOWEN AVENUES

Introduced by Mitchell Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

REQUEST BY UNION OIL COMPANY OF CALIFORNIA FOR DRIVEWAY VARIANCE AT UNION OIL STATION NO. 5593, OLD OAKDALE ROAD AND SURREY AVENUE

RESOLUTION NO. 66-109

A RESOLUTION SETTING TIME AND PLACE FOR HEARING REQUEST OF UNION OIL COMPANY OF CALIFORNIA FOR DRIVEWAY VARIANCE, UNION OIL STATION NO. 5593, OLD OAKDALE ROAD AND SURREY AVENUE

Introduced by Mitchell Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

February 21, 1966 at 4:20 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

APPROVE AGREEMENT BETWEEN THE CITY OF MODESTO AND DON PEDRO REALTY FOR THE CONSTRUCTION OF A SANITARY SEWER BETWEEN ROSE AVENUE AND OLD OAKDALE ROAD TO GEMINI MANOR SUBDIVISION

RESOLUTION NO. 66-110

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND DON PEDRO REALTY FOR CONSTRUCTION OF SANITARY SEWER BETWEEN ROSE AVENUE AND OLD OAKDALE ROAD TO GEMINI MANOR SUBDIVISION

Introduced by Mitchell Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

REQUEST BY HUMBLE CIL AND REFINING COMPANY FOR A DRIVEWAY VARIANCE AT NEW SERVICE STATION ON COLLEGE AND NEEDHAM AVENUES

RESOLUTION NO. 66-111

A RESOLUTION SETTING TIME AND PLACE FOR HEARING REQUEST OF HUMBLE OIL AND REFINING COMPANY FOR DRIVEWAY VARIANCE, SERVICE STATION, COLLEGE AND NEEDHAM AVENUES

Introduced by Mitchell Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

February 21, 1966 at 4:25 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

CONSIDER SALE OF SURPLUS TREES TO FOOTHILL COLLEGE

RESOLUTION NO. 66-112

A RESOLUTION APPROVING SALE OF SURPLUS CEDAR DEODAR TREES TO FOOTHILL COLLEGE, LOS ALTOS HILLS, CALIFORNIA (100 at $5.00 each)

Introduced by Mitchell Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO HIGH SCHOOL DISTRICT - VOCATIONAL WORK STUDY PROJECT AGREEMENT

RESOLUTION NO. 66-113

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO HIGH SCHOOL DISTRICT - VOCATIONAL WORK STUDY PROJECT

Introduced by Mitchell Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

REQUEST TO EXTEND DATE FOR FILING FINAL MAP OF ELMWOOD ESTATES SUBDIVISIONS NOS. 2 and 3

RESOLUTION NO. 66-114

A RESOLUTION APPROVING EXTENSION OF DATE FOR FILING FINAL MAP OF ELMWOOD ESTATES SUBDIVISION(NOS. 2 and 3) (to February 16, 1967)

Introduced by Mitchell Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

APPROVE SUBDIVISION AGREEMENT AND FINAL MAP OF SUTTER GLEN SUBDIVISION

RESOLUTION NO. 66-115

A RESOLUTION APPROVING THE FINAL MAP OF THE SUTTER GLEN SUBDIVISION OF THE CITY OF MODESTO

Introduced by Mitchell Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

SCENIC VILLAGE ADDITION ANNEXATION PETITION - FOR REFERRAL TO PLANNING COMMISSION

RESOLUTION NO. 66-116

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

Introduced by Mitchell Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

Councilman Shastid arrived at 7:40 P.M.

INSTALLATION OF WATER LINE ON McHENRY AVENUE BETWEEN WOODROW AND SYLVAN, AND ON WOODROW AVENUE BETWEEN McHENRY AND SHERWOOD

At the request of the City Manager, and with the unanimous consent of the Council, this item was removed from the agenda.

CONSIDER REQUEST FOR SEWER SERVICE TO PROPERTY LOCATED AT 704 EDISON AVENUE

MOTION

That the request for sewer service extension to property located at 704 Edison Avenue be approved

Moved by VanderWall Seconded by Smith Unanimously carried

CONSIDER REQUEST FOR SEWER SERVICE EXTENSION TO PROPERTY LOCATED AT 1318 GARDEN AVENUE

MOTION

That the request for sewer service extension to property located at 1318 Garden Avenue be approved

Moved by VanderWall Seconded by Smith Unanimously carried

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR CONSTRUCTION OF T-HANGAR UNITS AT CITY-COUNTY AIRPORT 1-63

Director of Public Works Campbell stated that deposits have been received for ten units of the proposed T-hangar. After discussion, the Council directed that the bids specify a ten-unit T-hangar.

RESOLUTION NO. 66-117

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR CONSTRUCTION OF A 10-UNIT T-HANGAR AT THE MODESTO CITY-COUNTY AIRPORT

Introduced by VanderWall Seconded by Shastid
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

March 1, 1966 at 10:15 A.M. in the City Clerk's office was set as the time and place for opening of bids.

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR INSTALLATION OF WATER LINES IN GREENBRIER NO. 1 SUBDIVISION

Upon questioning, Director of Public Works Campbell stated that $2,900 of the estimated $5,100 construction cost represents a 10" main on Orangeburg Avenue which will fit into the proposed large main distribution system as the area develops, but provides little service to Greenbrier No. 1 Subdivision, thus accounting for the seemingly low revenue of $288.

RESOLUTION NO. 66-118

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR INSTALLATION OF WATER LINES IN GREENBRIER NO. 1 SUBDIVISION

Introduced by VanderWall Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

March 1, 1966 at 10:00 A.M. in the City Clerk's office was set as the time and place for opening of bids.

ADOPTION OF ORDINANCE NO. 770-C.S. RELATING TO THE PERSONNEL SYSTEM

ORDINANCE NO. 770-C.S. entitled

"AN ORDINANCE AMENDING SECTION 2-5.12 OF CHAPTER 5 OF TITLE II OF THE MODESTO MUNICIPAL CODE RELATING TO THE PERSONNEL SYSTEM"

introduced February 7, 1966 and having been published as required, was moved and adopted.

Moved by Shastid Seconded by Smith
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

AN ORDINANCE AMENDING SECTION 8-2.223 OF ARTICLE 2 OF CHAPTER 2 OF TITLE VIII OF THE MODESTO MUNICIPAL CODE RELATING TO ADMISSION TAXES

ORDINANCE NO. 771-C.S. entitled

"AN ORDINANCE AMENDING SECTION 8-2.223 OF ARTICLE 2 OF CHAPTER 2 OF TITLE VIII OF THE MODESTO MUNICIPAL CODE RELATING TO ADMISSION TAXES"

was introduced and ordered published as required by the Charter.

Moved by Shastid Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

CONSIDER AUTHORIZING THE SALE OF SURPLUS USED WIND TEE

RESOLUTION NO. 66-119
A RESOLUTION AUTHORIZING SALE OF SURPLUS USED WIND TEE TO AMERICAN AIRCRAFT SALES CO., HAYWARD, CALIFORNIA ($625.04)

Introduced by Smith Seconded by Shastid
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

HEARING ON PROPOSED ANNEXATION OF WESTVIEW GARDENS ADDITION

Mayor Johansen announced that the hour of 7:45 P.M. had arrived, the time set for the purpose of considering a resolution of intention to call a special election for the annexation of Westview Gardens Addition, and opened the hearing.

The City Clerk reported that notice of the hearing (Resolution No. 66-45) was published as required by law on January 20, 1966, and the Executive Director of the Stanislaus County Housing notified of the hearing on January 20, 1966.

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

RESOLUTION NO. 66-120
A RESOLUTION DECLARING THAT A MAJORITY PROTEST HAS NOT BEEN MADE AGAINST THE ANNEXATION OF CERTAIN INHABITED TERRITORY TO THE CITY OF MODESTO KNOWN AS WESTVIEW GARDENS ADDITION AND DECLARING THE INTENTION OF THE COUNCIL TO PROCEED WITH THE ANNEXATION OF SAID TERRITORY

Introduced by VanderWall Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

RESOLUTION NO. 66-121
A RESOLUTION CALLING A SPECIAL ELECTION TO BE HELD ON THE 19TH DAY OF APRIL, 1966 PERTAINING TO THE ANNEXATION OF WESTVIEW GARDENS ADDITION TO THE CITY OF MODESTO

Introduced by VanderWall Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

April 19, 1966 was set as the date of the special election.

CONSIDER AGREEMENT FOR RENTAL OF BRANCH LIBRARY FROM SAVE MART, INC., IN GREGORY GARDENS SHOPPING CENTER

RESOLUTION NO. 66-122
A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND SAVE MART, INC., IN GREGORY GARDENS SHOPPING CENTER (3-year term, with option to extend for additional two years)
Introduced by Smith Seconded by Hughes
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

CONSIDER NAME FOR BRANCH LIBRARY IN GREGORY GARDENS SHOPPING CENTER

RESOLUTION NO. 66-123
A RESOLUTION NAMING THE NEW BRANCH LIBRARY TO BE LOCATED IN THE GREGORY GARDENS SHOPPING AREA AS THE SOL P. ELIAS PUBLIC LIBRARY
(As recommended by the Modesto Library and Culture Commission and Public Relations Committee)
Introduced by Shastid Seconded by Hughes
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

SUBMISSION OF BROWN AND CALDWELL SEWER STUDY

A copy of the Brown and Caldwell sewer study report was presented to each councilman. The staff was directed to place this item on the agenda after review of the report by the Council.

CONSIDER SUBMISSION OF APPLICATION FOR FEDERAL GRANT TO UNDERWRITE A PORTION OF THE COST OF SEWER EXPANSION FOR THE MODESTO METROPOLITAN AREA

The City Manager stated that after consultation with Brown and Caldwell and the financial consultants hired by the City, the estimated project cost of an enlarged treatment plant is $14,250,000. Recommendation was made that the Council approve the submission of an application for a federal grant to underwrite a portion of the cost of the sewer expansion for the Modesto metropolitan area.

RESOLUTION NO. 66-124

A RESOLUTION AUTHORIZING FILING OF APPLICATION WITH THE ECONOMIC DEVELOPMENT ADMINISTRATION, U. S. DEPARTMENT OF COMMERCE, UNITED STATES OF AMERICA, FOR A GRANT AND/OR LOAN UNDER THE TERMS OF PUBLIC LAW 89-136

Introduced by Shastid Seconded by Hughes
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

Mayor Johansen stated that when the City-County Sewer Committee met this coming week, he would propose that the city and county staffs jointly review both the Brown and Caldwell and Jenks reports, and submit a report to their respective bodies in capsule form, containing the pros and cons of the two reports.

The City Manager stated that the matter would be placed on the agenda upon completion of the staff report.

HEARING ON PROPOSED UNCLASSIFIED USE PERMIT, CATHOLIC WELFARE CORPORATION (PAROCHIAL HIGH SCHOOL) 2-64

Mayor Johansen announced that the hour of 7:50 P.M. had arrived, the time set for consideration of the request of the Catholic Welfare Corporation for an unclassified use permit for a parochial high school to be constructed on property located on the east side of Carpenter Road, approximately 600 feet south of Maze Boulevard, and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Tribune on February 3, 1966; notices posted in the area on February 1, 1966; and notices distributed in the area on February 8, 1966. No written protests were filed with the City Clerk.

Planning Commission Resolution No. 66-12 adopted January 18, 1966 recommends the granting of an unclassified use permit to the Roman Catholic Welfare Corporation of Stockton for a parochial high school.

Mr. George Stewart, architect, 705 Maude Avenue, San Leandro, spoke briefly in support of the application.

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

RESOLUTION NO. 66-125

A RESOLUTION GRANTING AN UNCLASSIFIED USE PERMIT TO THE ROMAN CATHOLIC WELFARE CORPORATION OF STOCKTON FOR A PAROCHIAL HIGH SCHOOL

Introduced by Hughes Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

HEARING ON PROPOSED AMENDMENT TO SECTION 21-3-9 OF THE ZONING MAP (FROM R-3 to C-2, PROPERTY LOCATED ORANGEBURG & McHENRY)

Mayor Johansen announced that the hour of 7:55 P.M. had arrived, the time set for consideration of the proposed rezoning of property located on the north side of East Orangeburg, immediately adjacent to the C-2 zone property east of McHenry Avenue from R-3 to C-2, and opened the hearing.

The City Clerk reported that notice of the hearing was published as required in the Modesto Tribune on February 3, 1966, notices posted in the area on February 1, 1966 and distributed in the area on February 8, 1966. No written protests were filed with the City Clerk.

Planning Commission Resolution No. 66-11 adopted January 18, 1966 recommends that the property be rezoned to C-2.

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

ORDINANCE NO. 772-C.S. entitled "AN ORDINANCE AMENDING SECTION MAP 21-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (JOHN CORGIAT)" was introduced and ordered published as required by the Charter.

Moved by VanderWall Seconded by Smith
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

APPROPRIATION TRANSFERS

RESOLUTION NO. 66-126
A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $813.00 - APPRAISAL OF C. LEWIS PROPERTY

Introduced by Mitchell Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

REPORT REGARDING DRAG STRIPS 2-100

A memorandum from the Director of Parks and Recreation dated February 10, 1966, subject, "Staff Report on Letter from A3/C Edward W. Owen, Jr., Regarding Drag Strips," was entered into the record of the minutes. An opinion of the staff was expressed that drag strips were generally undesirable. Miss Grogan stated that information was solicited from forty cities, with none operating drag strips.

By order of the Chair, the staff was directed to write a letter to A3/C Edward W. Owen, Jr. as proposed by Miss Grogan.

HEARING ON PROPOSED AMENDMENT TO SECTION 20-3-9 OF ZONING MAP (FROM R-1 TO R-2, LOTS 1 TO 12, BLOCK 6000A)

Mayor Johansen announced that the hour of 8:00 P.M. had arrived, the time set for consideration of the proposed rezoning of property described as Lots 1 to 12, inclusive, in Block 6000A, including the east one-half of Alma Avenue adjacent to the lots described above, from R-1 to R-2, and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Tribune on February 3, 1966, notices posted in the area on February 1, 1966 and distributed in the area on February 10, 1966. No written protests were filed with the City Clerk.

Planning Commission Resolution No. 66-10 adopted January 18, 1966 recommends that the rezoning of the property from R-1 to R-2 be approved.

George Ground, applicant, stated that residents in the neighborhood seemed to be in accord with the proposed rezoning.

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

ORDINANCE NO. 773-C.S. entitled
"AN ORDINANCE AMENDING SECTION MAP 20-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (GEORGE GROUND)"

was introduced and ordered published as required by the Charter.

Moved by Shastid Seconded by VanderWall
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

EXECUTIVE SESSION TO CONSIDER: (A) PROPERTY ACQUISITION FOR DOWNEY PARK; (B) APPOINTMENTS TO PERSONNEL COMMISSION AND BOARD OF ZONING ADJUSTMENT

The Council adjourned to executive session at 8:01 P.M. to discuss proposed property acquisition for Downey Park and appointments to Personnel Commission and Board of Zoning Adjustment, returning to regular session at 8:20 P.M.

Acting was taken on this item later in the meeting.

HEARING ON PROPOSED AMENDMENT TO SECTION 22-3-9 OF ZONING MAP (FROM R-1 TO R-2, LOTS 8 to 13, BLOCK 1322) 3-22

Mayor Johansen announced that the hour of 8:05 P.M. had arrived, the time set for consideration of the proposed rezoning of property described as Lots 8 to 13, inclusive, and the west one-half of Lot 7 in Block 1322, including also the south one-half of Wylie Drive and the west one-half of Gemini Court adjacent to the lots described herein, from R-1 to R-2, and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Tribune on February 3, 1966, notices posted in the area on February 1, 1966 and distributed in the area on February 8, 1966. No written protests were filed with the City Clerk.

Planning Commission Resolution No. 66-9 adopted January 18, 1966 recommends that the area be rezoned from R-1 to R-2 as requested.

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

ORDINANCE NO. 774-C.S. entitled
"AN ORDINANCE AMENDING SECTION MAP 22-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (DON PEDRO REALTY)"

was introduced and ordered published as required by the Charter.

Moved by Smith Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

HEARING ON PROPOSED AMENDMENT TO SECTION 10-2.1505 OF ZONING REGULATIONS, PREZONING OF UNINCORPORATED TERRITORY

Mayor Johansen announced that the hour of 8:10 P.M. had arrived, the time set for consideration of the proposed amendment of Section 10-2.1505 of the Municipal Code relating to prezoning of unincorporated territory, and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Tribune on February 3, 1966 with notices available for

interested persons in the City Clerk's office. No written protests were filed with the City Clerk.

Planning Commission Resolution No. 66-8 recommends that Section 10-2.1505 be amended to permit prezoning by the City of unincorporated territory adjoining the City for the purpose of determining the zoning that will apply to the property in such territory in the event of subsequent annexation to the City.

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

ORDINANCE NO. 775-C.S. entitled "AN ORDINANCE AMENDING SECTION 10-2.1505 of ARTICLE 15 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE AND ADDING SECTION 10-2.1505.1 THERETO, RELATING TO ZONING"

was introduced and ordered published as required by the Charter.

Moved by Mitchell Seconded by VanderWall
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

MATTERS FOR THE GOOD OF THE COMMUNITY

Request for authorization to land helicopters on city property

Second Lieutenant Ronald W. Cunningham, Inf., CAL ARNG, Asst S3, filed with the City Clerk a letter dated February 14, 1966 subject, "Authorization to Land Helicopters." Request was made that the organization be given authorization to land helicopters in the parking lot of Del Webb Field on the following dates: February 19 and 20; March 19 and 20; April 2, 3, and 30; May 1, 28, and 30.

Lieutenant Cunningham said that he had discussed his request with Parks and Recreation Director Grogan.

The City Manager stated that the municipal code prohibited the landing of helicopters in the City in areas other than the airport; that in order to grant the request,the municipal code would have to be amended.

The section of the Code applying to the landing of helicopters within the city limits was read by the City Attorney.

Lt. Cunningham described the proposed maneuvers which will demonstrate the medical evacuation capabilities of the helicopter.

Upon questioning, Lt. Cunningham stated that the demonstration could be conducted in the City-County Airport area. He was directed to work with the City staff on a plan for use of the airport agreeable to both parties.

Complaint of Building and Construction Trades Council with Industrial Labor Commission

The City Manager reported that word has been received from the Industrial Labor Commissioner that the Building and Construction Trades Council has complained that the City is not including in its advertisement for call for bids all of the prevailing wage rates applying under the call for bids for the construction of the corporation yard. He said that the Labor Commissioner has requested that the City place the following as an addenda to the above bid so that the City will not be required to undergo the expense of readvertising: "Per diem wages to be paid are determined to be those set forth in collective bargaining agreements in Stanislaus County. All work is to be paid for at rates of pay effective at the time work is performed. Copies of all collective bargain agreements relating to the work are on file and available for inspection in the office of the California Department of Industrial Relations, Division of Labor Statistics and Research, 455 Golden Gate Avenue, San Francisco, California."

Mr. A. Haag, 226 Roselawn, was questioned as to why his complaint was made directly to the Industrial Labor Commissioner rather than through the staff. Mr. Haag said that he had asked a member of the Public Works Department to add this statement to the prevailing wage rates advertised for the construction of the corporation yard; that his request had been turned down. A suggestion was made that Mr. Haag consult with either the City Manager or Mayor Johansen before presenting differences to the Labor Commissioner.

MOTION

That the staff be directed to add the above quoted statement from the Industrial Labor Commissioner as an addenda to the call for bids for the construction of the corporation yard, and add it to all future prevailing wage rate schedules advertising call for bids

Moved by Shastid Seconded by Mitchell Unanimously carried

The overall cost to governmental agencies throughout the State in being required to advertise prevailing wage rate schedules with all bids for construction projects was discussed. A suggestion was made that the matter be brought to the attention of the League of California Cities.

MOTION

That the requirement and cost of advertising prevailing wage rate schedules be referred to the Director of the League of California Cities.

Moved by Smith Seconded by Shastid Unanimously carried

Mr. Haag agreed to meet with Mayor Johansen to discuss the matter.

Mancini Property

The City Manager stated that the Mancini property would be turned over to the City shortly; that it was necessary to make immediate plans to take care of the almond orchard on the property.

Director of Finance Bird said that it was extremely important that the orchard be sprayed without delay; that it was anticipated that the property will be turned over to the City by March 1st; that the Bank has agreed with the terms of a proposed agreement to lease the property and has given the City authority to proceed with the required work.

By order of the Chair, the staff was authorized to complete negotiations for the lease of the property and to proceed with the needed work as outlined by the Director of Finance.

Request for sewer connection - Mrs. Anthony J. Cusenza, 1641 Locke Road

Director of Public Works Campbell stated that after the agenda was prepared, a request was received from Mrs. Anthony J. Cusenza that her property be connected to the City sewer because of trouble with her septic tank. He said that Mrs. Cusenza has signed documents agreeing to annex to the City when requested to do so by the City.

MOTION

That the request for sewer service to property located at 1641 Locke Road be approved

Moved by Shastid Seconded by Patton Unanimously carried

Proposed Formation of City-County Committee for San Joaquin Valley

Councilman Mitchell stated that about two months ago the possibility of the formation of a City-County Committee for San Joaquin Valley was discussed at a meeting in Fresno. The proposed Committee would be staffed to work with matters of mutual concern to all cities and unincorporated areas in the Valley such as water and air pollution, coordination of highways, etc. Mr. Mitchell said that this has been done successfully in the Bay Area, with

a similar organization newly formed in the Los Angeles Area. He said that about three weeks ago at the City-County Committee meeting held in Turlock, those in attendance were asked to bring this matter back to their respective legislative bodies to get a consensus of the feelings towards the formation of the proposed committee - whether to proceed or drop the matter; that the City-County Committee would meet at noon tomorrow at which time he would like to present the Council's feelings.

Mayor Johansen stated that the proposed Committee was strictly voluntary and would be financed by the cities and counties within the district.

The matter was discussed by the Council, with the councilmen expressing their individual views.

Mayor Johansen suggested that Councilman Mitchell report to the City-County Committee that the matter had been discussed by the Council, that approval for the formation of the proposed committee was not unanimous; that there was general interest in the organization and if pursued further the City of Modesto would be interested in additional information pertaining to costs, etc.

Hearing of Senate Aviation Sub-committee on airline service to small and medium sized cities

The City Attorney reported that he had received word that Senator Monroney of Oklahoma was planning to hold hearings before the Senate Aviation Sub-committee on the matter of airline service to small and intermediate sized cities; that the hearings were tentatively set to begin February 28; that if the City was represented, it would be necessary to submit written testimony five days in advance of the date set for the hearings, or by February 23.

MOTION

That a representative be authorized to represent the City of Modesto at the Washington hearings to be conducted by Senator Monroney and scheduled to begin February 28, 1966

Moved by Smith Seconded by Mitchell Unanimously carried

EXECUTIVE SESSION TO CONSIDER (a) PROPERTY ACQUISITION FOR DOWNEY PARK: (b) APPOINTMENTS TO PERSONNNEL COMMISSION AND BOARD OF ZONING ADJUSTMENT

The following actions were taken following the executive session held by the Council earlier in the meeting:

(a) Property acquisition for Downey Park - no action taken.

(b) Appointment to Personnel Commission

RESOLUTION NO. 66-127

A RESOLUTION APPOINTING JOHN W. HOGE A MEMBER OF THE MODESTO CITY PERSONNEL COMMISSION

Introduced by VanderWall Seconded by Hughes
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

Appointment to Board of Zoning Adjustment

RESOLUTION NO. 66-128

A RESOLUTION APPOINTING GEORGE A. ATHERTON A MEMBER OF THE MODESTO CITY BOARD OF ZONING ADJUSTMENT

Introduced by Shastid Seconded by Smith
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR INSTALLATION OF WATER LINE IN TULLY ROAD FROM BRIGGSMORE AVENUE TO THEO AVENUE

At the request of the City Manager, and with the unanimous consent of the Council, this item was removed from the agenda.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by VanderWall Seconded by Mitchell Unanimously carried

The meeting adjourned at 9:31 P.M.

ATTEST: _____
REX E. GAILFUS, City Clerk

The Council of the City of Modesto met in regular session this date at 4:00 P.M. in the Council Chambers, City Hall, Modesto, California, Mayor Johansen presiding.

Present: Councilmen: Hughes, Mitchell, Shastid, Smith, VanderWall, Mayor Johansen
(Councilman Patton arrived at 4:07 P.M.)
Absent: Councilmen: None

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

Reverend Bernard Den Ouden gave the invocation.

Councilman Patton arrived at 4:07 P.M.

LETTER FROM D. DWIGHT WAIT, CAMELLIA SHOW CHAIRMAN ADVISOR, REQUESTING CITY PARTICIPATION IN SCHEDULED SHOW FOR MARCH 19 AND 20, 1966

A letter from D. Dwight Wait, dated February 14, 1966, requesting that the City participate in the Camellia Show by furnishing a trophy and authorizing the Parks and Recreation Department to assist in the physical setup of the show, was entered into the record of the minutes.

The City Manager stated that past experience in City participation revealed an expenditure of $107 in labor, loaning of tables, plus a trophy costing about $20.

The Council discussed the following: The extent of City participation in shows of this type; whether or not it would more appropriately be handled by the Chamber of Commerce; the excellent publicity received by the City through the show; use of funds derived from the Hotel-Motel tax for this purpose.

MOTION

That the request of the Show Chairman Advisor for City participation in the Camellia Show - furnishing a trophy and authorizing the Park and Recreation Department to assist in the physical setup of the show - be approved.

Moved by Hughes Seconded by Smith Unanimously carried

The staff was directed to bring this matter to the Council's attention for discussion at the appropriate budget hearing.

LETTER FROM THE ARMED FORCES RECRUITERS REQUESTING IMMUNITY FROM PARKING TICKETS ON GOVERNMENT VEHICLES IN MODESTO

A letter from M/Sgt., USMC, and Alva G. Fowler, T/Sgt., USAF, dated February 16, 1966, requesting that Armed Forces Recruiters be granted immunity from parking tickets on their government vehicles, was entered into the record of the minutes.

Director of Parking and Traffic Carmody stated that the recruiting service had seven vehicles, with only one space available at the Post Office parking lot; that the cars were presently being parked in the northeast lot at 12th and I. Streets, one of the busiest lots in the City. He enumerated other parking lots and on-street parking less heavily used, and stated that private parking was available in the area at from $6 to $10 per month.

Chief George W. Martin, USN, spoke briefly to the Council in support of the request.

The Council's policy on parking requirements was outlined.

MOTION

That the request of the Armed Forces recruiters for immunity from their parking tickets on their government vehicles be denied

Moved by Hughes Seconded by Smith Unanimously carried

LETTER FROM GUY WHARTON, MAYOR, CITY OF CERES, CONTRIBUTING AN ADDITIONAL $200 IN THE UNITED AIR LINE LITIGATION MATTER

A letter from Mayor Wharton, Ceres, dated February 16, 1966, contributing $200 for participation in the United Air Line litigation was entered into the record of the minutes. The letter was ordered filed.

The City Attorney reported briefly on funds received from various County cities to be applied towards the costs of the litigation.

COMMUNICATION FROM KENNAN BEARD CONCERNING STANISLAUS STATE COLLEGE

A letter from Kennan Beard, Vice-Chairman, Advisory Board, Stanislaus State College, dated February 3, 1966, requesting financial assistance for dedication ceremonies to be held April 11 - 14, 1966, was entered into the record of the minutes.

MOTION

That $300 be transferred from the Hotel-Motel tax funds and turned over to the Chamber of Commerce to be used by the Chamber in connection with the State College dedication ceremonies

Moved by Mitchell Seconded by Hughes Unanimously carried

CONSIDER ACCEPTANCE OF HIGH SCRAP BIDS AND AUTHORIZE SALE

RESOLUTION NO. 66-129

A RESOLUTION ACCEPTING HIGH SCRAP BIDS AND AUTHORIZING SALE OF SCRAP COPPER AND CAST IRON (2,500 lbs. copper @ $.5625/lb. to Learner Company, Oakland; 20 tons cast iron @ $26.25/ton to A & B Metals, Modesto)

Introduced by Shastid Seconded by VanderWall

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR INSTALLATION OF WATER LINES IN (A) TULLY ROAD FROM BRIGGSMORE AVENUE TO THEO AVENUE; (B) McHENRY AVENUE BETWEEN WOODROW AND SYLVAN: APPROVE APPROPRIATION TRANSFER IN THE AMOUNT OF $2,600 FOR STRENGTHENING OF VARIOUS WATER SYSTEMS

RESOLUTION NO. 66-130

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR WATER LINES IN (a) TULLY ROAD FROM BRIGGSMORE AVENUE TO THEO AVENUE, AND (b) McHENRY AVENUE BETWEEN WOODROW AND SYLVAN, AND ON WOODROW AVENUE BETWEEN McHENRY AVENUE AND SHERWOOD

Introduced by Shastid Seconded by VanderWall

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

RESOLUTION NO. 66-131

A RESOLUTION APPROVING APPROPRIATION TRANSFER FOR STRENGTHENING OF WATER SYSTEM, VARIOUS LOCATIONS

Introduced by Shastid Seconded by VanderWall

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

AUTHORIZE APPLICATION TO PUBLIC UTILITIES COMMISSION AND APPROVE FUND TRANSFER FOR LIGHTING TIDEWATER SOUTHERN RAILWAY CROSSINGS

RESOLUTION NO. 66-132

A RESOLUTION AUTHORIZING AN APPLICATION FOR STATE AID FOR GRADE CROSSING PROTECTION IMPROVEMENT

Introduced by Shastid Seconded by VanderWall

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

RESOLUTION NO. 66-133

A RESOLUTION APPROVING APPROPRIATION TRANSFER ($141 FOR LIGHTING TIDEWATER SOUTHERN RAILWAY CROSSINGS (Needham Avenue and Briggsmore Avenue Crossings)

Introduced by Shastid Seconded by VanderWall

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

APPROVE PROJECT APPLICATION FOR CONSTRUCTION OF A SECURITY FENCE AT THE MODESTO CITY-COUNTY AIRPORT

RESOLUTION NO. 66-134

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN PROJECT APPLICATION TO THE FEDERAL AVIATION AGENCY FOR FEDERAL GRANT FOR CONSTRUCTION OF SECURITY FENCE AT THE MODESTO CITY-COUNTY AIRPORT

Introduced by Shastid Seconded by VanderWall
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

CONSIDER REPORT BY CITY ATTORNEY CONCERNING PENDING LITIGATION BY PUBLIC AGENCIES AGAINST THE MANUFACTURERS OF WATER PIPE

RESOLUTION NO. 66-135

A RESOLUTION AUTHORIZING THE ATTORNEY GENERAL OF CALIFORNIA TO CONDUCT LEGAL PROCEEDINGS

Introduced by Shastid Seconded by VanderWall
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

CONSIDER RIGHT OF WAY CONTRACT FROM C. H. SAMUELSON RELATING TO DEDICATION OF PROPERTY FOR WIDENING OF YOSEMITE BOULEVARD FOR STATE HIGHWAY PURPOSES

RESOLUTION NO. 66-136

A RESOLUTION APPROVING RIGHT OF WAY AGREEMENT BETWEEN THE CITY OF MODESTO AND C. H. SAMUELSON RELATING TO THE DEDICATION OF PROPERTY FOR WIDENING OF YOSEMITE BOULEVARD FOR STATE HIGHWAY PURPOSES

Introduced by Shastid Seconded by VanderWall
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

REQUEST BY GORDON PIERCE YOUNG, 816 BRIGHTON AVENUE, FOR CURB CUT VARIANCE

RESOLUTION NO. 66-137

A RESOLUTION SETTING TIME AND PLACE FOR HEARING REQUEST OF GORDON PIERCE YOUNG FOR CURB CUT VARIANCE, LOT 2 BLOCK 1108, ROSE AVENUE

Introduced by Shastid Seconded by VanderWall
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

February 28, 1966, at 7:50 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

APPROVE AGREEMENT BETWEEN THE CITY OF MODESTO AND LANCE E. AND CAROL L. ELLIS FOR THE CONSTRUCTION OF A SANITARY SUBTRUNK SEWER IN CELESTE DRIVE AND ELLISON DRIVE IN HIGHLAND MANOR NO. 1 SUBDIVISION

RESOLUTION NO. 66-138

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND LANCE E. ELLIS AND CAROL L. ELLIS FOR CONSTRUCTION OF A SANITARY SUBTRUNK SEWER IN CELESTE DRIVE AND ELLISON DRIVE IN HIGHLAND MANOR NO. 1 SUBDIVISION

Introduced by Shastid Seconded by VanderWall
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

SALE OF SURPLUS TREES TO CITY OF MERCED

RESOLUTION NO. 66-139

A RESOLUTION APPROVING SALE OF SURPLUS CEDAR DEODAR TREES TO CITY OF MERCED, MERCED, CALIFORNIA (25 @ $3.00 each)

Introduced by Shastid Seconded by VanderWall
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

RECOMMEND COMMENCEMENT OF ANNEXATION PROCEEDINGS - SCENIC VILLAGE ADDITION

RESOLUTION NO. 66-140

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

Introduced by Shastid Seconded by VanderWall
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

March 14, 1966, at 8:20 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

HEARING ON COST OF CONSTRUCTION OF CURB AND GUTTER, BLOCK 709, PORTION OF LOT 45 2-100

Mayor Johansen announced that the hour of 4:15 P.M. had arrived, the time set for consideration of the cost of construction of the curb and gutter in Block 709, portion of Lot 45, and opened the hearing.

The City Clerk reported that the Public Works Department has certified that all work has been completed; that total cost of construction is $135.50; that Miss Hazel I. Turner, owner, 702 Sycamore Avenue, has been notified of the cost.

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

RESOLUTION NO. 66-141

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF CURB AND GUTTER ALONG CERTAIN STREETS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF THE AMOUNT OF SAID LIEN (BLOCK 709, PORTION OF LOT 45 - $135.50)

Introduced by Shastid Seconded by Hughes
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

HEARING ON APPLICATION FOR DRIVEWAY VARIANCE (UNION OIL COMPANY)

Mayor Johansen announced that the hour of 4:20 P.M. had arrived, the time set for consideration of the application of Union Oil Company for a driveway variance on property located at the southeast corner of Old Oakdale Road and Surrey Avenue, and opened the hearing.

A memorandum from the Director of Public Works, dated February 17, 1966, subject, "Request for a Variance to Permit 3 - 36' Curb Cuts at Old Oakdale Road and Surrey Avenue," was entered into the record of the minutes. Recommendation was made that the variance requested be approved.

No one in the audience asked to be heard, and Mayor Johansen delcared the hearing closed.

RESOLUTION NO. 66-142
A RESOLUTION GRANTING A DRIVEWAY VARIANCE TO UNION OIL COMPANY TO PERMIT 3 - 36' CURB CUTS AT OLD OAKDALE ROAD AND SURREY AVENUE

Introduced by VanderWall Seconded by Smith
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

HEARING ON APPLICATION FOR DRIVEWAY VARIANCE (HUMBLE OIL COMPANY)

Mayor Johansen announced that the hour of 4:25 P.M. had arrived, the time set for consideration of the request of Humble Oil Company for a variance to permit construction of two 35' driveways and two 34' driveways for a service station at the northwest corner of College Avenue and Needham Street, and opened the hearing.

A memorandum from the Director of Public Works, dated February 17, 1966, subject, "Request for a Variance to Permit two 35-foot Curb Cuts and two 34-foot Curb Cuts at College Avenue and Needham Street," was entered into the record of the mintues. Recommendation was made that the request be approved.

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

RESOLUTION NO. 66-143
A RESOLUTION GRANTING A DRIVEWAY VARIANCE TO HUMBLE OIL AND REFINING COMPANY TO PERMIT TWO 35' CURB CUTS AND TWO 34' CURB CUTS AT COLLEGE AVENUE AND NEEDHAM STREET

Introduced by Smith Seconded by Shastid
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

CONTINUATION OF HEARING ON PUBLIC WORKS TEXT AMENDMENTS

Mayor Johansen announced that the hour of 4:30 P.M. had arrived, the time set for consideration of proposed amendments to the Public Works text, and opened the hearing.

This hearing was carried over from the January 10, 1966 meeting.

Director of Public Works Campbell was questioned on the following subjects: Installation of sprinklers in the public right of way; solution of the problems raised by the utility companies in connection with the proposed text revisions.

Lee Davies, representing Pacific Telephone, said that this utility was interested only in the two sections relating to liability insurance and barricades, and asked that these sections of the proposed ordinance be read to see if they conformed with his understanding at the time these sections were discussed informally with the staff.

Director of Public Works Campbell stated that the section pertaining to liability insurance relieving self-insured utility companies from the requirement of furnishing an insurance certificate had not as yet been redrafted; that the section pertaining to barricades had been changed to read that the major number of barricades at any single project shall have labeled clearly in letters not less than two inches high, the name of the permittee or his agent.

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

The possibility of adding a provision to Section 7-1.301(c) that substitute material could be used for sidewalks, other than concrete, with the approval of the Director of Public Works, was discussed.

The City Attorney stated that Section 7-1.301(c) could be amended to read "No sidewalk shall be constructed other than of material approved in standard drawings and specifications as approved by the Modesto City Council from time to time by resolution." He said that subsection (b) would also have to be amended slightly to take care of the proposed change.

MOTION

That the amendments to the Public Works text be approved in principle and the staff authorized to prepare an ordinance incorporating the changes with appropriate rewording of the section pertaining to liability insurance to not require self-insured utility companies to furnish a certificate of insurance; that Sections 7-1.301(b) and (c) be reworded as outlined by the City Attorney above

Moved by Shastid Seconded by VanderWall Unanimously carried

MATTERS FOR THE GOOD OF THE COMMUNITY

Frank Andrews - Engineers' Week

Mr. Andrews asked the Council to recognize Roy Meikle, Turlock Irrigation District Engineer, for his services to the community and to the entire district in connection with irrigation matters.

Mr. Campbell stated that the National Society for Professional Engineers recognizes the week of Washington's Birthday as National Engineers' Week, with special programs throughout the United States; that local representatives of the organization were Fred Johnson and Paul Birmingham.

Mayor Johansen said he would be happy to sign a proclamation on the importance of National Engineers' Week and the contributions of the Engineers to this area.

Mr. Campbell was directed to contact local representatives of the National Society for Professional Engineers for a proclamation.

City Representation - Hearings, Aviation Subcommittee, Washington, D.C.

No objections were made by the Council to the City Attorney's recommendation that the Mayor attend the Aviation Subcommittee hearings in Washington, D. C. which begin on February 28, 1966. Mr. Johnson was authorized by motion at the February 14, 1966 meeting to represent the City at the hearings.

Mayor Johansen stated that contacts would also be made on matters pertaining to the City's sewage problems.

ADOPTION OF ORDINANCE NO. 771-C.S. RELATING TO ADMISSION TAXES (EXEMPTION OF SCHOOL FUNCTIONS)

ORDINANCE NO. 771-C.S. entitled "AN ORDINANCE AMENDING SECTION 8-2.223 OF ARTICLE 2 OF CHAPTER 2 OF TITLE VIII OF THE MODESTO MUNICIPAL CODE RELATING TO ADMISSION TAXES"

introduced February 14,, 1966, and having been published as required, was moved and adopted.

Moved by Shastid Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

ADOPTION OF ORDINANCE NO. 775-C.S. RELATING TO ZONING - PREZONING OF UNINCORPORATED TERRITORY

ORDINANCE NO. 775-C.S. entitled "AN ORDINANCE AMENDING SECTION 10-2.1505 OF ARTICLE 15 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE AND ADDING SECTION 10-2.1505.1 THERETO, RELATING TO ZONING"

introduced February 14, 1966, and having been published as required, was moved and adopted.

Moved by Mitchell Seconded by VanderWall
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

LEASE OF MANCINI PROPERTY 4-110

RESOLUTION NO. 66-144
A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND NICHOLAS MARTINO FOR FARM LAND, MANCINI PROPERTY ($1,200 per year, 2/21/66-12/1/66)

Introduced by Shastid Seconded by VanderWall
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

The City Attorney stated that a hearing on the final distribution of the Mancini estate has been set for March 4, 1966.

There were no objections to the suggestion of the City Manager that a suitable tenant be found for the home on the Mancini property.

The staff was directed to check into the income received from the Mancini property during the period of probate, rightfully belonging to the City.

RECOMMENDATION REGARDING IMPROVEMENTS OF NORTHERN BOULEVARD ADJACENT TO PROPOSED P-D (24) - NORTHGATE ENTERPRISES, AND SETTING DATE OF HEARING 5-5

Planning Commission Resolution No. 66-19, adopted February 15, 1966, amending Condition b of Section 1 of Resolution No. 66-16, "Rezoning Application of Northgate Enterprises," was entered into the record of the minutes. This section was amended to read "That a 60-foot right of way for Northern Boulevard be dedicated to the City." Condition b of Section 1 of Resolution No. 66-16 read as follows: "That a 60-foot right of way for Northern Boulevard be dedicated and improved to city standards along the northerly boundary of this property."

Upon questioning, Director of Planning Fey stated that the plan approved by the Planning Commission shows access from the interior of the development to Northern Boulevard; that the only access from development would be on Granger Avenue until such time as Northern Boulevard is developed, according to the Planning Commission's recommendation.

RESOLUTION NO. 66-145
A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO SECTION 17-3-9 OF THE ZONING MAP (NORTHGATE ENTERPRISES)

Introduced by Hughes Seconded by VanderWall
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

March 14, 1966, at 8:15 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

APPROPRIATION TRANSFER - $300 TO CHAMBER OF COMMERCE FOR STATE STANISLAUS COLLEGE DEDICATION CEREMONIES (From General Reserve of the General Fund to Account 448(Convention Promotions)

RESOLUTION NO. 66-146

A RESOLUTION APPROVING APPROPRIATION TRANSFER - $300 TO CHAMBER OF COMMERCE FOR STATE STANISLAUS COLLEGE DEDICATION CEREMONIES (MUSIC & PROMOTION)

Introduced by Mitchell Seconded by VanderWall
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

REPORT ON BIDS RECEIVED FOR EMPLOYEES' GROUP HEALTH INSURANCE 5-68

A memorandum from the City Manager, dated February 17, 1966, subject, "Employees' Group Insurance," with tabulation of bids received on the employees' group insurance plan attached, was entered into the record of the minutes.

The City Manager stated that the staff was not prepared to make a recommendation at the present time; that further data would be furnished the Council at the next meeting.

REPORT TO THE COUNCIL RE RECENT COURT DECISIONS REGARDING DEMOLITION AND REPAIR OF UNSAFE BUILDINGS

A memorandum from the City Attorney, dated February 16, 1966, subject, "Court Decisions Regarding Demolition and Repair of Unsafe Buildings," was entered into the record of the minutes and ordered filed.

EXECUTIVE SESSION TO FURTHER CONSIDER ACQUISITION OF 9TH AND J STREET PARKING LOT - LEWIS PROPERTY; CONSIDER ACQUISITION OF PROPERTY FOR 4TH HIGH SCHOOL PARK SITE

MOTION

That the Council adjourn to executive session to consider acquisition of 9th and J Street parking lot, Lewis property, and to consider acquisition of property for 4th High School park site

Moved by Hughes Seconded by VanderWall Unanimously carried

The meeting adjourned at 5:15 P.M.

ATTEST: Rex E. Gailfus
REX E. GAILFUS, City Clerk

Modesto City Council
February 28, 1966

The Council of the City of Modesto met in regular session this date at 7:30 P.M. in the Council Chambers, City Hall, 801 - 11th Street, Modesto, California, Vice Mayor VanderWall presiding.

Present: Councilmen: Hughes, Mitchell, Patton, Shastid, Smith, Vice Mayor VanderWall
Absent: Councilmen: Mayor Johansen

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

A moment of silent prayer was observed.

APPROVAL OF MINUTES

The minutes of the regular meetings of February 7 and 14, 1966 were approved.

LETTER FROM SECURITY TITLE INSURANCE COMPANY REQUESTING CORRECTION IN CERTAIN SEWER DEED OF EASEMENT (BAGGESI)

A letter from L. E. Grandt, Vice President and Manager, Security Title Insurance Company, dated February 24, 1966, requesting that the wording contained in Deed of Easement recorded August 21, 1964, Instrument No. 32858, be corrected, was entered into the record of the minutes. The letter indicated that it was Mr. Baggesi's intent to deed to the City an easement for sewer facilities only, and not an easement for public utilities.

RESOLUTION NO. 66-147

A RESOLUTION AUTHORIZING THE RELEASE OF A PUBLIC UTILITIES EASEMENT AND AUTHORIZING THE EXECUTION OF A QUITCLAIM DEED TRANSFERRING THE OWNERSHIP OF PROPERTY DESCRIBED IN THE PUBLIC UTILITIES EASEMENT BACK TO PETE AND ANTOINETTE BAGGESI

Introduced by Smith Seconded by Shastid
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, Vice Mayor VanderWall
Noes: None Absent: Mayor Johansen

CONSIDER AWARD OF CONTRACT FOR THE CONSTRUCTION OF BLEACHERS AT DEL WEBB BALL PARK 1-20

The Council was informed by the staff that the bid covered construction of 1,000 seats; a report was made on the status of litigation with Bud McMurdo in connection with the removal of bleachers at Del Webb Field.

RESOLUTION NO. 66-148

A RESOLUTION ACCEPTING THE BID OF OUTDOOR PRODUCTS COMPANY FOR CONSTRUCTION OF BLEACHERS AT DEL WEBB BALL PARK ($11,000)

Introduced by Mitchell Seconded by Hughes
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, Vice Mayor VanderWall
Noes: None Absent: Mayor Johansen

RESOLUTION NO. 66-149

A RESOLUTION APPROVING APPROPRIATION TRANSFER - $5,000 FOR CONSTRUCTION OF BLEACHERS AT DEL WEBB FIELD

Introduced by Mitchell Seconded by Hughes
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, Vice Mayor VanderWall
Noes: None Absent: Mayor Johansen

CONSIDER AWARD OF BIDS FOR CONSTRUCTION OF CORPORATION YARD BUILDING AND SITE IMPROVEMENTS

RESOLUTION NO. 66-150

A RESOLUTION ACCEPTING THE BID OF HENRY BEUVING AND SON, INC. FOR BUILDING CONSTRUCTION AND SITE PREPARATION AT NEW CORPORATION YARD

Introduced by Shastid Seconded by Smith
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, Vice Mayor VanderWall
Noes: None Absent: Mayor Johansen

CONSIDER AWARD OF BID FOR CONSTRUCTION OF CURB AND GUTTER, SIDEWALKS, DRIVEWAYS AND STORM SEWER ON JEFFERSON AND CHESTNUT STREETS AT NEW CORPORATION YARD

RESOLUTION NO. 66-151

A RESOLUTION ACCEPTING THE BID OF A. C. CONSTRUCTION COMPANY FOR CONSTRUCTION OF CURB, GUTTER, SIDEWALKS, DRIVEWAYS, AND STORM SEWER AT NEW CORPORATION YARD

Introduced by Shastid Seconded by Smith
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, Vice Mayor VanderWall
Noes: None Absent: Mayor Johansen

INSTALLATION OF WATER LINE FOR CORPORATION YARD - CITY FORCES

RESOLUTION NO. 66-152

A RESOLUTION REJECTING ALL BIDS AND AUTHORIZING THE WORK TO BE PERFORMED BY THE CITY FOR THE INSTALLATION OF WATER LINE FOR NEW CORPORATION YARD

Introduced by Shastid Seconded by Smith
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, Vice Mayor VanderWall
Noes: None Absent: Mayor Johansen

APPROPRIATION TRANSFER OF $406,080

RESOLUTION NO. 66-153

A RESOLUTION APPROVING APPROPRIATION TRANSFER - $406,080 FOR CORPORATION YARD IMPROVEMENTS

Introduced by Shastid Seconded by Smith
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, Vice Mayor VanderWall
Noes: None Absent: Mayor Johansen

CONSIDER AWARD OF BID FOR CONSTRUCTION OF SUBTRUNK SEWER ON COFFEE ROAD BETWEEN MULTNOMAH DRIVE AND GLORIA WAY TO PROVIDE SEWER SERVICE TO GREENBRIER NOS. 1 AND 2 SUBDIVISIONS

RESOLUTION NO. 66-154

A RESOLUTION ACCEPTING THE BID OF MANUEL SMITH FOR CONSTRUCTION OF SUBTRUNK SEWER ON COFFEE ROAD BETWEEN MULTNOMAH DRIVE AND GLORIA WAY TO PROVIDE SEWER SERVICE TO GREENBRIER NOS. 1 AND 2 SUBDIVISIONS

Introduced by Smith Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, Vice Mayor VanderWall
Noes: None Absent: Mayor Johansen

RESOLUTION NO. 66-155

A RESOLUTION APPROVING APPROPRIATION TRANSFER - $4,950 FOR CONSTRUCTION OF SUBTRUNK SEWER ON COFFEE ROAD BETWEEN MULTNOMAH DRIVE AND GLORIA WAY(SEWER SERVICE TO GREENBRIER NOS. 1 AND 2 SUBDIVISIONS)

Introduced by Smith Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, Vice Mayor VanderWall
Noes: None Absent: Mayor Johansen

APPROPRIATION TRANSFER - ADDITIONAL EXPENSES, TO ACCOUNT 418-65, AIRLINE NEGOTIATION, $500

RESOLUTION NO. 66-156
A RESOLUTION APPROVING APPROPRIATION TRANSFER - $500 FOR EXPENSES INCURRED BY CITY OF MODESTO IN ITS EFFORT TO RETAIN THE SERVICES OF UNITED AIR LINES

Introduced by Smith Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, Vice Mayor VanderWall
Noes: None Absent: Mayor Johansen

ADOPTION OF ORDINANCE 772-C. S. AMENDING SECTION 21-3-9 OF ZONING MAP (JOHN CORGIAT)

ORDINANCE NO. 772-C. S. entitled
"AN ORDINANCE AMENDING SECTION MAP 21-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (JOHN CORGIAT)"

introduced February 14, 1966, and having been published as required, was moved and adopted.

Moved by Mitchell Seconded by Smith
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, Vice Mayor VanderWall
Noes: None Absent: Mayor Johansen

ADOPTION OF ORDINANCE NO. 773-C. S. AMENDING SECTION 20-3-9 OF THE ZONING MAP (GEORGE GROUND)

ORDINANCE NO. 773-C.S. entitled
"AN ORDINANCE AMENDING SECTION MAP 20-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (GEORGE GROUND)"

introduced February 14, 1966, and having been published as required, was moved and adopted.

Moved by Mitchell Seconded by Smith
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, Vice Mayor VanderWall
Noes: None Absent: Mayor Johansen

ADOPTION OF ORDINANCE NO. 774-C.S. AMENDING SECTION 22-3-9 OF THE ZONING MAP (DON PEDRO REALTY)

ORDINANCE NO. 774-C.S. entitled
"AN ORDINANCE AMENDING SECTION MAP 22-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON(DON PEDRO REALTY)"

introduced February 14, 1966, and having been published as required, was moved and adopted.

Moved by Mitchell Seconded by Smith
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, Vice Mayor VanderWall
Noes: None Absent: Mayor Johansen

FURTHER REPORT ON EMPLOYEES' GROUP INSURANCE PLAN

The following documents were entered into the record of the minutes: Memorandum from City Manager, dated February 28, 1966, subject, "Employees' Group Insurance;" letter from Robert A. Corby, Jr., dated February 25, 1966, subject, "Health Plan Recommendation," with Exhibits I, II, and III attached; letter from City Manager to Mr. Corby, dated February 21, 1966; subject, "Employees' Group Insurance;" letter from Blue Cross, dated February 24, 1966, giving further clarification as to its procedure regarding retentions.

City Manager Keefe stated that this matter would be placed on the March 7th meeting agenda for Council consideration; that CPS has extended the City's present policy to April 1, 1966.

REPORT ON COST OF INSTALLATION OF WATER MAINS

The following documents, dated February 23, 1966, were entered into the record of the minutes: Memoranda from the Director of Public Works, subject: "Cost of Installation of Water Mains to and in Morningside Heights No. 3 Subdivision (W. O. s A-5487 and A-5488)"; "Cost of Installation of Water Mains in McHenry Avenue and Rumble Road and in King Arthur's Camelot Subdivision (W. O. s A-5482 and A-5480)"; "Cost of Installation of Water Mains in Surrey Park Subdivision (W. O. A-5490)"; "Cost of Installation of Water Mains in Bel Air No. 4 Subdivision (A-5471)"; "Cost of Installation of Water Mains in Liberini Park No. Subdivision (W. O. A-5475)"; "Cost of Installation of Water Mains in Yorkshire Grove Subdivision (W.O. A-5493)."

MOTION

That the reports on cost of installation of water mains at the various locations be accepted.

Moved by Shastid Seconded by Smith Unanimously carried

REQUEST OF DIRECTOR OF PARKS AND RECREATION TO SERVE ON PROFESSIONAL REVIEW BOARD

MOTION

That the request of the Director of Parks and Recreation to serve on a professional review board for the City of Redondo Beach be approved

Moved by Shastid Seconded by Patton Unanimously carried

MATTERS FOR THE GOOD OF THE COMMUNITY

Report on progress of presentation of plans and specifications for Dryden Golf Course Clubhouse - Unanimous consent item

City Manager Keefe reported that plans and specifications for the Dryden Golf Course Clubhouse have been resubmitted by the architect, were being reviewed by the Staff, and would be on the agenda of the March 14th meeting for Council consideration. He said that the plans and specifications would also be reviewed by a contractor to determine whether or not they were within the budget limitation.

Continuation of discussion of Employees' Group Insurance Plan 2-1

Bids received for the Employees' group health plan were discussed further by the Council.

HEARING ON BUS BENCH FRANCHISE

Vice Mayor VanderWall announced that the hour of 7:45 P.M. had arrived, the time set for consideration of the application of Transadtise Company for a franchise to place, construct, and maintain benches with advertising, at designated locations on the streets and sidewalks within the City, and opened the hearing.

The City Clerk reported that Resolution No. 66-85, setting the time and place of hearing, was published in the Modesto Tribune on February 17, 1966.

The City Manager stated that the Staff has recommended that the franchise be granted to Transadtise Company.

The recommendation of the Downtown Modesto Association AB-103 Committee, that no advertising be permitted on bus benches in the downtown area, was discussed. The City Attorney stated that Section 8 of the proposed ordinance provides that "benches shall be placed only in locations approved by the City Manager."

Upon questioning, Mr. Tomson said that the joined double benches permit seating space for two additional people without taking up any more square footage of the pavement area; that it was immaterial to him whether two single benches or one double bench was provided.

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

ORDINANCE NO. 776-C. S. entitled
"AN ORDINANCE GRANTING W. R. TOMSON, DOING BUSINESS AS THE 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"

was introduced and ordered published as required by the Charter.

Moved by Hughes Seconded by Shastid
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, Vice Mayor VanderWall
Noes: None Absent: Mayor Johansen

HEARING ON REQUEST FOR CURB CUT VARIANCE (YOUNG) 2-65

Vice Mayor VanderWall announced that the hour of 7:50 P.M. had arrived, the time set for consideration of the request of Gordon Pierce Young for a variance to permit one 16' and one 18' curb cut on Rose Avenue southerly from MID Lateral No. 3, and opened the hearing.

A memorandum from the Director of Public Works, dated February 24, 1966, subject, "Request for a Variance to Permit One 16' and One 18' Curb Cut on Rose Avenue southerly from MID Lateral No. 3," recommending that the variance be approved, was entered into the record of the minutes.

Mr. Young, 816 Brighton Avenue, said that his plans were drawn up by Wolverine Building Service; that he had been unaware that the proposed curb cuts were in violation of the municipal code.

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

RESOLUTION NO. 66-157
A RESOLUTION GRANTING A DRIVEWAY VARIANCE TO GORDON PIERCE YOUNG TO PERMIT 1 - 16' CURB CUT AND 1 - 18' CURB CUT FOR A DUPLEX RESIDENCE BEING CONSTRUCTED AT 1321 ROSE AVENUE

Introduced by Shastid Seconded by Hughes
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, Vice Mayor VanderWall
Noes: None Absent: Mayor Johansen

The Staff was questioned as to why the Building Inspection Department failed to note on the plans submitted for a building permit that the curb cut dimensions were not within the code limitation. The City Manager stated that this would be checked by the Staff and a report made to the Council.

LETTER FROM HEIDI WARNER, INVITING COUNCIL TO OFFICE OPENING, 1317 J STREET

The City Manager read a letter from Heidi Warner, Chairman, Citizens' Cultural Center Committee, Inc., inviting the Council to the opening of its new offices at 1317 J Street on March 3, 1966, from 2:00 P.M. to 5:00 P.M. and 7:00 to 9:00 P.M.

Introduction of Boy Scout Troop 19 - Bob Disney

Vice Mayor VanderWall introduced Bob Disney and members of Boy Scout Troop 19, present in the audience.

HEARING ON PROPOSED DOWNTOWN IMPROVEMENT DISTRICT

Vice Mayor VanderWall announced that the hour of 8:00 P.M. had arrived, the time set for consideration of a proposed Downtown Improvement District, pursuant to the authority of the "Parking and Business Improvement Area Law of 1965" and opened the hearing.

Vice Mayor VanderWall reviewed the background of the proposed District, stating that the Council received a letter from the Downtown Modesto Association on December 20, 1965, requesting that the Council adopt a resolution of intent to create a business improvement area as authorized by Assembly Bill No. 103. An informal public hearing was held on January 10, 1966, at which time the boundaries were revised. On January 24, 1966, the City Council set February 28, 1966, at 8:00 P. M. in the Council Chambers, City Hall, as the time and place of hearing for the proposed District.

The City Clerk entered into the record an Affidavit of Mailing and Publication, indicating that a copy of Resolution No. 66-73, "A Resolution of the Council of the City of Modesto Declaring its Intention to Form a Business Improvement Area to be known as 'Business Improvement Area A of the City of Modesto', Fixing the Time and Place for Hearing, and Giving Notice Thereof," was mailed to each business in the proposed "area" described in the resolution; that Resolution No. 66-73 was published in the Modesto Tribune on the 10th day of February, 1966; that mailing and publication of Resolution No. 66-73 was completed ten days prior to the date of hearing, in accordance with Section 36022 of the Streets and Highways Code of the State of California.

The City Attorney stated that AB-103 was adopted by the 1965 session of the State Legislature, adding sections to the Streets and Highways Code of the State of California, known as the Parking and Business Improvement Area Law of 1965. He said that the purpose of the law was to authorize cities to impose a tax on businesses within a parking and business improvement area, in addition to the general license tax, if any, in the City, and to use such proceeds for the purposes of (a) the acquisition, construction and maintenance of parking facilities for the benefit of the area; (b) decoration of any public place in the area; (c) promotion of public events which take place on or in public places in the area; (d) furnishing of music in any public place in the area or the general promotion of retail trade activities in the area. The City Attorney pointed out that any change in the amount of the tax, or a change in area could be accomplished only by going through the same procedure necessary in establishing the District in the first instance.

The following spoke in favor of the proposed district: Don West, merchant, 840 H Street, and Chairman of the Committee established by the Downtown Modesto Association to study AB-103; John Hoge, Manager, Sears Roebuck and Company, 10th and K Streets, who outlined ideas for promotion of the downtown area; Hy Youngheim, President, Modesto Downtown Association, who outlined the aims of the Association in making downtown Modesto the shopping hub of Stanislaus County; Howard Shaw, Manager, J. C. Penny, 11th and J Streets, who spoke of the difficulties in developing a budget in a business area for promotional and beautification purposes; Lloyd Loeb, Loeb's Department Store, 840 Tenth Street, who stated that the proposed district would serve to unite the downtown area as one central business community to attract trade of surrounding areas; Jerry Bair, Manager, Woolworth's, 10th Street, who said that both he and his company were in favor of the united effort of the business men to tax themselves to help themselves.

Director of Finance Bird explained that the following businesses in the area would be exempt from the tax if the proposed district is approved: Wholesalers, manufacturers, public utilities having franchises with the City; banks, insurance companies. He said that the tax would apply to any business now reporting and paying a mill tax based on gross receipts.

A letter from Harold Simidian, Modesto Steam Laundry and Cleaners, dated February 23, 1966, expressing unfairness of the proposed boundaries of

the area, which in his opinion would require commercial and industrial businesses to pay the expense of revitalizing the retail business area, was entered into the record of the minutes.

Mrs. Richard Gaard, 923 Melinda Lane, stated that her husband had an office at 1313 L Street, within the area, and expressed opposition to the proposed district on the basis that it was unfair; that since the whole community would benefit, either directly or indirectly, she believed that the entire community should be taxed, or the tax restricted to the businesses which will benefit directly - the retail merchants. Mrs. Gaard also questioned the exclusion from the proposed district, the businesses on 17th Street, Burney and a portion of H Street, pointing out that there were more business in the confines of this excluded area than on the west side.

Charles Feltes, 1230 Ninth Street, Feltes Trading Post, said he was not opposed to the district but also questioned the exclusion of the businesses on 17th Street, Burney and a portion of H Street from the proposed district; what benefits west side businesses would derive from the proposed district; the legality of the different rates imposed on the various businesses, particularly the 1/4 mill charged automobile dealers. He also objected to the $1,500 maximum limitation to be paid by any one business in the district.

Mr. Feltes' questions were answered by the City Attorney and Don West.

Dino Flesoras, 1104 14th Street, owner of Dino's Hair Stylists, said he was for the downtown area improvement, but questioned being classified as a "professional," and being required to pay 1 mill tax as opposed to the 1/4 mill tax proposed for new and used car dealers, the benefits his business will derive from the proposed district, and whether or not he would be issued a renewal license if he refused to pay the additional tax imposed.

Director of Finance Bird explained the basis for the various classification of businesses within the City.

William Pace, Manager, Leed's Shoe Store (Edison Bros. Stores, Inc.), 938 - 10th Street, asked if a parking program would be included as a function of the district at a later date. He was informed by the City Attorney that the Resolution of Intention adopted by the Council under which the present hearing was being held, did not list parking as one of the proposed uses for the monies to be raised by the district. Mr. Pace said that he personally was in favor of the proposed district, but Edison Brothers Stores, Inc. was opposed.

Jerry Biagini, co-owner of Model Pharmacy, 14th and H Streets and Medico-Dental Pharmacy, 14th and L Streets, said that he was opposed to the proposed district, and asked for a definition of "public place" as used in Section 5 of Resolution 66-73, "Decoration of any public place." This question was answered by the City Attorney. Mr. Biagini said that his opposition was based on the fact that his business would derive no benefit from the proposed district.

Ed Griswold, Ford Dealer, said that he would be proud to pay the maximum tax of $1,500 as his share of downtown improvement.

Howard Zingler, Manager, DAV Salvage Store, 7th Street, also questioned the exclusion of business on a portion of H Street and 17th Street to Burney. He said that he was in favor of the proposed district but wanted to know the plans for development of the business area on the west side of the tracks. He pointed out that the area was predominantly zoned M-1, and that a few of the remaining retail businesses in the area were in buildings that were scheduled for demolition under the Unsafe Structure Code.

Harold Simidian, Modesto Steam Laundry, said that his letter opposing the formation of the district was mainly due to lack of information on the intent of the taxation. He asked that his letter of opposition be withdrawn, with two reservations: (1) That the exact amount of taxation to businesses within the area be specified; (2) A clarification of doing business in the

proposed district. He said that in the laundry and linen supply business, all of the volume business was being done at the corner of 8th and L Streets; that he was paying a mill tax on all of the volume handled at the plant, even though a large quantity of the work was picked up outside of the City, but within the County. He said it was his understanding under the proposed district that the business would only pay the two-mill tax on business brought into the plant by retail customers at the 8th and L Streets plant, and the business generated on the routes within the boundaries of the district. On the basis of the above reservations, Mr. Simidian asked that his letter of opposition be withdrawn.

Director of Finance Bird stated that the Modesto Steam Laundry has several branch locations, and under the business license ordinance, the company elected to pay all of the gross receipts through one location; that a business license tax was paid on each branch; that if Mr. Simidian so chose, he could change his procedure and pay tax on gross receipts from each branch location. On the matter of taxing only the retail customers at the main plant and the business generated on routes within the district, Mr. Bird said that this could be done provided that the percentage of such business could be determined from the records.

Jules Loeb, merchant, 840 10th Street, spoke briefly in favor of the proposed district and the resulting benefits which will be derived.

Mr. Charles Feltes asked that the Council consider removing all parking meters in the downtown area, but enforce the one-hour parking limit. He said that this would contribute to a strong downtown shopping area.

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

The proposed district was discussed by the Council.

Director of Finance Bird reported that a tally of the protests indicated that there were four protests, representing less than 1% of the total tax levy within the district, not sufficient to defeat the proposed district.

The City Clerk was directed to enter into the record that four businesses out of 673 in the District protested, and that based on current general business license taxes paid in the district by businesses subject to the proposed additional levy, the protests amount to less than 1% of the total current business license taxes paid.

Raymond E. Whitburn, Vice-President-Manager, Bank of America, Main Office, and President of the Modesto Clearing House Association, said that the Clearing House Association was in favor of the improvement district; that although banks paid no mill tax, the matter was being studied with a view to the banks within the district area giving an appropriate contribution to the district.

RESOLUTION NO. 66-158

A RESOLUTION DECLARING THAT A MAJORITY PROTEST HAS NOT BEEN MADE AGAINST THE PROPOSED FORMATION OF "BUSINESS IMPROVEMENT AREA A OF THE CITY OF MODESTO" AND DECLARING THE INTENTION OF THE COUNCIL TO PROCEED WITH THE FORMATION OF SAID DISTRICT

Introduced by Shastid Seconded by Smith
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, Vice Mayor VanderWall
Noes: None Absent: Mayor Johansen

ORDINANCE NO. 777-C. S. entitled "AN ORDINANCE ESTABLISHING A BUSINESS IMPROVEMENT AREA TO BE KNOWN AS "BUSINESS IMPROVEMENT AREA A OF THE CITY OF MODESTO," FIXING THE BOUNDARIES THEREOF AND FIXING THE ADDITIONAL LEVY OF LICENSE TAX TO BE IMPOSED ON THE BUSINESSES IN SUCH AREA, AND ADDING CHAPTER 3 ENTITLED 'BUSINESS IMPROVEMENT AREA A' TO TITLE VI OF THE MODESTO MUNICIPAL CODE"

was introduced and ordered published as required by the Charter.
Moved by Shastid Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, Vice Mayor VanderWall
Noes: None Absent: Mayor Johansen

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by Smith Seconded by Patton Unanimously carried

The meeting adjourned at 9:40 P.M.

ATTEST: Rex E. Gailfus
REX E. GAILFUS, City Clerk

Modesto City Council
March 7, 1966

The Council of the City of Modesto met in regular session this date at 4:00 P.M. in the Council Chambers, City Hall, 801 11th Street, Modesto, California, Mayor Johansen presiding.

Present: Councilmen: Hughes, Mitchell, Smith, VanderWall, Mayor Johansen
(Councilman Patton arrived at 4:03 P.M.)
(Councilman Shastid arrived at 4:06 P.M.)
Absent: Councilmen: None

The pledge of allegiance to the Flag was given by all present.
Councilman Patton arrived at 4:03 P.M.
Father Cummins gave the invocation.

APPROVAL OF MINUTES

The minutes of the meeting of February 21, 1966, were approved.

LETTER FROM HELEN MAHON, FIELD DIRECTOR, PROJECT HOPE, SACRAMENTO OFFICE, ASKING ENDORSEMENT OF THE PROGRAM

A letter from Mrs. Helen Mahon, Field Director, Sacramento Office of Project Hope, dated February 21, 1966, requesting Council endorsement of Project Hope, was entered into the record of the minutes.

RESOLUTION NO. 66-159

A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO ENDORSING "PROJECT HOPE" A NON-POLITICAL AND NON-PROFIT PROGRAM

Introduced by Mitchell Seconded by VanderWall
Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

LETTER FROM DON WEST, CHAIRMAN AB-103 COMMITTEE, DOWNTOWN MODESTO ASSOCIATION, OFFERING ASSISTANCE WITH THE PROGRAM

A letter from Don West, dated March 2, 1966, thanking the Council for action taken in adopting resolution initiating the AB-103 program, was entered into the record of the minutes and ordered filed.

CONSIDER AWARD OF BID FOR CONSTRUCTION OF ONE TEN-UNIT "T" HANGAR AT MODESTO CITY-COUNTY AIRPORT

RESOLUTION NO. 66-160

A RESOLUTION ACCEPTING THE BID OF PASCO STEEL CORPORATION FOR CONSTRUCTION OF ONE TEN-UNIT "T" HANGAR AT THE MODESTO CITY-COUNTY AIRPORT

Introduced by Smith Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

RESOLUTION NO. 66-161 R.S.

A RESOLUTION AUTHORIZING THE TRANSFER OF $22~~8~~,000.00 FROM THE GENERAL FUND (FUND NO. 101) OF THE CITY OF MODESTO TO THE SPECIAL AVIATION FUND (FUND NO. 306)

Introduced by Smith Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

RESOLUTION NO. 66-174

A RESOLUTION APPROVING APPROPRIATION TRANSFER - $7,265 FROM SPECIAL AVIATION FUND, GENERAL RESERVE, AND BEACON & RUNWAY LIGHTING ACCOUNTS, TO NEW 10-UNIT T-HANGAR ACCOUNT

Introduced by Smith Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

RECOMMENDATION THAT INSTALLATION OF WATER LINE IN GREENBRIER NO. 1 SUBDIVISION BE PERFORMED BY CITY FORCES

RESOLUTION NO. 66-162

A RESOLUTION REJECTING ALL BIDS AND AUTHORIZING THE WORK TO BE PERFORMED BY THE CITY FOR THE INSTALLATION OF WATER LINE IN GREENBRIER NO. 1 SUBDIVISION

Introduced by Smith Seconded by Patton
Ayes: Hughes, Mitchell, Smith, Patton, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR CONSTRUCTION OF COMFORT STATION AND OTHER IMPROVEMENTS AT MORAN ESTATES PARK

RESOLUTION NO. 66-163

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR CONSTRUCTION OF COMFORT STATION AND OTHER IMPROVEMENTS AT MORAN ESTATES PARK

Introduced by Smith Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

March 29, 1966, at 10:00 A.M. in the City Clerk's office was set as the time and place of hearing.

CONSIDER APPROVAL OF SPECIFICATIONS AND AUTHORIZE CALL FOR BIDS FOR AUTOMOTIVE EQUIPMENT

RESOLUTION NO. 66-164

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR AUTOMOTIVE EQUIPMENT (POLICE CARS, SEDANS, PICKUPS AND TRUCKS)

Introduced by Smith Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

March 22, 1966, at 2:00 P.M. in the City Clerk's office was set as the time and place for opening of bids.

AMENDMENT TO AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO HIGH SCHOOL DISTRICT OF STANISLAUS COUNTY, CALIFORNIA, FOR THE LEASE OF MADDUX YOUTH CENTER TO BE USED FOR CONTINUATION HIGH SCHOOL

RESOLUTION NO. 66-165

A RESOLUTION APPROVING AMENDMENT TO AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO HIGH SCHOOL DISTRICT OF STANISLAUS COUNTY, CALIFORNIA, FOR LEASE OF THE MADDUX YOUTH CENTER TO BE USED FOR A CONTINUATION HIGH SCHOOL

Introduced by Smith Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

APPROVE SUBDIVISION AGREEMENT AND FINAL MAP OF TRADEWINDS SUBDIVISION

RESOLUTION NO. 66-166

A RESOLUTION APPROVING THE FINAL MAP OF THE TRADEWINDS SUBDIVISION OF THE CITY OF MODESTO

Introduced by Smith Seconded by Patton
Ayes: Hughes, Mithcell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

CONSIDER SALE OF SURPLUS TREES TO COUNTY OF MERCED

RESOLUTION NO. 66-167

A RESOLUTION AUTHORIZING SALE OF SURPLUS TREES TO COUNTY OF MERCED

Introduced by Smith Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

CONSIDER TERMINATION OF LEASE AGREEMENT WITH MELVIN JONES FOR HANGAR NO. 5 AT MODESTO CITY-COUNTY AIRPORT

RESOLUTION NO. 66-168

A RESOLUTION TERMINATING LEASE AGREEMENT WITH MELVIN JONES FOR HANGAR NO. 5 AT MODESTO CITY-COUNTY AIRPORT

Introduced by Smith Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

APPROPRIATION TRANSFER - WATER MAIN AND SERVICE REQUIREMENTS, REMAINDER OF FISCAL YEAR

RESOLUTION NO. 66-169

A RESOLUTION APPROVING APPROPRIATION TRANSFER - $19,000 FROM GENERAL FUND, GENERAL RESERVE, $10,000 TO NEW SERVICES, AND FROM GENERAL RESERVE, $9,000, TO WATER LINE EXTENSIONS

Introduced by Smith Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

ADOPTION OF ORDINANCE NO. 776-C. S., BUS BENCH FRANCHISE

ORDINANCE NO. 776-C. S. entitled

"AN ORDINANCE GRANTING W. R. TOMSON, DOING BUSINESS AS THE 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"

introduced February 28, 1966, and having been published as required was moved and adopted.

Moved by Mitchell Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

ADOPTION OF ORDINANCE NO. 777-C. S., BUSINESS IMPROVEMENT AREA, AB-103

ORDINANCE NO. 777-C. S. entitled

"AN ORDINANCE ESTABLISHING A BUSINESS IMPROVEMENT AREA TO BE KNOWN AS "BUSINESS IMPROVEMENT AREA A OF THE CITY OF MODESTO," FIXING THE BOUNDARIES THEREOF AND FIXING THE ADDITIONAL LEVY OF LICENSE TAX TO BE IMPOSED ON THE BUSINESSES IN SUCH AREA, AND ADDING CHAPTER 3 ENTITLED 'BUSINESS IMPROVEMENT AREA A' TO TITLE VI OF THE MODESTO MUNICIPAL CODE"

introduced February 28, 1966, and having been published as required, was moved and adopted.

Moved by Mitchell Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

CONSIDER REQUEST FOR SEWER SERVICE EXTENSION TO PROPERTY LOCATED AT 1521 EAST COOLIDGE AVENUE

MOTION

That the request for sewer service extension to property located at 1521 East Coolidge Avenue be approved

Moved by VanderWall Seconded by Smith Unanimously carried

CONSIDER REQUEST BY PUBLIC WORKS DEPARTMENT TO ADD A BACKHOE UNIT TO THE SERVICE DIVISION EQUIPMENT POOL

MOTION

That the request of the Public Works Department for addition of a Backhoe unit to the Service Division equipment pool be approved

Moved by VanderWall Seconded by Smith Unanimously carried

Councilman Shastid arrived at 4:06 P.M.

CONSIDER CHRISTMAS STREET DECORATIONS 1-41

Mayor Johansen stated that consideration of this item had been held over pending action on the formation of a business improvement area under AB-103; that establishment of the improvement area was approved at the February 28th meeting. He said that the Public Relations Committee has recommended that funds be budgeted for decoration by City employees, the Police Station, all fire stations within the City, and the City Hall; that the agencies which have been receiving funds from the City for Christmas street decorations be so notified; that the Staff place this matter on the agenda in about three weeks for final Council consideration and determination as to the amount of funds which will be needed for this purpose.

MOTION

That the agencies which have been furnished City funds for Christmas street decorations be notified that the Council is considering elimination of any further participation in this program; that as the City's share, the Council will consider decoration only of the police building, the fire stations within the City, and the City Hall

Moved by Mitchell Seconded by VanderWall Unanimously carried

Upon questioning, Mayor Johansen stated that the City and AB-103 Committee would cooperate to have harmonious Christmas decorations; that in his opinion, downtown improvements made under AB-103 would be in line with the master plan for downtown improvements being prepared by the City.

FURTHER REPORT ON STATE SURPLUS PROPERTIES NEAR 9-HOLE GOLF COURSE

A memorandum from the Director of Parking and Traffic, dated March 3, 1966, subject, "Surplus State Property - Cliff and Neece Near 9-Hole Golf Course," indicating that the State has agreed to re-appraise the two parcels in which the City has expressed interest, and to offer then to the City in about three weeks, was entered into the record of the minutes. The memorandum was ordered filed.

REPORT ON EMPLOYEES' GROUP INSURANCE PLAN 1-86

The following documents were entered into the record of the minutes: Memorandum from the City Manager, dated February 28, 1966, subject,"Employees" Group Insurance," with bid tabulation attached; letter from Giddings, Corby, Hynes & Lyng, Inc., dated February 25, 1966; letter from City Manager to Giddings, Corby, Hynes & Lyng, Inc., dated February 21, 1966; memorandum from Personnel Assistant, dated February 28, 1966; letter from Blue Cross, dated February 24, 1966.

The bid proposals and recommendations of the City Manager, Giddings, Corby, Hynes & Lyng, and the Employees' Advisory Committee were discussed by the Council. The City Manager recommended that the proposal of Blue Cross be accepted; the recommendations of Giddings, Corby, Hynes & Lyng were as follows: --the proposal of California Physicians Service as the plan meeting bid specifications with the lowest cost to the City; the proposal of Continental Causalty Company as the plan meeting bid specifications with the price increase distributed between employee and dependent; the Intercoast Life Insurance Company proposal as the best plan submitted irrespective of compliance with specifications. The Employees' Insurance Committee recommended that the bid of Continental Casualty Company be accepted.

Councilman Smith suggested that when competitive bids are again sought, alternate specifications be submitted to prospective bidders similar to the plan proposed by Intercoast.

The amount of staff time used in preparing the specifications for competitive bidding was discussed.

RESOLUTION NO. 66-170

A RESOLUTION ACCEPTING THE BID OF CONTINENTAL CASUALTY COMPANY FOR EMPLOYEES' GROUP HEALTH INSURANCE, COMMENCING APRIL 1, 1966

Introduced by Shastid Seconded by Smith
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

RESOLUTION NO. 66-171

A RESOLUTION AUTHORIZING THE CITY OF MODESTO TO PAY MONTHLY PREMIUM OF $7.07 FOR EACH EMPLOYEE UNDER EMPLOYEES' GROUP HEALTH INSURANCE PLAN WITH CONTINENTAL CASUALTY COMPANY

Introduced by VanderWall Seconded by Shastid
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

NOTICE OF PUBLIC HEARING - LOCAL AGENCY FORMATION COMMISSION

The City Manager announced that the Local Agency Formation Commission would hold hearings on March 16, 1966, in Room 202, Courthouse, beginning at 7:30 P.M., on the proposed annexation of Ramona and Prescott additions to the City of Modesto.

NOTICE FROM UNITED STATES CONFERENCE OF MAYORS THAT ITS ANNUAL CONFERENCE WILL BE HELD IN DALLAS, TEXAS, JUNE 11-15, 1966

The City Manager stated that a copy of the agenda of the United States Conference of Mayors to be held in Dallas, Texas on April 11-15, 1966, was available in his office to interested persons.

PRESENTATION OF FINANCIAL STATEMENT FOR MONTH OF FEBRUARY 1966

The financial statement for the month of February, 1966 was presented and ordered filed.

MATTERS FOR THE GOOD OF THE COMMUNITY

Open House - Police and Fire Departments

The City Manager reported that a total of 4,202 individuals visited the Police and Fire Departments during the open house held by the City on March 4th and 5th. Total cost, including cash outlay plus employee overtime, was $1,495.81.

Councilmen attending the open house commented on the excellent displays and conduct of the open house by Police and Fire Department personnel, and the favorable comments made by visitors.

RESOLUTION NO. 66-172

A RESOLUTION COMMENDING THE CHIEF OF POLICE AND THE MEMBERS AND EMPLOYEES OF THE POLICE DEPARTMENT FOR THEIR OUTSTANDING CONTRIBUTION DURING THE OPEN HOUSE PROGRAM CONDUCTED BY THE CITY OF MODESTO ON MARCH 4TH AND 5TH, 1966, AT THE MODESTO POLICE DEPARTMENT

Introduced by Smith Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

RESOLUTION NO. 66-173

A RESOLUTION COMMENDING THE FIRE CHIEF AND THE MEMBERS AND EMPLOYEES OF THE FIRE DEPARTMENT FOR THEIR OUTSTANDING CONTRIBUTION DURING THE OPEN HOUSE PROGRAM CONDUCTED BY THE CITY OF MODESTO ON MARCH 4TH AND 5TH, 1966, AT THE MODESTO FIRE STATION NO. 1.

Introduced by Smith Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

Brown & Caldwell - Jenks & Jenks Sewer Studies - Unanimous Consent Item

The following documents were entered into the record of the minutes: Memorandum from the City Manager, dated March 7, 1966, subject, "Staff Review of Brown and Caldwell, and Jenks and Jenks Reports on Sewage Collection and Disposal," and memorandum from the Director of Public Works, dated March 7, 1966, subject, "Review of Reports by Brown and Caldwell, and Jenks and Jenks on Trunk Sewers and Sewage Treatment."

The City Manager recommended in his memorandum that the staff be authorized by the Council to recommend its solution to the sewerage problem; that this recommendation be submitted to Brown and Caldwell and Jenks and Jenks for their review prior to submission to the City Council.

MOTION

That the staff be authorized to check the cost differences with the engineering firms and financial consultants; to reconcile the differences for the Council; that the staff submit a recommendation as to what it feels will perform properly; that this recommendation be submitted to the two engineering firms, Financial Consultants, and City-County Sewer Committee prior to submission to the Council

Moved by Shastid Seconded by Smith Unanimously carried

Report of attendance - Chamber of Commerce Board of Directors' Meeting

Councilman Mitchell reported that he attended a recent Chamber of Commerce Board of Directors' meeting; that Manager Joe Good reported that good progress was being made on preparation of the brochure for industrial development authorized by the Council. Don West, Chairman of the AB-103 Committee and a member of the Chamber Board of Directors, reported on recent Council action approving the formation of the business improvement district.

Joe Cessna, President, Modesto City Employees' Association

Mr. Cessna thanked the Council for the time and effort expended in considering the employees' group health insurance plan.

Report of Washington trip - Mayor Johansen

Mayor Johansen reported that he attended the Air Line Hearings conducted by Senator Monroney of Oklahoma, he visited the Department of Commerce Economic Development Act Office to discuss the City's sewage problems, and also discussed in Senator Kuchel and Councilman McFall's offices the new federal requirement that mail boxes be placed at the front of property of new subdivisions.

He pointed out that the air line hearings were not directly concerned with United Air Lines proposed withdrawal of service from San Joaquin Valley but called by the Senate for information regarding air line service provided to smaller cities throughout the United States; that the testimony given, however, will be passed on to the C. A. B. for consideration in making its decision on the above case. Mayor Johansen said that oral and written testimony presented by Pacific Air Lines both indicated that their average flights now were about 101 miles; that it needed relief from the C. A. B. to increase their mileage by having less short trips. He referred to a recent press release indicating that Pacific Air Lines has applied for a Honolulu to San Francisco and Los Angeles to Honolulu run, which would seem to take them out of the local carrier class.

Mayor Johansen also reported that he had received a letter from Senator Kuchel indicating that he had written to the Post Office Department concurring with the belief that the beautification program would not be enhanced by the placing of mailboxes at the front of properties; that Councilman McFall is also conferring with the Post Office Department on the subject.

Mayor Johansen stated that $200,000,000 was appropriated last October to be used for sewage treatment plant expansion under the Economic Development Act; that the ground rules have not as yet been completed; that he had picked up application forms, along with a list of things which must be done before application for federal funds can be made.

HEARING ON PROPOSED AMENDMENT TO ZONING REGULATIONS (FEES)

Mayor Johansen announced that the hour of 4:45 P.M. had arrived, the time set for consideration of recommendations made by the Planning Commission to amend Section 10-2.2204 of the Municipal Code relating to filing fees, and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Tribune on February 17, 1966; that notices have been available in the City Clerk's office for the general public.

Planning Commission Resolution No. 66-13 recommends Section 10-2.2204 of the Municipal Code be amended as proposed.

Monte Lukov, representing the Home Builders' Association, spoke in favor of the proposed amendment, stating that his organization had worked with the Planning Commission and planning staff on establishment of the fees.

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

The City Attorney stated that the recommendation contained in Planning Commission Resolution 66-13 proposed that the Code be amended to provide that the actual fees be adopted by resolution; that the proposed amendment to Section 10-2.2204 read as follows: "FILING FEES. A filing fee for each application filed pursuant to this Chapter shall be paid at the same time as the application is filed, except that public agencies shall be exempt from such fees. The City Council shall establish the filing fees by a resolution adopted from time to time." Mr. Johnson said that a resolution establishing the fees would be presented to the Council when the proposed ordinance becomes effective.

ORDINANCE NO. 778-C. S. entitled "AN ORDINANCE AMENDING SECTION 10-2.2204 OF ARTICLE 2 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE, RELATING TO FILING FEES UNDER THE ZONING REGULATIONS"

was introduced and ordered published as required by the Charter.

Moved by VanderWall Seconded by Shastid
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

ADJOURNMENT

MOTION
That the meeting adjourn to executive session to consider appointments to the AB-103 Committee

Moved by VanderWall Seconded by Mitchell Unanimously carried

The meeting adjourned at 5:03 P.M.

ATTEST: Rex E. Gailpus
REX E. GAILPUS, City Clerk

Modesto City Council
March 14, 1966

The Council of the City of Modesto met in regular session this date at 7:30 P.M. in the Council Chambers, City Hall, 801 - 11th Street, Modesto, California, Mayor Johansen presiding.

Present: Councilmen: Hughes, Mitchell, Patton, Shastid, VanderWall, Mayor Johansen
Councilman Smith arrived at 7:31 P.M.

Absent: Councilmen: None

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

Reverend R. Truman Northup gave the invocation.

APPROVAL OF MINUTES

The minutes of the February 28, 1966, meeting were approved.

LETTER FROM HARRY D. WISER, SUPERINTENDENT, MODESTO CITY SCHOOLS, REGARDING POLICY IN REZONING OF PROPERTY ADJACENT TO OR NEAR MODESTO CITY SCHOOLS

A letter from Harry D. Wiser, dated February 25, 1966, stating that the established policy of the Board of Education for the Modesto City Schools is in opposition to commercial or highway frontage zoning within one-quarter of mile from any point of a schoolground used for school purposes, was entered into the record of the minutes.

By order of the Chair, the letter was referred to the Planning Commission, with direction that it be considered in conjunction with Item 11 of the agenda, a hearing on the proposed amendment to Section 31-3-9 of the zoning map (Kirkpatrick rezoning).

LEGISLATIVE BULLETIN, LEAGUE OF CALIFORNIA CITIES, PROPOSED CHANGES IN STATE AID FOR PUBLIC LIBRARIES

A legislative bulletin from the League of California Cities, dated March 1, 1966, subject, "Proposed Changes in State Aid for Public Libraries," was entered into the record of the minutes. The bulletin outlined a new proposal submitted by librarians for the allocation of state aid to libraries and indicated that there was disagreement on a proposed increase of the "qualifying factors" which will have the effect of requiring all but the four largest municipal libraries to join a larger library system if they wish to receive state aid. The League of California Cities is opposing the bill.

Mayor Johansen stated that the proposed bill would tend to take away home rule, since joining a larger library system would mean that another agency outside the Board of Supervisors and City Council would administer the funds and operate the libary system.

MOTION

That the Council go on record as opposing the proposed changes in state aid for public libraries

Moved by VanderWall Seconded by Shastid Unanimously carried

The staff was directed to so advise our legislators.

LETTER FROM REX E. HIGBEE, CHAIRMAN, CITY-COUNTY CODE COMMITTEE, REGARDING MANDATORY INSTALLATION OF SIDEWALKS 1-35

A letter from Rex E. Higbee, dated March 3, 1966, requesting that the Council consider eliminating from the newly approved amended Public Works text, the portion requiring the mandatory installation of sidewalks when a building permit is taken out, in developed areas where no other sidewalk

exists, was entered into the record of the minutes. Mr. Higbee asked that this requirement be deleted from the ordinance until such time as the Council has established a city-wide policy on sidewalk construction.

By order of the Chair, the letter was referred to the staff to discuss the request with representatives of the Home Builders Association, for report back to the Council.

LETTER FROM CLARENCE E. SMITH, PASTOR, SEVENTH DAY ADVENTIST CHURCH, REGARDING PUBLIC APPEARANCE OF THE JAPAN COLLEGE CHOIR IN MODESTO

A letter from Pastor Clarence E. Smith, dated March 8, 1966, requesting that the Japan College choir be permitted to give a short program in the courtyard, City Hall, at 9:00 A.M., April 26, 1966, was entered into the record of the minutes. Reverend Smith stated that the program would consist of two sacred numbers, presentation of a ceremonial key and scroll, a secular number, followed by the Mayor's response.

MOTION

The presentation of a program in the courtyard, City Hall, at 9:00 A.M., April 26, 1966, be approved as requested

Moved by Smith Seconded by VanderWall Unanimously carried

RECOMMENDATION THAT INSTALLATION OF WATER LINE IN TULLY ROAD FROM BRIGGSMORE AVENUE TO THEO AVENUE BE PERFORMED BY CITY FORCES

RESOLUTION NO. 66-175

A RESOLUTION REJECTING ALL BIDS AND AUTHORIZING THE WORK TO BE PERFORMED BY THE CITY FOR THE INSTALLATION OF WATER LINE IN TULLY ROAD FROM BRIGGSMORE AVENUE TO THEO AVENUE

Introduced by Shastid Seconded by Smith
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

RECOMMENDATION THAT INSTALLATION OF WATER LINE ON McHENRY AVENUE BETWEEN WOODROW AND SYLVAN, AND ON WOODROW AVENUE BETWEEN McHENRY AND SHERWOOD BE PERFORMED BY CITY FORCES

RESOLUTION NO. 66-176

A RESOLUTION REJECTING ALL BIDS AND AUTHORIZING THE WORK TO BE PERFORMED BY THE CITY FOR THE INSTALLATION OF WATER LINE ON McHENRY AVENUE BETWEEN WOODROW AND SYLVAN, AND ON WOODROW AVENUE BETWEEN McHENRY AND SHERWOOD

Introduced by Shastid Seconded by Smith
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR INSTALLATION OF SPRINKLER SYSTEM AT WEST SIDE PARK

RESOLUTION NO. 66-177

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR INSTALLATION OF SPRINKLER SYSTEM AT WEST SIDE PARK

Introduced by Shastid Seconded by Smith
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

March 29, 1966, at 10:15 A.M. in the City Clerk's office was set at the time and place for opening of bids.

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR THE CONSTRUCTION OF WADING POOL AT MELLIS PARK

RESOLUTION NO. 66-178

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR CONSTRUCTION OF WADING POOL AT MELLIS PARK

Introduced by Shastid Seconded by Smith
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

March 29, 1966, at 10:10 A.M., in the City Clerk's office was set as the time and place for opening of bids.

REPORT OF SUPERINTENDENT OF STREETS ON COST OF INSTALLATION OF CURB AND GUTTER AT FOUR PROPERTIES ON THE SOUTH SIDE OF BLOCK 1192 ON DRAKE AVENUE

RESOLUTION NO. 66-179

A RESOLUTION SETTING TIME AND PLACE FOR HEARING REPORT OF SUPERINTENDENT OF STREETS ON COST OF INSTALLATION OF CURB AND GUTTER AT FOUR PROPERTIES ON DRAKE AVENUE (BLOCK 1192)

Introduced by Shastid Seconded by Smith
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

March 28, 1966, at 7:45 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

ACCEPT AS COMPLETE LEE A CAIN'S CONTRACT FOR CONSTRUCTION OF CURBS, GUTTERS, DRIVEWAY APPROACHES AND SIDEWALKS ON VARIOUS CITY STREETS

RESOLUTION NO. 66-180

A RESOLUTION ACCEPTING THE CONSTRUCTION OF CURBS, GUTTERS, DRIVEWAY APPROACHES AND SIDEWALKS ON VARIOUS CITY STREETS

Introduced by Shastid Seconded by Smith
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

CONSIDER AGREEMENT BETWEEN THE CITY OF MODESTO AND NATHAN J. PROVINCE FOR THE LEASING OF THE EAST ONE-HALF OF HANGAR NO. 5

RESOLUTION NO. 66-181

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND NATHAN J. PROVINCE, DBA PACIFIC AIRCRAFT SERVICE, FOR THE LEASING OF THE EAST ONE-HALF OF HANGAR NO. 5 AT AIRPORT FOR $100 PER MONTH

Introduced by Shastid Seconded by Smith
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

APPROVE SUBDIVISION AGREEMENT AND FINAL MAP OF LIBERINI PARK NO. 2 SUBDIVISION

RESOLUTION NO. 66-182

A RESOLUTION APPROVING THE FINAL MAP OF THE LIBERINI PARK NO. 2 SUBDIVISION OF THE CITY OF MODESTO

Introduced by Shastid Seconded by Smith

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR INSTALLATION OF WATER LINES IN LIBERINI PARK NO. 2 SUBDIVISION

RESOLUTION NO. 66-183

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR INSTALLATION OF WATER LINES IN LIBERINI PARK NO. 2 SUBDIVISION

Introduced by Shastid Seconded by Smith
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

March 29, 1966, at 10:20 A.M. in the City Clerk's office was set as the time and place for opening of bids.

AGREEMENT BETWEEN CITY AND HARRY T. AND GERALDINE B. KULLIJIAN AND ELLIOT AND SYLVIA NAVON - APPLICATION FOR CONDITIONAL USE PERMIT TO CONSTRUCT COIN-OPERATED CAR WASH ON YOSEMITE BOULEVARD BY C. NORWOOD FORSYTH

RESOLUTION NO. 66-184

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND HARRY T. AND GERALDINE B. KULLIJIAN AND ELLIOT I. AND SYLVIA NAVON RELATING TO AN APPLICATION FOR A CONDITIONAL USE PERMIT TO CONSTRUCT COIN-OPERATED CAR WASH ON YOSEMITE BOULEVARD BY C. NORWOOD FORSYTH

Introduced by Shastid Seconded by Smith
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

REQUEST FOR CURB CUT VARIANCE BY CECIL SWANN AT NORTHEAST CORNER OF LaLOMA AND H STREETS

RESOLUTION NO. 66-185

A RESOLUTION SETTING TIME AND PLACE FOR HEARING REQUEST OF CECIL SWANN FOR CURB CUT VARIANCE AT NORTHEAST CORNER OF LaLOMA AND H STREETS

Introduced by Shastid Seconded by Smith
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

March 21, 1966, at 4:45 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

REQUEST FOR DRIVEWAY VARIANCE - RICHFIELD OIL CORPORATION, 6TH AND F STREETS

RESOLUTION NO. 66-186

A RESOLUTION SETTING TIME AND PLACE FOR HEARING REQUEST OF RICHFIELD OIL CORPORATION FOR DRIVEWAY VARIANCE AT 6TH AND F STREETS FOR SERVICE STATION

Introduced by Shastid Seconded by Smith
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

March 21, 1966, at 4:50 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

APPROVE AGREEMENT BETWEEN THE CITY OF MODESTO AND ROBERT P. BOMBERGER, ET UX, FOR THE CONSTRUCTION OF A SANITARY SUBTRUNK SEWER TO PROVIDE SEWER SERVICE TO COFFEE PLAZA SUBDIVISION

RESOLUTION NO. 66-187

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND ROBERT P. BOMBERGER, ET UX, FOR CONSTRUCTION OF A SANITARY SUBTRUNK SEWER TO PROVIDE SEWER SERVICE TO COFFEE PLAZA SUBDIVISION

Introduced by Shastid Seconded by Smith
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

ADOPTION OF ORDINANCE NO. 778-C.S., AMENDMENT TO ZONING REGULATIONS,FILING FEES 1-61

ORDINANCE NO. 778-C.S. entitled
"AN ORDINANCE AMENDING SECTION 10-2.2204 OF ARTICLE 2 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE, RELATING TO FILING FEES UNDER THE ZONING REGULATIONS"

introduced March 7, 1966, and having been published as required by the Charter, was moved and adopted.

Moved by VanderWall Seconded by Smith
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR CONSTRUCTION OF GOLF COURSE CLUBHOUSE

The City Manager reported that the revised plans and specifications for the Dryden Golf Course Clubhouse had been reviewed by the Director of Public Works and were ready to present for bid. Mr. Keefe said that special efforts would be made to secure bidders for the project. Revisions to the plans and specifications of the clubhouse to make them more in line with the Engineer's estimate were discussed by the Council

RESOLUTION NO. 66-188
A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR CONSTRUCTION OF DRYDEN GOLF COURSE CLUBHOUSE

Introduced by Shastid Seconded by VanderWall
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

March 29, 1966, at 10:30 A.M. in the City Clerk's office was set as the time and place for opening of bids.

CONSIDER APPLICATION FOR FEDERAL FUNDS FOR URBAN BEAUTIFICATION AND IMPROVEMENT PROGRAM

The following documents were entered into the record of the minutes: Memorandum from City Manager, dated February 21, 1966, subject, "Application for Federal Funds - Urban Beautification and Improvement Program," with list of capital improvements projects proposed for years 1966 through 1972 qualifying for beautification funds attached; Planning Commission Resolution No. 66-21, recommending to the Council that an application be made for federal funds for the Urban Beautification Program, and outlining specific projects to be placed in that program; memorandum from the City Manager, dated March 9, 1966, subject, "Application for Federal Funds - Urban Beautification and Improvement Program," recommending approval of the Planning Commission's approval of the program and authorization to submit an application to the Urban Renewal Administration for federal funds for the proposed projects.

Councilman Hughes objected to the proposed application for federal funds, stating that in his opinion the City had a well planned capital improvement program and should spend budgeted funds, and not increase the program simply because matching federal funds are available; that if we wished to see the federal government back on a sound fiscal basis, the City should not apply for federal funds for this kind of spending, that the projects should be completed as the City can afford them.

Councilman Patton stated that he would prefer application of the funds to the City's sewer system rather than a beautification program.

The proposed application for funds was discussed by the Council.

RESOLUTION NO. 66-189

A RESOLUTION APPROVING A SIX-YEAR URBAN BEAUTIFICATION AND IMPROVEMENT PROGRAM

Introduced by Mitchell Seconded by Smith
Ayes: Mitchell, Shastid, Smith, VanderWall, Mayor Johansen
Noes: Hughes, Patton Absent: None

HEARING ON AMENDMENT TO SECTION 31-3-9 OF ZONING MAP (KIRKPATRICK PROPERTY, MAZE BOULEVARD)

Mayor Johansen announced that the hour of 8:00 P. M. had arrived, the time set for consideration of the proposed rezoning of property located on the south side of Maze Boulevard, west of Emerald Avenue, from R-1 to C-1, and property fronting on the west side of Emerald Avenue between Sandburg Avenue and Maze Boulevard, from R-1 to R-2, and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Tribune on February 17, 1966, and notices posted and distributed in the area on March 1, 1966, that Item No. 2 on the agenda, a letter from the Superintendent of the Modesto City Schools, protested the requested C-1 zoning because of its proximity to Franklin School.

Planning Commission Resolution No. 66-15, adopted February 1, 1966, recommended that the application for rezoning an 8.47 acre parcel from R-1 to C-1 be denied on the basis that the rezoning was not required by public necessity, convenience and general welfare as it exceeded the service standards and recommended acreage for commercial uses according to the project population in the surrounding neighborhoods, as shown in the amended General Plan; that rezoning of the area requested for R-2 zoning be approved on the basis that it was required by public necessity, convenience and general welfare; that seven acres of the area requested for a C-1 zone be approved on the basis that the property faced a major street; a seven acre neighborhood shopping center at this location was consistent with the service standards of the amended General Plan; that the present development pattern of residential subdivision in the Maze-Wren and Twain Neighborhood justified a neighborhood shopping facility in this location at this time.

Director of Planning Fey stated that the application for rezoning was filed by John Kirkpatrick and considered by the Planning Commission on January 18, 1966. Action was withheld by the Planning Commission at this time because of an application pending before the County Planning Commission to the north of this location, until a joint meeting could be held with the County Planning Commission to discuss a general policy concerning the problem of four-corner zoning on major streets. After a joint City-County Planning Commission meeting to discuss a general policy of four-corner zoning on major streets, the Planning Commission reconsidered the application at a further hearing on February 1st, and at that time reduced the area of the application from 8½ acres to 7 acres, and recommended that the Council approve C-1 zoning for 7 acres only, and in addition recommended that the R-2 be approved as requested. Location of the parcel proposed for rezoning was indicated on a map.

Upon questioning, Mr. Fey stated that at the time the application for rezoning was being considered, the Planning Commission was aware of the Board of Education's policy opposing commercial development within one-fourth mile from any portion of a school ground used for school purposes; that this was discussed at the meeting and after discussion, the Planning Commission decided that it would prefer to review each situation of this kind on its own merits, rather than adopting a specific policy which might have to be overridden in the future.

John Kirkpatrick, applicant, spoke briefly in support of his application, and briefly outlined plans for development of a 95-acre parcel in the area, comprising about 168 homes at a total cost of about 6½ million dollars.

Mr. Kirkpatrick was questioned by the Council on the overall plan development of his property; proposed uses for the portion for which C-1 rezoning was requested.

Director of Planning Fey was questioned by the Council on the C-1 zoning requested for access to the parcel from Emerald Avenue; the future rezoning of a parcel presently zoned R-1, located on the corner of Maze and Emerald Avenues adjacent to Mr. Kirkpatrick's property.

The following spoke in opposition to the proposed rezoning: Dr. Harry Wiser, Superintendent, Modesto City Schools, who said that the Board of Education objected to the proposed C-1 zoning as being too close to the Franklin School and objected to the driveway coming off of Emerald into the proposed C-1 area; Frank Van Konynenburg, attorney, representing the Mothers' Club, St. Stanislaus School, who stated that the Mothers' Club objected to the C-1 zoning only; Mrs. Ray Olsen, 209 Clover Lane, who stated that, in her opinion, the location of the parcel proposed for rezoning was not in conformance with the recently adopted General Plan; and that there was insufficient population in the area to justify the proposed commercial zoning; Ruby Smith, 100 North Emerald, who stated that she felt that the area should be restricted to R-1 uses only; that added traffic generated by the commercial activity would be hazardous to school children who must walk along the highway to and from school.

Mr. Kirkpatrick stated that there were 400 homes in his development; that these 400 homes would not have to touch Emerald, Maze, Carpenter, or California Street; that the plans for the commercial development showed a street in the middle of the shopping center; also, a frontage road for the development.

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

Dr. Wiser was questioned by the Council on the Board of Education's policy in locating schools.

Director of Planning Fey was questioned on the following: The recommendation of the County Planning Commission on the request for rezoning of the property on the northwest corner of Maze and Emerald Avenues to H-1; sidewalk requirements for commercial zoning; whether or not the requested C-1 zoning could more effectively be placed in another portion of the proposed 95-acre development.

The Council discussed the following: The traffic problems which would be generated by the proximity of the proposed neighborhood shopping center to the school; the need for city-county cooperation in considering rezonings when adjacent parcels lying in the county or city may be affected by the rezoning of one parcel by either agency; possible location of the proposed shopping center in the middle of the development with access to the shopping center located about a block from the major intersection into a frontage road, with no openings on the major street.

In introducing a resolution denying the rezoning, Councilman Shastid commented that his recommended denial of the application for C-1 zoning would in no way interfere or prevent discussion with the Planning Commission of a possible P-D zoning for the parcel.

RESOLUTION NO. 66-190

A RESOLUTION REJECTING THE RECOMMENDATION OF THE MODESTO CITY PLANNING COMMISSION THAT SECTION 31-3-9 OF THE ZONING MAP BE AMENDED TO REZONE THE AREA SET FORTH IN PLANNING COMMISSION RESOLUTION 66-15 AND REQUESTING A FURTHER REPORT FROM THE PLANNING COMMISSION IN ACCORDANCE WITH SECTION 10-2.2114 OF THE MUNICIPAL CODE

Introduced by Shastid Seconded by VanderWall
Ayes: Mitchell, Shastid, Smith, VanderWall
Noes: Hughes, Patton, Mayor Johansen

The resolution carried.

The Council recessed at 9:45 P.M., returning to regular session at 9:53 P. M.

HEARING ON NORTHGATE APPLICATION FOR REZONING

Mayor Johansen announced that the hour of 8:30 P.M. had arrived, the time set for consideration of the proposed rezoning of property located between Granger Avenue and Northern Boulevard, east of the Tidewater Southern Railroad right-of-way, from One-Family Zone, R-1, to Planned Development Zone, P-D(24), and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Tribune on March 3, 1966, and notices posted and distributed in the area on March 1, 1966.

Planning Commission Resolution No. 66-16, recommending to the Council that Section 17-3-9 of the Zoning Map (Northgate Enterprises) be amended to approve the requested zoning from R-1 to P-D (24), and Resolution No. 16-19, amending Condition b. of Section of Resolution No. 66-16, were entered into the record of the minutes.

Director of Planning Fey stated that a public hearing was held by the Planning Commission on January 28, 1966, and action deferred until the staff, applicant and neighbors in the area surrounding the property proposed for rezoning, could meet. He said that two meetings were held, and on February 1st the matter was again considered by the Planning Commission with Resolution 66-16 adopted, recommending that the Council approve the requested rezoning. When presented to the Council to set a date of hearing, at the request of the applicant, who had indicated a difference of opinion with the nature of the resolution adopted by the Planning Commission, the matter was referred back to the Planning Commission by the City Council for further study, with specific regard to the recommendation regarding Northern Boulevard improvements. After reconsideration by the Planning Commission at its February 15th meeting, Resolution No. 66-16 was amended, deleting any reference to the improvement of Northern Boulevard as a condition of the planned development zoning.

The location of the approximately 16-acre parcel proposed for rezoning was indicated on a map by Mr. Fey. Also shown to the Council were plans of the proposed development, the one submitted with the original application, and the amended plan approved by the Planning Commission and referred to the City Council. He said that the modified plan contained 201 units, 334 off-street parking spaces, 32 in excess of the code requirement of 1½ spaces per unit. The seven phases of the planned development were outlined by Mr. Fey.

Mr. Fey was questioned by the Council on the following: Whether the entire development would be just one legal entity or if separate parcels could be sold, and if this would alter the order of the development; who would be responsible for fence maintenance in the event that the parcel came under different ownerships; steps which could be taken if development phases were not met under different ownerships; the density of the proposed development compared with an R-1 density; whether or not the opening of Northern Boulevard will alleviate traffic on Granger Avenue; when the development of Northern Boulevard is expected to be completed; the amount of right-of-way still needed before Northern Boulevard can be improved.

Richard Giddings, representing Northgate Enterprises, spoke briefly in support of the application for rezoning, pointing out the new features of the approved development plan which were made to correct objectionable features of the original plan submitted. It was his opinion that the proposed development would add to the area, would improve property values in general, and create a nice living area for the City.

Robert Nickerson, 401 Gayle Avenue, stated that he was appointed chairman by the residents living in the area adjacent to the property proposed for rezoning, for the presentations opposing the rezoning to be made by various individuals. He asked that the Council note the number of people present in the audience opposing the rezoning. Mr. Nickerson pointed out that neither of the development plans presented by Northgate Enterprises were the result of meetings between Northgate representatives and residents in the area.

The following residents in the area spoke against the proposed rezoning: Dolores Brink, 318 Gayle Avenue, who discussed the existing traffic situation on Granger Avenue; Mrs. Patricia Johnson, 1718 June Drive, who spoke on actual traffic counts on Granger Avenue, comparing a count taken January 17-20, 1963, of 2,145; October 26 - November 1, 1965 count, an average of 4,448 cars; February, 1966, an average of between 5,175 and 5,349 cars per day; Kenneth Brink, 318 Gayle Avenue, who discussed the new problems which would be superimposed on the traffic problems already discussed if the rezoning is approved, pointing out that no concern has been given to pedestrians who must cross Granger Avenue, a total of 500 students who go to and from school each day; Roy Lipanovich, 1621 Bronson Avenue, who stated that access to Northern Boulevard was required by the Planning Commission from the property proposed for rezoning for safety and alleviation of traffic on Granger Avenue, but that there was little likelihood that Northern Boulevard would be developed within the immediate future in view of comments by members of the Planning Department that this project has yet to be budgeted; that when developed, Northern Boulevard will not be a desirable access because it will be a one-way street going east; Mrs. Grace Bjarnason, 1640 Carlton Avenue, who discussed the parking problems within the development itself, pointing out the noise that would be created by the mass parking of cars in the area adjacent to residences on Carlton Avenue; John Nuccio, 1606 Augusta Court, Cal-Vet property agent, who outlined the development of multiple housing in the City subsequent to 1958, and pointed out the advantages of dispersal of multiple accommodations rather than a heavy concentration at one point, thus lessening the inconvenience to one particular neighborhood; Mrs. Betty Lipanovich, 1621 Bronson, who suggested that apartments on the perimeter of the downtown area would provide a solution to the deteriorating areas, permit residents to walk to their places of business and help eliminate downtown parking problems, and would not create hardships in residential areas; Russell Peck, 1630 Carlton Avenue, who spoke on the effect the multiple housing would have on the privacy of neighboring residences; John Boss, 1026 Calder Court, read excerpts from a letter from the Veterans Administration, dated February 24, 1966, and a letter from the Federal Housing Administration, dated February 10, 1966, on the effect on property values of single family residence adjacent to multiple housing units; Gary Potter, 1026 Middleton Court, who told of the depreciating effects on a Sacramento residential area which resulted when multiple family housing was permitted adjacent to it; Russell Peck, 1630 Carlton Avenue, who stated that he was still a resident on Carlton Avenue, but was renting the home he recently sold to individuals who refused to move into the home when they learned of the proposed rezoning of the adjacent property for multiple housing; Dr. Richard H. Johnson, 1718 June Drive, who gave reasons why it was not necessary to develop the property other than R-1 in order to develop it profitably; Bill Hill, 309 Gayle Avenue, who spoke on the legal right of the area to remain R-1 unless there could be shown a clearcut need of the owner to change the zoning for the good of the community, which in this case was not the owner but the developer who wished to develop the property for his own interests.

Mr. Nickerson stated that a mother in the area had informed him that the real traffic problem on Granger related to children pedestrians because of the lack of sidewalks, which forced the children to walk in the streets to go to and from school.

The following individuals also expressed their opposition to the rezoning: Paul Werda, 1018 Calder Court, representing John C. Fremont Dad's Club, who pointed out the traffic dangers to the children who must cross Granger to to to and from school; Andrew J. Klein, 1736 Carlton and Northern Boulevard, who questioned the type of construction proposed for the planned development.

Leonard Arnold, 1613 June Drive, spoke briefly in favor of the rezoning, stating that since Modesto was growing, it was necessary for citizens to face the necessity of compact housing to prevent the spreading of subdivisions to farm lands; that a man was entitled to develop his property to its most productive use.

Mr. Giddings spoke briefly in rebuttal to the objections made by the various opponents to the proposed rezoning. He pointed out that no homes faced the property proposed for rezoning; that the homes on Carlton Avenue backed up to the property across the railroad tracks.

Mr. and Mrs. Johnson commented briefly on two-story homes.

Mr. Paul Werda stated that at the November 22, 1965, hearing, the Council suggested that Mr. Giddings or a Northgate Enterprises representative meet with the neighbors to work out differences. He said that the only compromise made was the plan submitted - take it or leave it.

The following documents, submitted by opponents to the proposed rezoning, were entered into the record of the minutes: Ten pictures relating to traffic situations on Granger Avenue; accident summaries on Granger and Bowen Avenues from 1962 to 1966; graphs indicating traffic counts and traffic flow projection for West Granger; report comparing parking in the area adjacent to the City Hall and the west edge of the proposed planned development; report on rate of growth of the City from 1962 to date; drawing indicating how privacy of neighboring residents would be affected by the two-story multiple housing; letter from Veterans Administration, dated February 24, 1966, relative to evaluation of single-family residences adjacent to multiple-family developments; letter from Federal Housing Administration, dated February 10, 1966, same subject; traffic count on Granger Avenue east of Tidewater Southern Railroad tracks February 4 through February 11, 1966.

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

The Council discussed the following: Comparison of the November, 1965, and February, 1966, traffic counts; the additional traffic which would be generated by the proposed housing development; the effect on Granger Avenue traffic when Northern Boulevard is developed; number of pedestrian-automobile accidents on Granger; the need for sidewalks in the area; expediting the improvement of Northern Boulevard; right-of-ways yet to be acquired for the improvement of Northern Boulevard.

The City Manager was directed to furnish the Council a report on the present status of plans for the improvement of Northern Boulevard, the costs involved, etc.

MOTION

That the Council go on record as desiring to step up the priority for the development of Northern Boulevard and that it be developed as soon as practicable

Moved by Shastid Seconded by VanderWall Unanimously carried

ORDINANCE NO. 779-C.S. entitled "AN ORDINANCE AMENDING SECTION MAP 17-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (NORTHGATE ENTERPRISES) P-D(24)

was introduced and ordered published as required by the Charter.

Moved by Patton Seconded by Shastid
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

RESOLUTION NO. 66-191

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D (24) (NORTHGATE ENTERPRISES)

Introduced by Patton Seconded by Shastid
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

HEARING ON PROPOSED ANNEXATION OF SCENIC VILLAGE ADDITION 19-110

Mayor Johansen announced that the hour of 8:30 P.M. had arrived, the time set for consideration of the proposed annexation of Scenic Village Addition to the City of Modesto (comprising 11.175 acres) and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Tribune on March 14, 1966, and notices mailed to the property owners involved and other interested persons on March 9, 1966. No written protests were filed with the City Clerk.

Planning Commission Resolution No. 66-18 adopted February 15, 1966, recommends that the area be annexed to the City.

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

RESOLUTION NO. 66-192
A RESOLUTION ANNEXING UNINHABITED TERRITORY KNOWN AS THE SCENIC VILLAGE ADDITION TO THE CITY OF MODESTO

Introduced by Shastid Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

MATTERS FOR THE GOOD OF THE COMMUNITY

Offer of Junior Chamber of Commerce to assist in development of Mancini property

Leonard Arnold, representing the Junior Chamber of Commerce, offered the Chamber's assistance in the development of the Mancini property for park purposes---furnishing ideas, promotions for funds, and labor.

Mayor Johansen thanked Mr. Arnold for the offer, stating that the Chamber would be notified when plans are developed for improvement of the property.

Reduction of electrical rates for municipal lighting by M. I. D.

Councilman Mitchell entered into the record of the minutes a letter from James W. Smith, President, Modesto Irrigation District, dated March 14, 1966, announcing a reduction in electrical rates to the City for municipal street lighting, effective April 1, 1966, which will result in reducing expense to the City approximately $5,700 annually. Councilman Mitchell said that the rate reduction was the outgrowth of the City's discussions with the M. I. D. concerning municipal lighting, and that continued study was planned on municipal lighting and cooperation with the M. I. D.

Councilman Shastid proposed that the City proceed immediately with a minimum program of $50,000 towards municipal lighting, which, according to the staff report, would provide the following: 96 lights in the downtown alleys at a cost of $11,000; 18 lights to complete the base program in city parks, $9,000; 18 railroad crossings, $15,000; and the remaining $17,000 to be used in 1/10 of the city's unlighted areas.

The staff was directed to place this matter on the agenda of the March 21st meeting for Council consideration.

Cooperation of M. I. D. with City and County on Drainage Problems

Mayor Johansen said he had read an item in the press that some of the members of the M. I. D. Board of Directors felt that they should work closer with the City and County on drainage; that he had addressed a letter to the Chairman of the Board, indicating the City's desire to meet with the M. I. D. Board of Directors to discuss drainage problems.

CONSIDER DOING TRAFFIC SIGN WORK BY CITY PERSONNEL

A memorandum from the Director of Parking and Traffic, dated March 7, 1966, subject, "Traffic Signing Work - Continue Contracting with CSAA or Handle with City Forces," was entered into the record of the minutes. The memorandum indicated that the California Auto Association has informed the City that effective July 1, 1966, the contract price for traffic signing will be increased from the present $4 per hour to $5 per hour. Recommendation was made that a full time position be authorized in the Parking and Traffic Department to handle traffic signing, meter post maintenance and street name signing, effective July 1, 1966.

MOTION

That the staff be directed to proceed with the recommendations contained in memorandum from Director of Parking and Traffic, dated March 7, 1966

Moved by Shastid Seconded by VanderWall Unanimously carried

APPLICATION OF THE WESTERN UNION TELEGRAPH COMPANY, A CORPORATION, FOR AN ORDER AUTHORIZING IT TO INCREASE CERTAIN INTRASTATE RATES AND CHARGES APPLICABLE TO PRIVATE LINE SERVICE WITHIN THE STATE OF CALIFORNIA

An application of the Western Union Telegraph Company, filed with the Public Utilities Commission for an order authorizing it to increase certain intrastate rates and charges applicable to Private Line Service within the State of California, was ordered filed, with no action taken by the Council.

APPROPRIATION TRANSFER OF $500 TO COVER ATTENDANCE AT NATIONAL LEGISIATIVE CONFERENCE - MARCH 29 - 31, 1966, WASHINGTON, D.C.

RESOLUTION NO. 66-193

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $500 FOR COUNCILMAN'S ATTENDANCE, NATIONAL LEGISLATIVE CONFERENCE (Washington, D. C.)

Introduced by VanderWall Seconded by Hughes
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

REPORT ON TUOLUMNE RIVER REGIONAL PARK 20-86

A memorandum from Department of Parks and Recreation Mary Grogan, dated March 10, 1966, subject, "Tuolumne River Regional Park," was entered into the record of the minutes. Miss Grogan expressed need for identification of the boundaries of the proposed area park, and preparation of a development plan which would show the ultimate development to be included, even though the development might be started over a number of years. The following recommendations were made: That the Council join with the County in the hiring of a landscape architect to prepare a development plan for all the area in public ownership along the Tuolumne River from Mitchell to Carpenter Road; that the City and County approve the development plan when it has been completed; that the staffs be authorized to investigate any and all sources of revenue for the development of the proposed plan.

MOTION

That the recommendations of the staff be approved and the Mayor authorized to appoint a committee to work with the Board of Supervisors to implement the recommendations

Moved by VanderWall Seconded by Hughes Unanimously carried

George Gagos said that he hoped that the park area would be developed before his children leave town; that he lived along Dry Creek and knew the natural beauty and the potential of the area; that he thought the City was overlooking the power of the community in contributing to the community if it had something to which it could contribute -- that there were groups who would clear it, work it, contribute land, money, etc. He emphasized the

importance of a plan, so that the work can be phased and offered to the community for contribution, and at this point, either with or without the County. The City Manager pointed out that federal funds were available on a regional basis only and would not be available without joint city-county participation.

REQUEST FOR PERMISSION TO PARTICIPATE IN OIL FIRE CONTROL SCHOOL

A memorandum from Fire Chief Everett, dated March 9, 1966, subject, "Request for Permission to Participate in Oil Fire Control School," was entered into the record of the minutes. Request was made that Assistant Chief Bob Gunn assist as an instructor in the oil fire control school co-sponsored by the California Fire Training Section of the Division of Industrial Education and Western Oil and Gas Association, which will be conducted at the fairgrounds in Turlock on March 17, 18, and 19; also to make one of the City's pumpers available for the Saturday field day from 9:00 A.M. to 3:00 A.M.

MOTION

That the request of the Fire Chief as outlined in memorandum, dated March 9, 1966, be approved

Moved by Shastid Seconded by Patton Unanimously carried

REQUEST AUTHORIZATION FOR TWO PLANNING COMMISSIONERS TO ATTEND ASPO CONFERENCE

MOTION

That Planning Commissioners Dedrick Denison and Ray Simon be authorized to attend the annual conference of American Society of Planning Officials to be held in Philadelphia, Pennsylvania, from April 17 to 21, 1966

Moved by Shastid Seconded by VanderWall Unanimously carried

ADJOURNMENT

MOTION

That the meeting adjourn to executive session to consider appointments to the AB-103 Committee

Moved by Smith Seconded by VanderWall Unanimously carried

The meeting adjourned at 12:59 A.M.

ATTEST: _____
REX E. GAILFUS, City Clerk

The Council of the City of Modesto met in regular session this date at 4:00 P.M. in the Council Chambers, City Hall, 801 11th Street, Mayor Johansen presiding.

Present: Councilmen: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Absent: Councilmen: Shastid

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

Father Robert J. Pereira gave the invocation.

LETTER FROM ALLEN GRIMES

A letter from Allen Grimes, former City Attorney, City of Modesto, dated March 14, 1966, expressing his thanks for gifts received during a recent illness, was entered into the record of the minutes. The letter was ordered filed.

LETTER FROM MONTE W. LUKOV, CHAIRMAN, AMERICAN LEGION BASEBALL, REGARDING SUPPORT OF AMERICAN LEGION BASEBALL PROGRAM

A letter from Monte W. Lukov, dated March 17, 1966, requesting financial assistance for the American Legion Baseball Program was entered into the record of the minutes. By order of the Chair, the letter was referred to the staff to be brought to the attention of the Council at the appropriate 1966-67 budget hearing.

LETTER FROM L. L. LEHTIN, VICE PRESIDENT, TRI-VALLEY GROWERS, REGARDING INCLUSION OF McHENRY PLANT NO. 2 IN MODESTO SEWAGE PROJECT

A letter from L. L. Lehtin, dated March 15, 1966, regarding the inclusion of Tri-Valley Growers McHenry Plant No. 2 in the Modesto Sewage Project, was entered into the record of the minutes. By order of the Chair, the letter was referred to the staff for review and report to the Council.

LETTER FROM GREAT AMERICAN INSURANCE COMPANY REGARDING ROBERT KEELY VS. CITY OF MODESTO, ET AL, AS DEFENDANTS

A letter from Paul S. Sand, Claim Examiner, Great American Insurance Companies, dated March 10, 1966, offering to have its counsel represent the City of Modesto in defense of exemplary damages sought by the plaintiff in Robert Keely vs. City of Modesto, was entered into the record of the minutes.

By order of the Chair, the letter was referred to the City Attorney for review and report to the Council.

LETTER FROM HY YOUNGHEIM, PRESIDENT, DOWNTOWN MODESTO ASSOCIATION, REGARDING CROSSWALKS

A letter from Hy Youngheim, President, Downtown Modesto Association, dated March 15, 1966, asking that crosswalks be added on 10th Street between J and K, on 11th between J and K, and on 10th and 11th between H and I Streets, was entered into the record of the minutes.

By order of the Chair, the letter was referred to the staff for review and report to the Council.

LETTER FROM GEORGE MURPHY, UNITED STATES SENATOR, REGARDING CURBSIDE MAIL BOXES

A letter from Senator George Murphy, dated March 10, 1966, enclosing a copy of the reply received from the Post Office Department concerning curb-line mail deliveries, was entered into the record of the minutes. The attached letter from A. C. Hahn, Deputy Assistant Postmaster General, dated

March 7, 1966 indicated that the current policy of the Post Office Department was to extend mail delivery to homes at the curb wherever practicable, and defer for the present conversions for curb to door delivery, in order to contain delivery costs, in light of the fact that the appropriation approved by Congress for postal operations during fiscal year 1966 was $29 million less than the amount included in the President's budget. The letters were ordered filed.

LETTER FROM WARREN M. DORN, SUPERVISOR, 5TH DISTRICT, COUNTY OF LOS ANGELES, REGARDING GROWING NARCOTIC TRAFFIC WHICH THREATENS OUR SOCIETY

A letter from Warren M. Dorn, Supervisor, Fifth District, Los Angeles County Board of Supervisors, dated March 11, 1966 requesting that the Council adopt a resolution opposing a proposed constitutional initiative to legalize the manufacture, sale, purchase, possession and transportation of marijuana, was entered into the record of the minutes.

MOTION

That the letter be referred to the City Attorney to prepare a resolution opposing the proposed constitutional initiative

Moved by Hughes Seconded by VanderWall Unanimously carried

Upon questioning, the City Attorney stated that the names of the people filing the proposed initiative were on file in the Secretary of State's office and of public record.

CONSIDER APPROVAL OF SPECIFICATIONS AND AUTHORIZE CALL FOR BIDS ON EIGHT MOBILE AND PORTABLE RADIOS

RESOLUTION NO. 66-194

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR EIGHT MOBILE AND PORTABLE RADIOS

Introduced by Smith Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

April 11, 1966 at 2:00 P.M. in the City Clerk's office was set as the time and place for opening of bids.

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR WATER LINE EXTENSION ON OLD OAKDALE ROAD AND IN TRADEWINDS SUBDIVISION

RESOLUTION NO. 66-195

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE WATER LINE EXTENSION ON OAKDALE ROAD AND IN TRADEWINDS SUBDIVISION

Introduced by Smith Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

April 5, 1966 at 10:00 A.M. in the City Clerk's office was set as the time and place for opening of bids.

AUTHORIZE CITY MANAGER TO EXECUTE A DOCUMENT ENTITLED "RECEIPT FOR DISTRIBUTIVE SHARE" TO ACKNOWLEDGE RECEIPT OF PROPERTY BEQUEATHED TO THE CITY OF MODESTO BY IONE MANCINI, DECEASED, AND ATTESTATION BY CITY CLERK

Introduced by Smith Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

REQUEST BY GENE THOMAS, TRAILER SALES, REGARDING NEED FOR BLACKTOP TRAILER ON TRAILER LOT AT 630 NORTH 9TH STREET

RESOLUTION NO. 66-197

A RESOLUTION SETTING TIME AND PLACE FOR HEARING REQUEST OF GENE THOMAS REGARDING NEED FOR BLACKTOP ON TRAILER LOT AT 630 NORTH 9TH STREET

Introduced by Smith Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

March 28, 1966 at 7:50 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

CONSIDER OPTION TO PURCHASE CHRYSLER PARK SITE - RESOLUTION AUTHORIZING EXECUTION OF OPTION AGREEMENT

At the request of the City Manager, and with the unanimous consent of the Council, this item was removed from the agenda.

RESOLUTION TRANSFERRING FROM THE CONTINGENCY RESERVE $23,250 TO COVER PURCHASE PLUS INCIDENTAL COSTS - CHRYSLER PARK SITE

At the request of the City Manager, and with the unanimous consent of the Council, this item was removed from the agenda.

AN ORDINANCE AMENDING TITLE VII OF THE MODESTO MUNICIPAL CODE RELATING TO PUBLIC WORKS

Proposed amendments to Title VII of the Modesto Municipal Code were considered by the Council at public hearings held on January 10, 1966, continued to February 21, 1966 at which time the proposed amendments were approved by the Council in principle and the staff authorized to prepare an ordinance accordingly.

The City Manager stated that the staff had met with representatives of the Home Builders' Association which has requested a change in the proposed text relating to the mandatory installation of sidewalks, where none now exist, when a building permit is taken out.

A letter from Rex E. Higbee, Chairman, City-County Code Committee, dated March 3, 1966 outlining the Home Builders' Association's thoughts on the mandatory installation of sidewalks in residential areas where none now exist, when building permits are obtained, was entered into the record of the minutes.

The City Manager stated that the Home Builders' Association has recommended that the section pertaining to sidewalks in residential areas be changed to require installation of sidewalks when permits are issued, only when sidewalks exist on 50% of the particular street between connecting streets; that the Association agrees that sidewalks should be required in commercial areas.

The request was discussed by the Council.

Monte Lukov spoke briefly in support of the Association's request.

Councilman Smith suggested that paragraph (a) under Section 7-1.502 of the proposed ordinance be amended to read as follows: "In one-family R-1 and two-family R-2 zones as defined in Title X of this code, sidewalks shall be required if front footage of undeveloped area plus front footage of developed area which has existing sidewalks, equals or exceeds 50% of the total front footage."

Upon questioning, the City Manager stated that the staff's report on mandatory sidewalks would be presented to the Council in about one month. The staff was directed to place this item on the agenda in about four or five weeks.

By order of the Chair, the matter was referred to the City Attorney for proper phrasing of the change recommended by the Home Builders' Association, as amended by Councilman Smith, and the City Attorney directed to work with Mr. Lukov.

CONSIDER FURTHER THE MATTER OF STREET LIGHTING - LETTER FROM LEONARD A. MALEY, GRANTLAND COURT

At the request of the City Manager, and with the unanimous consent of the Council, this item was removed from the agenda and the staff directed to place these items on the agenda of the April 4, 1966 meeting.

REQUEST BY DEWAYNE HIGBEE, SECRETARY, MODESTO MEN'S GOLF CLUB, REGARDING JUNIOR GOLF TOURNAMENT

The following documents were entered into the record of the minutes: Letter from DeWayne Higbee, Secretary, Modesto Men's Golf Club, dated March 11, 1966, requesting permission for members of the Junior Golf Tournament to play without payment of green fees; memorandum from Director of Parks and Recreation dated March 17, 1966 recommending that the usual fees be charged.

The City Manager stated that recommendation for denial of the request was based on the Council's policy to not waive green fees on recurring events.

MOTION

That the request of DeWayne Higbee to permit members of the Junior Golf Tournament to play without payment of green fees be denied

Moved by VanderWall Seconded by Mitchell Unanimously carried

LEASE OF MANCINI PROPERTY - TOM BREUNIG - HOME AND SURROUNDING GROUNDS

Upon questioning, Director of Finance Bird stated that the City had agreed to pay the utilities (electricity and gas only) for the Mancini home because the City wished to encourage maintenance of the property, which will require considerable watering from an electric pump to maintain the yard; that the City has agreed to pay the gas bill because the building is large and cost of maintaining the gas furnace will be costly for the use of one person. He said that in return, the tenant will take care of about 3/4 of an acre of land adjacent to the home - shrubs, flowers, and beautiful landscaping - services valued at about $75 to $80 per month.

RESOLUTION NO. 66-198

A RESOLUTION APPROVING LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND TOM BREUNIG FOR LEASE OF THE MANCINI PROPERTY ON A MONTH-TO-MONTH BASIS ($30 per month, City paying gas and electric bills)

Moved by VanderWall Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

LEASE OF SPACE ON MANCINI PROPERTY TO JACK WITTER

Director of Finance Bird stated that Jack Witter, hired by the Bank of America as caretaker while the Mancini estate was being settled, wished to rent space on the Mancini property until school is out; that the City proposed to pay gas and electric utilities since there is only one meter.

RESOLUTION NO. 66-199

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND JACK WITTER FOR LEASE OF SPACE ON MANCINI PROPERTY (month-to-month basis, $30 per month, City paying gas and electric bills)

Moved by VanderWall Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

HEARING ON PROPOSED ANNEXATION OF DOWNEY PARK NO. 2 ADDITION 2-112

Mayor Johansen announced that the hour of 4:30 P.M. had arrived, the time set for consideration of the proposed annexation of Downey Park No. 2 Addition, a 34.563 acre parcel located on Coffee Road, and opened the hearing

The City Clerk reported that notice of the hearing was published in both the Modesto Tribune and Turlock Daily Journal on February 17 and 24, 1966; that notices were mailed to all property owners in the area and other interested persons on March 1, 1966. A letter of protest from Mr. and Mrs. James P. Frey and Mrs. Tilda F. Stutz was filed with the City Clerk.

Planning Commission Resolution No. 66-14 adopted by the Planning Commission of February 1, 1966 recommending commencement of annexation proceedings, was entered into the record of the minutes.

Location of the parcel proposed for annexation was indicated on a map by Director of Planning Fey. He said that property owners representing 75% of the assessed value were in favor of the annexation.

A letter from Mr. and Mrs. James P. Frey and Tilda F. Stutz, protesting the annexation on the basis that the four-acre parcel was presently being used for farming purposes, and additional taxes would be assessed upon annexation and subsequent R-1 zoning, was entered into the record of the minutes. Request was made in the letter that should the properties be annexed, the property be zoned R-3 or for commercial purposes so that the land could be used for purposes best suited to it.

Mr. Jared Hawkins, attorney, representing Mr. and Mrs. Frey and Mrs. Stutz, asked the Council to consider the following problems affecting his clients in connection with the annexation: Increase in city taxes; whether or not his clients could continue to burn limbs and clippings pruned from trees as a result of farming operations after annexation; the matter of zoning, his clients contending that the property should not be zoned R-1 because of the doubt that anyone would develop private residences along the part of the property facing Coffee Road. Mr. Hawkins said that if the property was annexed to the City, it should preferably be taken in as commercial, possibly R-3, because of the importance of determining valuation of the property in the event the land is acquired for park purposes by the City through condemnation proceedings.

The City Attorney outlined the provisions of Ordinance No. 775-C.S. recently adopted by the Council which, when effective, will permit prezoning of parcels before they are annexed to the City. He said that at the time this annexation was started, this law, passed at the last legislative session, was not yet in effect.

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

Fire Chief Everett stated that the Fire Department did not permit open burning of vegetation within the city limits; that special permits have been issued for agricultural land laying to the south of the City along the river bottom. He said he did not believe that a permit would be issued to permit burning on the land under consideration because of prevailing winds and ensuing complaints; that a revocable permit could be issued, based on the willingness of the neighbors to go along with it.

Director of Public Works Campbell stated that garden refuse from the two residences would be picked up by city crews.

RESOLUTION NO. 66-200

A RESOLUTION DECLARING THAT A MAJORITY PROTEST HAS NOT BEEN MADE AGAINST THE ANNEXATION OF CERTAIN UNINHABITED TERRITORY TO THE CITY OF MODESTO KNOWN AS DOWNEY PARK NO. 2 ADDITION AND DECLARING THE INTENTION OF THE COUNCIL TO PROCEED WITH THE ANNEXATION OF SAID TERRITORY

Introduced by Smith Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

ORDINANCE NO. 780-C.S. entitled
"AN ORDINANCE ANNEXING UNINHABITED TERRITORY KNOWN AS THE DOWNEY PARK NO. 2 ADDITION TO THE CITY OF MODESTO"

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

Moved by Smith Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

VISITING GIRL SCOUT TROOP

Girl Scout Troop No. 405 under the sponsorship of Mrs. Ward and Mrs. Woodworth, was welcomed to the council meeting.

HEARING ON CURB CUT VARIANCE, LaLOMA & H STREETS, SWANN

Mayor Johansen announced that the hour of 4:45 P.M. had arrived, the time set for consideration of the request of Cecil Swann for a variance to allow the construction of curb cuts exceeding the 40% limitation established by the municipal code, on property located at the northeast corner of LaLoma and H Street, and opened the hearing.

The following documents were entered into the record of the minutes: Letter from Cecil Swann dated March 9, 1966 requesting a variance, and memorandum from Director of Public Works Campbell dated March 17, 1966 subject, "Request for a Variance to Permit three curb cuts at the Northeast Corner of LaLoma and H Streets," recommending that the variance be granted on the basis that the requested curb cuts would not unreasonably eliminate onstreet parking or interfere with pedestrian traffic, and that the driveways will afford smoother ingress and egress than allowed under the 40% limitation.

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

RESOLUTION NO. 66-201
A RESOLUTION GRANTING A DRIVEWAY VARIANCE TO CECIL SWANN TO PERMIT THREE CURB CUTS OF A TOTAL LENGTH OF 65' FOR SERVICE STATION LOCATED AT NORTHEAST CORNER OF LALOMA AND H STREETS

Introduced by Hughes Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

CONSIDER PARKING LOT AT SOUTHWEST CORNER OF 10TH & K STREETS (MEL CARDWELL)

At the request of the City Manager, and with the unanimous consent of the Council, this item was removed from the agenda, and the staff directed to place the item on the agenda of the March 28th meeting.

AUTHORIZE PREPARATION OF LEASE AGREEMENT, PARKING LOT PLANS AND SPECIFICATIONS FOR CITY OPERATED PARKING LOT ON 10TH STREET BETWEEN G AND H STREETS

The need of the proposed parking lot to be located on 10th Street between G and H Streets, and the proposed removal of parking meters on 10th Street between F and G Streets (Item 20 of the agenda) were questioned by Councilman Smith.

Justification for the proposed lot and the proposed removal of parking meters were given by Director of Parking and Traffic Carmody. He said that the proposed parking lot was intended for all-day parking; that the removal of parking meters on 10th Street between F and G Streets has been requested by the seven merchants on both sides of the block; that the lease for the parking lot at 10th and H, the cooperative lot supported in part by adjacent businesses, would probably not be renewed this fall.

RESOLUTION NO. 66-202

A RESOLUTION AUTHORIZING PREPARATION OF LEASE AGREEMENT AND PLANS AND SPECIFICATIONS FOR CITY OPERATED PARKING LOT ON 10TH STREET BETWEEN G & H STREETS (GRIFFIN AND BRACK PROPERTIES)

Introduced by VanderWall Seconded by Hughes
Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

HEARING ON REQUEST FOR DRIVEWAY VARIANCE, 6TH AND F STREETS, RICHFIELD OIL COMPANY 4-75

Mayor Johansen announced that the hour of 4:50 P.M. had arrived, the time set for consideration of the request of Richfield Oil Company for a driveway variance on service station property located at 6th and F Streets, and opened the hearing.

The following documents were entered into the record of the minutes: Letter from Carl A. Blandin, Superintendent, Construction and Maintenance, Richfield Oil Corporation, dated March 9, 1966 submitting application for a variance to permit four 36' driveway approaches at a proposed new Richfield service station at the southeast corner of 6th and F Streets; memorandum from Director of Public Works dated March 17, 1966 recommending approval.

RESOLUTION NO. 66-203

A RESOLUTION GRANTING A DRIVEWAY VARIANCE TO RICHFIELD OIL CORPORATION TO PERMIT FOUR 36' CURB CUTS AT SIXTH AND F STREETS (SOUTHEAST CORNER) SITE OF PROPOSED SERVICE STATION

Introduced by Hughes Seconded by VanderWall
Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

MATTERS FOR THE GOOD OF THE COMMUNITY

Letter from Fred Bubeck and H. R. Knowles - Bel Passi Ball Park Association

A letter from Bel Passi Ball Park Association dated March 15, 1966 asking for funds in the amount of $710.75 for Little League baseball, was filed with the City Clerk and entered into the record of the minutes. Mr. Bubeck, 1408 Dorson Avenue, spoke briefly in support of his request.

By order of the Chair, the letter was referred to the staff, to be presented to the Council for consideration at the appropriate budget hearing. The staff was directed to notify Mr. Bubeck when the matter is up for council consideration.

Introduction of President, Fire Fighters' Association

Fire Chief Everett introduced Jerry Surber, president of the Fire Fighters' Association.

Status of Del Webb Field development

Upon questioning, Director of Parks and Recreation Grogan stated that the deadline for completion of improvements in Del Webb Field was April 13th; that the staff had every reason to believe that the work would be completed by that time. Councilman Patton questioned the presence of light bulbs in the Field, which the Business Manager informed him had been there for three or four days. Miss Grogan stated that the bleacher parts were being manufactured in San Jose and would be assembled at the ball park during the first week of April; that present plans were to repair the existing score board.

Recent rezoning, Northgate Enterprises Development, Granger Avenue

Councilman Smith stated that the day after the hearing on the rezoning of the Northgate Enterprises development on Granger Avenue, he had been

contacted by two of the leaders of the neighborhood group opposing the rezoning; that they stated that they were still concerned about the traffic problems on Granger Avenue and wondered if the City would look into the matter more thoroughly to see if something could be done to alleviate the problems. He suggested that the Directors of Public Works and Parking and Traffic look into the matter to see if anything can be done towards installation of sidewalks, checking on speed limits, possible installation of signals or additional stop signs and crosswalks, in order to do everything possible to protect the school children in the area.

Director of Parking and Traffic Carmody stated that he was willing to meet with the people to get their suggestions; that a representative from the Public Works Department would be in a better position to discuss sidewalk needs.

Councilman Mitchell suggested that the staff might check with specialty contractors on the possibility of a uniform approach to the construction of sidewalks; that it would be more economical to the City if grades were established at block levels rather than a property at a time; that cost of installation to residents would also be considerably less if an entire block was accomplished at one time.

A suggestion was made that the neighbors might be willing to coordinate sidewalk installation at the same time sidewalks are installed by Northgate Enterprises.

Mayor Johansen said that Mr. Carmody and Mr. Hosegood could talk with the people and see what can be worked out for the benefit of the entire neighborhood and City.

REMOVAL OF PARKING METERS ON 10TH STREET BETWEEN F AND G STREETS 5-90

A memorandum from the Director of Parking and Traffic dated March 17, 1966 subject, "Recommended Removal of Parking Meters on 10th Street between F and G Streets," was entered into the record of the minutes. Recommendation was made that the meters be removed with the one-hour parking time limit retained.

ORDINANCE NO. 781-C.S. entitled
"AN ORDINANCE ADOPTING AN AMENDED PARKING METER ZONING MAP OF THE CITY OF MODESTO"

was introduced and ordered published as required by the Charter.

Moved by VanderWall Seconded by Hughes
Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

RECOMMEND PORTION OF MAYOR'S DOWNTOWN PLAN FOR MODESTO 5-95

Planning Commission Resolution No. 66-23 adopted March 15, 1966 recommending Part I of the Mayor's plan for downtown Modesto to the City Council, was entered into the record of the minutes. Recommendation was made that G and H Streets be designated as a one-way street couplet; that 14th and 15th Streets be designated as one-way couplets, and that they connect to K and L Streets as shown on the Mayor's Plan for Downtown Modestp, Part I; that the 20-block area between H and L Streets and 9th and 14th Streets be designated as the central business district core; that the City encourage the downtown property owners and merchants to develop whatever is felt to be proper on 10th and J Streets to enhance the appearance and function of the downtown area; that the cultural center complex proposed to be located between 14th and 15th Streets and H and J Streets be further studied by the City Planning Commission with a recommendation to be made to the City Council at a later date, and that the underpass locations be studied further.

The recommendations of the Planning Commission were discussed by the Council. It was the consensus of the Council that piecemeal approvals

should not be accepted; that overall recommendations should be made for the following reasons: If the street patterns are changed immediately, other proposed changes might necessitate duplication of expense and public inconvenience by further street pattern changes; that an overall decision will enable the City to carry on other phases beyond the initial plan - land uses and zoning within the general downtown and surrounding areas, and to further develop parking requirements.

Mayor Johansen pointed out that the downtown plan was submitted to the Planning Commission for consideration; that there might be improvements made upon the plan that might be more beneficial to the community as a whole. He recommended that the matter be referred back to the Planning Commission.

The Council also discussed the following: The lack of general agreement by the Planning Commission on the location of the auditorium-cultural center site and the proposed underpasses, and the need for a decision; the need for urgency in approving the downtown plan; a joint Planning Commission - City Council meeting if desired by the Planning Commission; the misconception of citizens that the suggested one-way street patterns will go into effect immediately.

MOTION

That the City Manager be directed to appear before the Planning Commission to convey the Council's comments, the need for urgency in submitting an approved plan, the Council's reasons as to why it feels the plans should be submitted in complete form and, if the Commission so desires, to set up a joint Planning Commission - Council meeting

Moved by Smith Seconded by VanderWall Unanimously carried

APPROPRIATION TRANSFERS - None

LEGISLATIVE MATTERS - None

REMINDER - The Councilmen were reminded of the tour of State College facilities on March 24, 1966 and to meet at the City Hall at 1:45 P.M.

EXECUTIVE SESSION (a) CONSIDER ACQUISITION OF LAND FOR DOWNEY PARK SITE; (b) CONSIDER ACQUISITION OF LAND FOR INSTALLATION OF McHENRY AVENUE SIGNALS NORTH OF M.I.D. LATERAL NO. 3 - ADJOURNMENT TO

MOTION

That the meeting adjourn to executive session to consider acquisition of land for the Downey Park site and land for installation of McHenry Avenue signals north of M.I.D. Lateral No. 3

Moved by VanderWall Seconded by Smith Unanimously carried

The meeting adjourned at 5:40 P.M.

ATTEST: Rex E. Gailfus
REX E. GAILFUS, City Clerk

Modesto City Council
March 28, 1966

The Council of the City of Modesto met in regular session this date at 7:30 P.M. in the Council Chambers, City Hall, 801 11th Street, Modesto, California, Mayor Johansen presiding.

Present: Councilmen: Hughes, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Absent: Councilmen: Mitchell

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

Reverend Herbert Raaske gave the invocation.

APPROVAL OF MINUTES

The minutes of the regular meeting of March 14, 1966, were approved.

LETTER FROM THE TAUBMAN COMPANY, INC., EMERYVILLE, CALIFORNIA, REGARDING K-MART BUILDING, MODESTO, CALIFORNIA, AND REQUEST FOR FIRE PROTECTION

A letter from M. G. Leech, The Taubman Company, Inc., dated March 21, 1966, with letter from Security Insurance Associates, Inc., dated March 15, 1966, attached, relative to fire protection at K-Mart Building, Modesto, was entered into the record of the minutes. Request was made that the City grant full fire protection to K-Mart in order that the firm can benefit by reduced fire insurance costs. The letter pointed out that this area will be annexed to the City within a short time.

MOTION

That the request of Taubman Company, Inc. for fire protection at the K-Mart property be approved

Moved by Hughes Seconded by Shastid Unanimously carried

APPROVE PLANS AND SPECIFICATIONS AND AUTHORIZE CALL FOR BIDS FOR THE CONSTRUCTION OF AIRPORT SECURITY FENCE

RESOLUTION NO. 66-204

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR CONSTRUCTION OF AIRPORT SECURITY FENCE

Introduced by Shastid Seconded by Smith
Ayes: Hughes, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell

April 19, 1966, at 10:00 A.M. in the City Clerk's office was set as the time and place for opening of bids.

APPROVE PLANS AND SPECIFICATIONS AND AUTHORIZE CALL FOR BIDS FOR CONSTRUCTION OF COMFORT STATION AT CATHERINE EVERETT PARK

RESOLUTION NO. 66-205

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR CONSTRUCTION OF COMFORT STATION AT CATHERINE EVERETT PARK

Introduced by Shastid Seconded by Smith
Ayes: Hughes, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell

April 12, 1966, at 10:00 A.M. in the City Clerk's Office was set as the time and place of hearing.

3/28

A RESOLUTION OPPOSING PROPOSED CONSTITUTIONAL INITIATIVE TO LEGALIZE MANUFACTURE, SALE, PURCHASE, POSSESSION AND TRANSPORTATION OF MARIJUANA

RESOLUTION NO.66-206

A RESOLUTION OPPOSING PROPOSED CONSTITUTIONAL INITIATIVE TO LEGALIZE MANUFACTURE, SALE, PURCHASE, POSSESSION AND TRANSPORTATION OF MARIJUANA

Introduced by Shastid Seconded by Smith
Ayes: Hughes, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell

CONSIDER OPTION TO PURCHASE CHRYSLER PARK SITE

Resolution authorizing execution of option agreement needed

RESOLUTION NO. 66-207

A RESOLUTION APPROVING OPTION AGREEMENT BETWEEN THE CITY OF MODESTO AND JOHN R. CONANT FOR PURCHASE OF CHRYSLER PARK SITE

Introduced by Shastid Seconded by Smith
Ayes: Hughes, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell

RESOLUTION TRANSFERRING FROM THE CONTINGENCY RESERVE $23,250 ESTIMATED TO COVER THE PURCHASE PLUS INCIDENTAL COSTS NEEDED

RESOLUTION NO. 66-208

A RESOLUTION APPROVING APPROPRIATION TRANSFER - $23,250 TO COVER PURCHASE OF CHRYSLER PARK SITE FROM JOHN R. CONANT

Introduced by Shastid Seconded by Smith
Ayes: Hughes, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell

CONSIDER AUTHORIZING SALE OF SURPLUS FENCE POSTS AND USED BARBED WIRE

RESOLUTION NO. 66-209

A RESOLUTION AUTHORIZING THE SALE OF USED SURPLUS FENCE POSTS TO RUTH SCHMIDT, M.D., FOR $.75 EACH (Approximately 147 posts)

Introduced by Shastid Seconded by Smith
Ayes: Hughes, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell

RESOLUTION NO. 66-210

A RESOLUTION AUTHORIZING THE SALE OF USED BARBED WIRE TO W. E. RODDEN FOR THE SUM OF $20 (Approximtely 5,900 lineal feet)

Introduced by Shastid Seconded by Smith
Ayes: Hughes, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell

RAMONA NO. 1 ADDITION ANNEXATION PETITION - FOR REFERRAL TO PLANNING COMMISSION

RESOLUTION NO. 66-211

A RESOLUTION REFERRING TO THE MODESTO CITY PLANNING COMMISSION A PETITION FOR ANNEXATION OF CERTAIN UNINHABITED TERRITORY TO THE CITY OF MODESTO KNOWN AS RAMONA NO. 1 ADDITION

Introduced by Shastid Seconded by Smith
Ayes: Hughes, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell

RAMONA NO. 2 ADDITION ANNEXATION PETITION, FOR REFERRAL TO PLANNING COMMISSION

RESOLUTION NO. 66-212

A RESOLUTION REFERRING TO THE MODESTO CITY PLANNING COMMISSION A PETITION FOR ANNEXATION OF CERTAIN UNINHABITED TERRITORY TO THE CITY OF MODESTO KNOWN AS RAMONA NO. 2 ADDITION

Introduced by Shastid Seconded by Smith
Ayes: Hughes, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell

APPROPRIATION TRANSFER TO PAY COSTS AND EXPENSES INCURRED BY CITY IN LITIGATION AGAINST MANUFACTURERS OF WATER PIPE

RESOLUTION NO. 66-213

A RESOLUTION APPROVING APPROPRIATION TRANSFER - $500 TO PAY COSTS AND EXPENSES INCURRED BY THE CITY OF MODESTO IN LITIGATION AGAINST MANUFACTURERS OF WATER PIPE

Introduced by Shastid Seconded by Smith
Ayes: Hughes, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell

ADOPTION OF ORDINANCE NO. 779-C.S., REZONING OF THE NORTHGATE ENTERPRISES PROPERTY ON GRANGER AVENUE 1-30

Ordinance No. 779-C.S., approving the application of Northgate Enterprises, Inc. for rezoning of property on Granger Avenue from R-1 to P-D (24), was introduced by the Council at its March 14th meeting, was published as required by the Charter, and presented to the Council for final adoption.

Councilman Smith stated that he had been approached by several professional people who expressed surprise over the City's action in permitting the Northgate Enterprises development to have access to Northern Boulevard in view of plans to make Northern Boulevard an expressway. Councilman Smith outlined the City's past actions in permitting and/or denying access to Briggsmore and Northern Boulevard from 1946 through 1964, ending with the City's action in 1962 in selling city-owned property on the intersection of McHenry and Northern Boulevard at a lower price than the City might have obtained by permitting the buyer access to Northern Boulevard. Mr. Smith questioned the Council's deviation from its policy of restricting access to Northern Boulevard except from collector streets, and asked that final adoption of Ordinance No. 779-C.S. be deferred until such time as a definite policy is established on access to Northern Boulevard and Briggsmore.

The Council discussed the following: Councilman Smith's request that action on approval of the ordinance be deferred until such time as a definite policy is established pertaining to access to Northern Boulevard and Briggsmore Avenue; traffic problems on Granger.

Bill Hill, 309 Gayle Avenue, acting as spokesman for the residents in the area, requested that the Council give the residents of the area the courtesy of postponing final adoption of Ordinance No. 779-C.S. for one week, in view of personal conversations with some of the Councilmen, in view of new evidence in connection with McHenry and Granger, and in view of the controversial nature of the entire rezoning as evidenced by comments from Councilman Smith.

Mayor Johansen stated that he had received a number of phone calls from women in the neighborhood of Granger Avenue, on the need for sidewalks in the area; that he had a list of names of women who have agreed to serve on a committee to work with the City to expedite the installation of sidewalks in the area, either by formation of a district or through voluntary methods. Mayor Johansen said he would submit the names of the individuals to the staff; that he was hopeful that this might result in helping the City determine how to help other areas badly in need of sidewalks.

A motion proposed by Councilman Smith, seconded by Councilman VanderWall that the adoption of Ordinance 779-C.S. be carried over for one week failed to carry, Councilmen Hughes, Patton, Shastid, and Mayor Johansen dissenting.

Mr. Hill made a final statement summarizing the reasons why area residents were opposed to the rezoning.

ORDINANCE NO. 779-C.S. entitled
"AN ORDINANCE AMENDING SECTION MAP 17-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (NORTHGATE ENTERPRISES)

Introduced March 14, 1966, and having been published as required, was moved and adopted.

Moved by Hughes Seconded by Shastid
Ayes: Hughes, Patton, Shastid, VanderWall, Mayor Johansen
Noes: Smith Absent: Mitchell

HEARING ON COST OF CURB AND GUTTER, BLOCK 1192 2-100

Mayor Johansen announced that the hour of 7:45 P.M. had arrived, the time set for consideration of the report of costs connected with the construction of curb and gutters on properties located in Block 1192, Drake Avenue, and opened the hearing.

Reports from the Director of Public Works, dated March 8, 1966, listing the following amounts of assessment against the properties involved were entered into the record of the minutes:
Block 1192, Lot 13 and the west 10 feet of Lot 14, $147.27; Block 1192, the east 50 feet of Lot 14 and the west 20 feet of Lot 15, $147.27; Block 1192, the east 40 feet of Lot 15, $88.44; Block 1192, Lot 16, $127.66. The work was completed March 8, 1966.

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

RESOLUTION NO. 66-214
A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF DRIVEOVER CURB AND GUTTER ALONG CERTAIN STREETS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF THE AMOUNT OF SAID LIEN. (DRAKE AVENUE)

Introduced by Shastid Seconded by Smith
Ayes: Hughes, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell

HEARING ON BLACKTOP VARIANCE, GENE THOMAS TRAILER SALES, 9TH STREET

Mayor Johansen announced that the hour of 7:50 P.M. had arrived, the time set for consideration of the request of Gene Thomas Trailer Sales for a permit to install blacktopping on the northwest corner of its lot on 630 North 9th Street, and opened the hearing.

The following documents were entered into the record of the minutes: Letter from Jackie Turner, Secretary, Gene Thomas Trailer Sales, dated March 10, 1966, requesting the variance; memorandum from the Director of Public Works, dated March 25, 1966, subject, "Request for a Variance to Permit Placement of Asphaltic Concrete in the Public Right of Way on North Ninth Street between Coldwell Avenue and Haney Avenue," recommending that the permit be granted.

The request was discussed by the Council. Approval was granted on the basis that the permit be revocable upon demand of the City; that written consent to the conditions imposed by the Council be furnished the City Clerk within ten days from the date of approval of the resolution.

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

RESOLUTION NO. 66-215
A RESOLUTION APPROVING REQUEST OF GENE THOMAS TRAILER SALES FOR A VARIANCE TO PERMIT PLACEMENT OF ASPHALTIC CONCRETE IN PUBLIC RIGHT OF WAY ON NORTH NINTH STREET BETWEEN COLDWELL AVENUE AND HANEY AVENUE

Introduced by Shastid Seconded by Patton
Ayes: Hughes, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell

MATTERS FOR THE GOOD OF THE COMMUNITY 3-18

Frank Andrews - City Fire Department

Mr. Andrews announced withdrawal of his support to the City Fire Department; that he would appear before the Council at the next meeting, giving reasons for the withdrawal of his support.

Request for executive session by Mayor Johansen

Mayor Johansen requested that the Council meeting in short executive session at the end of the meeting to consider appointments to the AB-103 Advisory Board.

Letter of Condolence to Mrs. John Kirkpatrick

Mayor Johansen stated that he had met with John Kirkpatrick shortly before his fatal airplane accident, regarding installation of underground utilities in new subdivisions; that he had assured the Mayor that he would lead the Home Builders to request that the Council require underground utilities in new and future subdivisions. The Mayor read a letter of condolence written to Mrs. Kirkpatrick in behalf of the Council.

MOTION

That transmittal of the letter of condolence to Mrs. Kirkpatrick be approved

Moved by Smith Seconded by Patton Unanimously carried

Downtown Parking situation - Councilman Patton

Councilman Patton reported that a number of downtown merchants had spoken to him about the downtown parking situation and the buildings which are being demolished under the provisions of the Unsafe Structure Code. He said that they were in accord with the City's policy under the Unsafe Structure Code, but felt that the City was creating a problem in connection with parking requirements for those businesses that wished to relocate in the downtown area; that the requirement that businesses provide parking adjacent to their businesses will result in every other lot being used for parking, and no concentrated shopping area. He requested that the City Manager, Planning Director and Director of Parking be authorized to study the problem and report to the Council.

The following matters were discussed by the Council: Solution of the problem by the formation of a parking district, or parking by the City; the time table for establishment of a parking district; the possibility of permitting businesses which are relocating in the downtown area to retain credit for the parking they have in their present location.

By order of the Chair, the City Manager, Director of Parking Traffic, and Planning Director were directed to work with the Commercial and Industrial Development Committee,consisting of Councilman VanderWall, Chairman, and Councilmen Patton and Smith, to study the problem and report to the Council.

AN ORDINANCE AMENDING TITLE VII OF THE MODESTO MUNICIPAL CODE RELATING TO PUBLIC WORKS

ORDINANCE NO. 782-C.S. entitled "AN ORDINANCE AMENDING TITLE VII OF THE MODESTO MUNICIPAL CODE RELATING TO PUBLIC WORKS"

was introduced and ordered published as required by the Charter.

Moved by Smith Seconded by Patton
Ayes: Hughes, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell

FURTHER CONSIDERATION OF CHRISTMAS STREET DECORATIONS

This item was considered at the March 7, 1966, meeting, at which time a motion was passed by the Council that the merchants' associations which have been furnished city funds for Christmas street decorations be notified that the Council was considering elimination of any further participation in the Christmas street decorations program; that as the City's share, the Council would consider decoration only of the police building, the fire stations within the City, and the City Hall.

Francis Halley, attorney, representing Ulrich Shopping Center, asked, since all of the merchants in town paid the mills tax, if funds could still be made available to the merchants' associations for the decorations. He stated that although the amount contributed by the City was not a large amount, it was of great help to the Ulrich Shopping Center.

The City's position in eliminating further participation was explained by the Council.

RESOLUTION NO. 66-219

A RESOLUTION RESCINDING RESOLUTION NO. 62-401 RELATING TO THE ALLOCATION OF FUNDS FOR CHRISTMAS DECORATIONS

Introduced by Hughes Seconded by VanderWall
Ayes: Hughes, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell

MOTION

That the staff be directed to investigate the cost of decorating the City Hall, Police Department, and various Fire Departments within the City for budgetary purposes, and that the County be contacted for cooperating in decorating its facilities

Moved by Smith Seconded by VanderWall Unanimously carried

CONSIDER APPLICATION FOR FEDERAL GRANT FOR SEWAGE TREATMENT WORKS FROM "660" FUNDS 5-12

The City Manager stated that it was necessary that the application for a federal grant from "660 Funds" in the amount of $1,200,000 be made prior to March 31, 1966, in order to be considered furing fiscal year 1966-67.

RESOLUTION NO. 66-216

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT AND SIGN AN APPLICATION TO THE CALIFORNIA STATE WATER QUALITY CONTROL BOARD FOR FEDERAL FUNDS FOR SEWAGE TREATMENT PLANT CONSTRUCTION

Introduced by Shastid Seconded by Patton
Ayes: Hughes, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell

CONSIDER PROPOSED INCREASE IN SERVICE RATES TO RAY'S RADIO SHOP TO MAINTAIN CERTAIN RADIO COMMUNICATIONS EQUIPMENT AND AUTOMATION, TO ENTER INTO NEW CONTRACT EFFECTIVE JULY 1, 1966

A memorandum from the Purchasing Officer, dated March 18, 1966, subject, "Radio Maintenance," was entered into the record of the minutes. Recommendation was made that a rate increase be granted and that a new contract be authorized reflecting the new charges as listed in the memorandum.

MOTION

That the City Attorney be directed to prepare a new contract with Ray's Radio Shop, effective July 1, 1966, as outlined in memorandum from Purchasing Officer, dated March 18, 1966

Moved by VanderWall Seconded by Smith Unanimously carried

REQUEST BY CITY MANAGER THAT THE CITY COUNCIL RE-EVALUATE SALARY RANGE OF FIRE CHIEF WAYNE EVERETT SO THAT IT MAY BE PLACED MORE IN LINE WITH SALARIES OF FIRE CHIEFS WITH COMPARABLE RESPONSIBILITY

RESOLUTION NO. 66-217

A RESOLUTION AMENDING RESOLUTION NO. 65-358 ENTITLED "A RESOLUTION FIXING THE COMPENSATION FOR SPECIFIED POSITIONS IN THE CITY SERVICE" (Increasing Fire Chief to Range 34.5, effective April 1, 1966)

Introduced by Shastid Seconded by Smith
Ayes: Hughes, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell

REQUEST FOR PERMISSION FOR CITY MANAGER TO ATTEND THE ADVANCE MANAGEMENT TRAINING PROGRAM, MAY 8 - 13, 1966, TO BE HELD BY THE INTERNATIONAL CITY MANAGERS' ASSOCIATION IN CHICAGO, ILLINOIS

MOTION

That the request of the City Manager to attend the Advance Management Training Program in Chicago, Illinois, May 8-13, 1966, be approved

Moved by Shastid Seconded by Patton Unanimously carried

NOTICE FROM LEAGUE OF CALIFORNIA CITIES OF 9TH BIENNIAL INSTITUTE FOR MAYORS AND COUNCILMEN IN MONTEREY, MAY 22-24, 1966

Announcement was made of the 9th Biennial Institute for Mayors and Councilmen will be held in Monterey, May 22-24, 1966.

LETTER FROM CHAMBER OF COMMERCE - INVITATION TO COUNCIL AND CITY MANAGER TO MEET WITH EXECUTIVE BOARD - UNANIMOUS CONSENT ITEM

The City Manager read a letter from the Greater Modesto Chamber of Commerce, inviting the City Manager and members of the Council to meet with the Board of Directors of the Chamber of Commerce at a breakfast to be held at the Sun Dial, March 30, 1966, at 7:15 A.M. The letter indicated that the current industrial program and convention fund would be discussed; that the Board of Directors would welcome a report from the Council on the sewage disposal program, downtown development, and other projects. The Council members were polled for attendance.

EXECUTIVE SESSION

MOTION

That the Council meet in executive session to discuss appointments to the AB-103 Advisory Board

Moved by VanderWall Seconded by Patton Unanimously carried

The Council went into executive session at 8:15 P.M., returning to regular session at 8:20 P.M.

APPOINTMENTS TO AB-103 ADVISORY BOARD

RESOLUTION NO. 66-218

A RESOLUTION CONFIRMING THE APPOINTMENT OF MEMBERS TO THE AB-103 ADVISORY BOARD

Introduced by VanderWall Seconded by Shastid
Ayes: Hughes, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell

The following appointments were made: John Hoge, Chairman; Robert S. Boland; Thomas Berglund; Ernest Burgi; Trevor Griffith; Gerald Gustafson; Dr. Walker Halliday; Lawrence Hersey; John Mensinger; Howard Shaw; Cleveland Stockton; John Sutton, Willard Thomas; Wilfred Williams; Hy Youngheim.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by VanderWall Seconded by Smith Unanimously carried

The meeting adjourned at 8:40 P.M.

ATTEST: _____
REX E. GAILFUS, City Clerk

The Council of the City of Modesto met in regular session this date at 4:00 P.M. in the Council Chambers, City Hall, 801 11th Street, Modesto, California, Mayor Johansen presiding.

Present: Councilmen: Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Councilman Hughes arrived at 4:08 P.M.
Absent: Councilmen: None

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

Reverend Luverne Sands gave the invocation.

LETTER FROM R. O. STEIN, JR., 305 NORTHWOOD DRIVE, DATED MARCH 31, 1966, APPEALING THE DECISION OF THE PLANNING COMMISSION GRANTING AN H-1 ZONE USE PERMIT ON McHENRY AVENUE

RESOLUTION NO. 66-220

A RESOLUTION SETTING TIME AND PLACE FOR HEARING REQUEST OF R. O. STEIN, JR., APPEALING DECISION OF THE PLANNING COMMISSION GRANTING AN H-1 ZONE USE PERMIT ON McHENRY AVENUE

Introduced by Smith Seconded by VanderWall
Ayes: Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Hughes

April 25, 1966, at 7:45 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR AUTOMATIC SPRINKLER SYSTEM, LAWN AREA AT LEGION PARK

RESOLUTION NO. 66-221

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR INSTALLATION OF AUTOMATIC SPRINKLER SYSTEM IN LAWN AREA, LEGION PARK

Introduced by Smith Seconded by VanderWall
Ayes: Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Hughes

April 19, 1966, at 10:10 A.M. in the City Clerk's office was set as the time and place for opening of bids.

CONSIDER AWARD OF BID FOR INSTALLATION OF SPRINKLER SYSTEM AT WEST SIDE PARK

RESOLUTION NO. 66-222

A RESOLUTION ACCEPTING THE BID OF VISTAVIEW, INC., FOR INSTALLATION OF SPRINKLER SYSTEM AT WEST SIDE PARK

Introduced by Smith Seconded by VanderWall
Ayes: Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Hughes

RECOMMENDATION THAT INSTALLATION OF WATER LINES IN LIBERINI PARK NO. 2 SUBDIVISION BE PERFORMED BY CITY FORCES

RESOLUTION NO. 66-223

A RESOLUTION REJECTING ALL BIDS AND AUTHORIZING THE WORK TO BE PERFORMED BY THE CITY FOR THE INSTALLATION OF WATER LINES IN LIBERINI PARK NO. 2 SUBDIVISION

Introduced by Smith Seconded by VanderWall
Ayes: Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Hughes

CONSIDER AWARD OF BID FOR CONSTRUCTION OF WADING POOL AT MELLIS PARK

RESOLUTION NO. 66-224

A RESOLUTION AUTHORIZING READVERTISEMENT AND CALL FOR BIDS FOR CONSTRUCTION OF WADING POOL AT MELLIS PARK

Introduced by Smith Seconded by VanderWall
Ayes: Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Hughes

April 19, 1966, at 10:15 A.M. in the City Clerk's office was set as the time and place for opening of bids.

CONSIDER ACCEPTANCE OF SALE BID AND AUTHORIZE SALE OF FOUR TONS PREPARED SCRAP IRON @ $7.05 PER TON AND SIX TONS UNPREPARED SCRAP IRON AT $5.50 PER TON

RESOLUTION NO. 66-225

A RESOLUTION AUTHORIZING SALE OF PREPARED AND UNPREPARED SCRAP IRON TO A & B METALS, SOLE BIDDER (in amounts specified above)

Introduced by Smith Seconded by VanderWall
Ayes: Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Hughes

APPROVE NEW AGREEMENT DELEGATING AUTHORITY TO CITY TO REGULATE PARKING ON STATE HIGHWAYS IN THE CITY OF MODESTO

RESOLUTION NO. 66-226

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND STATE OF CALIFORNIA, DIVISION OF HIGHWAYS, DELEGATING AUTHORITY TO CITY TO REGULATE PARKING ON STATE HIGHWAYS IN CITY OF MODESTO

Introduced by Smith Seconded by VanderWall
Ayes: Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Hughes

AGREEMENT BETWEEN THE CITY OF MODESTO AND UNITED STATES DEPARTMENT OF AGRICULTURE, AGRICULTURAL RESEARCH SERVICE, FOR RENTAL OF CITY-OWNED GARAGE LOCATED AT FIRE STATION #3

RESOLUTION NO. 66-227

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND THE UNITED STATES DEPARTMENT OF AGRICULTURE, AGRICULTURAL RESEARCH SERVICE FOR RENTAL OF CITY-OWNED GARAGE LOCATED AT FIRE STATION NO. 3 FOR A PERIOD OF ONE YEAR (July 1, 1966, to June 30, 1967, $10 per month)

Introduced by Smith Seconded by VanderWall
Ayes: Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Hughes

INITIATION OF PROCEEDINGS FOR PREZONING OF PORTIONS OF THE PROPOSED NORTH 99 ADDITION

RESOLUTION NO. 66-228

A RESOLUTION INITIATING PROCEEDINGS TO PREZONE PORTIONS OF CERTAIN TERRITORY PROPOSED TO BE ANNEXED TO THE CITY OF MODESTO (NORTH 99 ADDITION) AND REFERRING SAID PROPOSED PREZONING TO THE PLANNING COMMISSION FOR PUBLIC HEARING, REPORT AND RECOMMENDATION

Introduced by Smith Seconded by VanderWall
Ayes: Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Hughes

NORTH 99 ADDITION PETITION FOR ANNEXATION - FOR REFERRAL TO THE PLANNING COMMISSION

RESOLUTION NO. 66-229

A RESOLUTION REFERRING TO THE MODESTO CITY PLANNING COMMISSION A PETITION FOR ANNEXATION OF CERTAIN UNINHABITED TERRITORY TO THE CITY OF MODESTO KNOWN AS NORTH 99 ADDITION

Introduced by Smith Seconded by VanderWall
Ayes: Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Hughes

COFFEE ADDITION PETITION FOR ANNEXATION - FOR REFERRAL TO PLANNING COMMISSION

RESOLUTION NO. 66-230

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

Introduced by Smith Seconded by VanderWall
Ayes: Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Hughes

PRESCOTT ADDITION PETITION FOR ANNEXATION - FOR REFERRAL TO PLANNING COMMISSION

RESOLUTION NO. 66-231

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

Introduced by Smith Seconded by VanderWall
Ayes: Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Hughes

MORNINGSIDE HEIGHTS ADDITION ANNEXATION - FOR REFERRAL TO PLANNING COMMISSION

RESOLUTION NO. 66-232

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

Introduced by Smith Seconded by VanderWall
Ayes: Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Hughes

EAST GRANGER ADDITION PETITION FOR ANNEXATION - FOR REFERRAL TO PLANNING COMMISSION

RESOLUTION NO. 66-233

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

Introduced by Smith Seconded by VanderWall
Ayes: Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Hughes

CONSIDER AWARD OF BID FOR CONSTRUCTION OF DRYDEN PARK CLUBHOUSE

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

ADOPTION OF ORDINANCE NO. 781-C.S. AMENDING THE PARKING METER ZONING MAP

ORDINANCE NO. 781-C.S. entitled
"AN ORDINANCE ADOPTING AN AMENDED PARKING METER ZONING MAP OF THE CITY OF MODESTO"
introduced March 21, 1966, and having been published as required by the

Charter, was moved and adopted. (Effective May 4, 1966)

Introduced by VanderWall Seconded by Smith
Ayes: Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Hughes

Councilman Hughes arrived at 4:08 P. M.

CONSIDER FURTHER THE MATTER OF STREET LIGHTING IN THE CITY OF MODESTO
Letter from Leonard A. Maley, Grantland Court

The following documents were entered into the record of the minutes: Memorandum from the Director of Public Works, dated August 19, 1965, entitled, "Improvement of Municipal Street Lighting (Reference is made to Municipal Lighting Report, dated February 1965)"; letter from Leonard A. Maley, dated March 9, 1966, addressed to Councilman Mitchell, relative to needed street lighting in Grantland Court and John Muir Court.

The City Manager reported that the Council had approved an application for federal funds for urban beautification; that instead of $7,000 recommended for parks lighting in the memorandum from the Director of Public Works, dated August 19, 1965, $12,500 was requested for parks lighting; that nothing has yet been done on railroad crossings or major street intersections.

Councilman Mitchell reported on the progress of meetings held by the City-M.I.D. Lighting Committee, stating that no meetings were presently scheduled with the M. I. D., but would be resumed as soon as the pressures of M. I. D. work were lifted.

Councilman Shastid stated that he suggested at the March 14th meeting that the City proceed with a minimum program of $50,000 for improving municipal lighting. He said that many studies have been made for the improvement of the lighting; that although some progress has been made, it has not been rapid; that this was one project which could be accomplished on a piecemeal basis. He again suggested that the City proceed with a minimum program - 96 lights in the downtown alleys at an approximate cost of $11,000; complete the basic program in city parks at a cost of about $9,000 with any attendant delay which may be occasioned by the request for federal funds to help in this program; lighting of 18 railroad crossings at a cost of about $15,000; the balance of the $50,000 to be used in non-controversial areas believed by the staff to be most desirable from the viewpoint of citizens' safety and crime prevention. He said he believed that funds could be obtained from the reserve fund and the work started immediately. He also recommended that the staff be asked to make a separate budget study and report back to the Council in two or three weeks about means of increasing the efficiency of present lighting, which in some cases is inadequate because of branches and leaves growing up around them.

The Council discussed the following: The recommendations submitted by Councilman Shastid; the work schedule of city crews; the comment in Mr. Maley's letter of the legwork involved in getting street lights installed.

Councilman Mitchell stated that the following problems would also have to be considered: The attitude of people in those areas who are still paying off bonds for improvement districts if free lighting is installed by the City in those areas where an improvement district was turned down; the problem in those areas where residents have put in their own lighting which no longer meet standards; conversion wherever possible to mercury vapor lights; which areas should have priority. He said that there were many areas in which the staff could report to the Council to enable it to formulate policy decisions before money is spent on the balance of the City.

Councilman VanderWall stated that the poor lighting around the Kearney Post Office has been brought to his attention.

MOTION

That the expenditure of $50,000 be authorized and that the staff be directed to furnish the Council a report on the recommended short-range projects
Moved by Shastid Seconded by VanderWall Unanimously carried

The City Manager pointed out that the above motion authorizing the $50,000 expenditure did not entail an appropriation transfer.

MATTERS FOR THE GOOD OF THE COMMUNITY

Report on Second Annual National Legislative Conference by Councilman Mitchell

Councilman Mitchell reported that he attended the second annual National Legislative Conference in Washington, D. C. last week; that the highlight of the conference was President Johnson's address to the group; that the President spoke on a variety of problems, expressing concern for possible inflationary trends and the hope that all governmental agencies would try to minimize these tendencies. The following also spoke at the conference: Philip S. Hughes, on how the federal budget is devised and processed; Congressman Richard Boling, Missouri, who spoke on the processing of appropriations in Congress; a keynote address by the Mayor of Detroit, Jerome P. Cavanaugh; Secretary of the Department of Housing and Urban Development, Robert C.Weaver; Averill Harriman, and other cabinet officials. Councilman Mitchell said that he represented California on international municipal cooperation, and that great strides were made towards obtaining a congressional charter to incorporate the sister city program. He stated that he had ordered a complete report of all of the addresses which will be made available to the Council and staff; that a resolution proposing reimbursement of 10% of the income tax collected at federal level to local governments to replace the present method of granting aid through federal grants, was also available.

Report on City-County meeting - Regional Valley Association of Cities and Counties - Councilman VanderWall

Councilman VanderWall stated that at a City-County meeting held on April 22, 1966, the formation of a Regional Valley Association of cities and counties was discussed; that he told the group that he felt that a regional committee would be of great benefit to cities and counties alike; that some of the mutual problems which could be discussed were water and air pollution, transportation, freight rates, and perhaps even the future of the State Hospital which takes care of patients from six counties; that if it was desired that home rule and local decision making be perpetuated, interest should be shown in the formation of an association of this kind. At the conclusion of the meeting, Councilman VanderWall stated that the cities were requested to notify the County of their positions relative to a regional planning agency, now under discussion by all valley cities.

The proposal was discussed by the Council, including the function of the League of California Cities.

MOTION

That the Mayor be instructed to send a letter to the Board of Supervisors stating that the City of Modesto favors the formation of a regional planning agency as proposed and is in favor of a special committee representing the cities and county being created to develop an outline of objectives and proposed rules of conduct; that the Mayor request the Board of Supervisors to express its position relative to this matter

Moved by VanderWall Seconded by Mitchell

The motion carried, Councilman Hughes dissenting.

APPROVE LEASE, PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR BRACK-GRIFFIN PARKING LOT

At the request of the City Manager, and with the unanimous consent of the Council, this item was removed from the agenda.

CONSIDER REMOVAL OF PARKING METERS ON STREETS SURROUNDING GRISWOLD & WIGHT, 9TH AT L STREETS 3-120

A memorandum from the Director of Parking and Traffic, dated March 30, 1966, subject, "Removal of Parking Meters around Griswold & Wight Agency, 9th at L Streets," was entered into the record of the minutes. Recommendation was made that the request be granted.

The request was discussed by the Council.

MOTION

That the request for removal of parking meters surrounding Griswold and Wight, 9th at L Street, be denied

Moved by Shastid Seconded by VanderWall Unanimously carried

By order of the Chair, Councilman Hughes' suggestion that a policy be established on a minimum amount to be derived from a parking meter before it is removed, was referred to the Public Relations Committee to work with the staff and possibly the Downtown Merchants Association to establish ground rules and policy on this matter.

FURTHER CONSIDERATION OF REQUEST FOR ADDITIONAL MID-BLOCK CROSSWALKS ON 10TH AND 11TH STREETS

Request for additional mid-block crosswalks on 10th and 11th Streets between J and K, and between H and I Streets, was presented by the Downtown Modesto Association at the March 21st meeting. A memorandum from the Director of Parking and Traffic, dated March 30, 1966, subject, "Mid-Block Crosswalks Downtown," recommending that the request be denied, was entered into the record of the minutes.

The incidence of rear-end accidents on 10th Street since the inception of the crosswalks on 10th and 11th between K and J Streets was discussed.

RESOLUTION NO. 66-234

A RESOLUTION AUTHORIZING THE ESTABLISHMENT OF MID-BLOCK CROSSWALKS AT CERTAIN DOWNTOWN LOCATIONS IN THE CITY OF MODESTO (Adding crosswalks on 10th and 11th Streets between J and K and H and I Streets)

Introduced by Smith Seconded by Shastid
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

CONSIDER LEASING MEL CARDWELL'S USED CAR LOT AT 10TH AND K STREETS

At the request of the City Manager and with the unanimous consent of the Council, this item was removed from the agenda.

APPROPRIATION TRANSFERS - None

LEGISLATIVE BULLETIN - LEAGUE OF CALIFORNIA CITIES REGARDING ASSEMBLY BILL NO. 128 (SERS)

AB-128 - The Cities Contracting with SERS. This bill would amend the State Employees' Retirement System to reduce the minimum age from 55 to 50 at which local police officers may retire and receive retirement allowances averaging one-half final compensation.

MOTION

That the Council goes on record as opposing AB-128; that the staff so inform our state legislators by letter

Moved by Hughes Seconded by VanderWall Unanimously carried

REPORT BY LEE DAVIES, CHAIRMAN, HUMAN RIGHTS COMMISSION

The annual report of the Modesto Human Rights Commission, dated April 1, 1966, was presented to the Council by Lee Davies, Chairman. Mr. Davis introduced Reverend Howard Clarke, a member of the Employment Subcommittee, stating that he had a great deal of admiration for Reverend Clarke because of the results accomplished in helping Negros secure employment in the community.

Mr. Davies summarized the contents of the report, and discussed the following problems which the Commission wishes to devote time to during the

coming year: (1) The problem of idle time of teen-age members of minority groups; (2) The problem of the less qualified and less educated minority group members.

Mr. Davies concluded his talk by stating that he hoped that there would be more interest and help from the community on human rights problems.

Upon questioning, Mr. Davies said that the Human Rights Commission has not been associated as yet with the Modesto Council of Churches or the Community Action Committee under the Economic Opportunity Act; that this was an area being kept in mind for the coming year.

On behalf of the Council, Mayor Johansen expressed gratitude to the Human Rights Commission for its outstanding work.

RESOLUTION NO. 66-235

A RESOLUTION ACCEPTING THE FIRST ANNUAL REPORT OF THE MODESTO HUMAN RIGHTS COMMISSION AND COMMENDING THE COMMISSION FOR ITS CONTRIBUTIONS TO THE COMMUNITY

Introduced by Smith Seconded by Shastid
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by VanderWall Seconded by Mitchell Unanimously carried

The meeting adjourned at 5:37 P.M.

ATTEST: REX E. GAILFUS, City Clerk

Modesto City Council
April 11, 1966

The Council of the City of Modesto met in regular session this date at 7:30 P.M. in the Council Chambers, City Hall, 801 11th Street, Modesto, California, Mayor Johansen presiding.

Present: Councilmen: Hughes, Mitchell, Shastid, Smith, VanderWall, Mayor Johansen
Absent: Councilmen: Patton

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

Reverend Dale Sherwood gave the invocation.

APPROVAL OF MINUTES

The minutes of the regular meetings of March 21 and 28, 1966 were approved.

COMMUNICATION FROM MRS. GWEN L. BROUILLARD, SECRETARY, PARENT-TEACHERS' ASSOCIATION, MODESTO HIGH SCHOOL, REGARDING LIGHT ON THE ROSEDALE SIDE OF THE SCHOOL

A letter from Mrs. Gwen L. Brouillard dated April 6, 1966 requesting that lights be installed on the Rosedale side of Modesto High School, was entered into the record of the minutes.

By order of the Chair, the letter was referred to the staff for study as to whether the lack of lighting was on the school grounds, on the street, or a combination of both, for report to the Council.

LETTER FROM MRS. M. C. COLLINS, PRESIDENT, MUIR TRAIL GIRL SCOUT COUNCIL, REGARDING USE OF CITY PARKS AND THE CLOSING OF ONE STREET

A letter from Mrs. M. C. Collins dated April 6, 1966 requesting the reservation of Beard Brook and Kewin Parks for Girl Scout activities on certain days during the months of June and July was entered into the record of the minutes.

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

LETTER FROM PETE GROSSO, CHAIRMAN, CAMELLIA CAVALCADE SHOW, EXPRESSING THANKS FOR CITY OF MODESTO SUPPORT

A letter from Pete Grosso dated April 5, 1966 thanking the Council for the trophy donated to the recent Camellia Show, and for the assistance of the Parks and Recreation Department in setting up the show, was entered into the record of the minutes. The letter was ordered filed.

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR CONSTRUCTION OF 27" R.C.S.P. SANITARY SEWER RELIEF LINE ON EMERALD AVENUE BETWEEN MAZE BOULEVARD AND LENORE DRIVE

RESOLUTION NO. 66-236

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR CONSTRUCTION OF 27" R.C.S.P. SANITARY SEWER RELIEF LINE ON EMERALD AVENUE BETWEEN MAZE BLVD. & LENORE DRIVE

Introduced by Smith Seconded by Mitchell
Ayes: Hughes, Mitchell, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Patton

RECOMMENDATION THAT INSTALLATION OF WATER LINE EXTENSION ON OAKDALE ROAD AND IN TRADEWINDS SUBDIVISION BE PERFORMED BY CITY FORCES

RESOLUTION NO. 66-237

A RESOLUTION REJECTING ALL BIDS AND AUTHORIZING THE WORK TO BE PERFORMED BY THE CITY FOR THE INSTALLATION OF WATER LINE EXTENSION ON OAKDALE ROAD AND IN TRADEWINDS SUBDIVISION

Introduced by Smith Seconded by Mitchell
Ayes: Hughes, Mitchell, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Patton

APPROVE LEASE, PLANS AND SPECIFICATIONS, AND CALL FOR BIDS FOR BRACK-GRIFFIN PARKING LOT

RESOLUTION NO. 66-238

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND F. M. BRACK AND ESTHER BEARD BRACK FOR LEASE OF LOTS 4 & 5 OF BLOCK 54 (WEST SIDE OF TENTH STREET) FOR USE AS A CITY PARKING LOT

Introduced by Smith Seconded by Mitchell
Ayes: Hughes, Mitchell, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Patton

RESOLUTION NO. 66-239

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND JOHN E. GRIFFIN AND JEAN C. GRIFFIN FOR LEASE OF LOTS 6 & 7 OF BLOCK 54 (WEST SIDE OF 10TH STREET) FOR USE AS CITY PARKING LOT

Introduced by Smith Seconded by Mitchell
Ayes: Hughes, Mitchell, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Patton

RESOLUTION NO. 66-240

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR CONSTRUCTION OF PARKING LOT ON 10TH STREET BETWEEN G AND H STREETS (BRACK-GRIFFIN)

Introduced by Smith Seconded by Mitchell
Ayes: Hughes, Mitchell, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Patton

April 27, 1966 at 2:00 P.M. in the City Clerk's office was set as the time and place for opening of bids.

RESOLUTION ESTABLISHING FILING FEES FOR ZONE BOUNDARY CHANGES AND USE PERMITS

RESOLUTION NO. 66-241

A RESOLUTION ESTABLISHING FILING FEES FOR ZONE BOUNDARY CHANGES AND USE PERMITS (Established under provisions of Section 10-2.2204 of the Modesto Municipal Code)

Introduced by Smith Seconded by Mitchell
Ayes: Hughes, Mitchell, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Patton

CONSIDER REPLACEMENT OF MECHANICAL MIXERS ON NO. 3 DIGESTER AT THE SEWAGE TREATMENT PLANT

RESOLUTION NO. 66-242

A RESOLUTION APPROVING APPROPRIATION TRANSFER - $2,450 TO PROVIDE REPLACEMENT OF GAS MIXER FOR NO. 3 DIGESTER AT THE SEWAGE TREATMENT PLANT

Introduced by Smith Seconded by Mitchell
Ayes: Hughes, Mitchell, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Patton

RECOMMEND PREZONING AMENDMENT TO SECTION 21-3-9

RESOLUTION NO. 66-243

A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO SECTION 21-3-9 OF THE ZONING MAP TO PREZONE TO R-2, TWO-FAMILY, LOTS 4 AND 5 IN BLOCK 632 AND LOT 10 IN BLOCK 633 LOCATED ON THE EAST SIDE OF RAMONA AVE., NORTH OF HELEN

Introduced by Smith Seconded by Mitchell
Ayes: Hughes, Mitchell, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Patton

May 2, 1966 at 4:40 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

RECOMMEND COMMENCEMENT OF ANNEXATION PROCEEDINGS - RAMONA NO. 1 ADDITION
RESOLUTION NO. 66-244
A RESOLUTION GIVING NOTICE OF THE PROPOSED ANNEXATION TO THE CITY OF MODESTO OF UNINHABITED TERRITORY DESCRIBED HEREIN AND DESIGNATED AS RAMONA NO. 1 ADDITION AND GIVING NOTICE OF TIME AND PLACE FOR HEARING PROTESTS THERETO

Introduced by Smith Seconded by Mitchell
Ayes: Hughes, Mitchell, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Patton

June 6, 1966 at 4:35 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

RECOMMEND COMMENCEMENT OF ANNEXATION PROCEEDINGS, RAMONA NO. 2 ADDITION
RESOLUTION NO. 66-245
A RESOLUTION GIVING NOTICE OF THE PROPOSED ANNEXATION TO THE CITY OF MODESTO OF UNINHABITED TERRITORY DESCRIBED HEREIN AND DESIGNATED AS RAMONA NO. 2 ADDITION AND GIVING NOTICE OF TIME AND PLACE FOR HEARING PROTESTS THERETO

Introduced by Smith Seconded by Mitchell
Ayes: Hughes, Mitchell, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Patton

June 6, 1966 at 4:40 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

RECOMMEND COMMENCEMENT OF ANNEXATION PROCEEDINGS - MORNINGSIDE HEIGHTS ADDITION
RESOLUTION NO. 66-246
A RESOLUTION GIVING NOTICE OF THE PROPOSED ANNEXATION TO THE CITY OF MODESTO OF UNINHABITED TERRITORY DESCRIBED HEREIN AND DESIGNATED AS MORNINGSIDE HEIGHTS ADDITION AND GIVING NOTICE OF TIME AND PLACE FOR HEARING PROTESTS THERETO

Introduced by Smith Seconded by Mitchell
Ayes: Hughes, Mitchell, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Patton

May 23, 1966 at 8:00 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

RECOMMEND COMMENCEMENT OF ANNEXATION PROCEEDINGS - PRESCOTT ADDITION
RESOLUTION NO. 66-247
A RESOLUTION GIVING NOTICE OF THE PROPOSED ANNEXATION TO THE CITY OF MODESTO OF UNINHABITED TERRITORY DESCRIBED HEREIN AND DESIGNATED AS PRESCOTT ADDITION AND GIVING NOTICE OF TIME AND PLACE FOR HEARING PROTESTS THERETO

Introduced by Smith Seconded by Mitchell
Ayes: Hughes, Mitchell, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Patton

May 2, 1966 at 4:30 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

RECOMMEND COMMENCEMENT OF ANNEXATION PROCEEDINGS - EAST GRANGER ADDITION
RESOLUTION NO. 66-248
A RESOLUTION GIVING NOTICE OF THE PROPOSED ANNEXATION TO THE CITY OF MODESTO OF UNINHABITED TERRITORY DESCRIBED HEREIN AND DESIGNATED AS EAST GRANGER ADDITION AND GIVING NOTICE OF TIME AND PLACE FOR HEARING PROTESTS THERETO

Introduced by Smith Seconded by Mitchell
Ayes: Hughes, Mitchell, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Patton

June 6, 1966 at 4:30 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

RECOMMEND COMMENCEMENT OF ANNEXATION PROCEEDINGS - COFFEE ADDITION
RESOLUTION NO. 66-249
A RESOLUTION GIVING NOTICE OF THE PROPOSED ANNEXATION TO THE CITY OF MODESTO OF UNINHABITED TERRITORY DESCRIBED HEREIN AND DESIGNATED AS COFFEE ADDITION AND GIVING NOTICE OF TIME AND PLACE FOR HEARING PROTESTS THERETO

Introduced by Smith Seconded by Mitchell
Ayes: Hughes, Mitchell, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Patton

May 23, 1966 at 7:50 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

CONSIDER AWARD OF BID FOR CONSTRUCTION OF DRYDEN PARK CLUBHOUSE 1-49

The following documents were entered into the record of the minutes: Tabulation of bids for the construction of Dryden Park Clubhouse, opened March 29, 1966 at 10:30 A.M.; memorandum from the City Manager dated April 7, 1966, subject, "Consider Award of Bid of Construction of Dryden Golf Course Clubhouse," listing possible actions the Council might take relative to the low bid submitted by C. T. Brayton & Sons, Escalon, in the amount of $77,682 (approximately 14% over the Architect's estimate); letter from Kenneth Kaestner, Architect, recommending that the bid for the clubhouse be awarded to the low bidder.

Mr. Kaestner was questioned by the Council on the following: The number of square feet in the proposed clubhouse and the cost per square foot (between 3,500 and 3,600 square feet and a cost of $21.50 per square foot); a contract recently negotiated by the S.O.S. Club for the construction of a 6,000 square foot building at $10 per square foot; Mr. Kaestner's contention that the low bid submitted by C. T. Brayton & Sons was 10.4% over his estimate of $70,300 for the revised plans submitted with the second call for bids; the revisions made in the second set of plans submitted in order to reduce the cost of the building; whether or not the plans could be further revised to reduce the cost of the building within the 10% limitation without a major redrafting of the entire plan.

The City Attorney explained that the original set of plans approved by the Council and let for bid, had an estimate of $68,250; that pursuant to the agreement between the City and Mr. Kaestner, if the bids submitted are not within ten per cent of the estimate, "the Architect shall revise the drawings and specifications to meet the approved estimate as the City may direct without cost to the City." He said that upon presenting the revised plans, Mr. Kaestner had stated that he thought the building could be built for about $70,000; that from a legal standpoint, the City was relying on the $68,250 estimate and had the right to require the Architect to revise the plans until bids submitted are within ten per cent of the $68,250 figure.

Mr. Kaestner was asked by the Council to meet with the staff and S.O.S. representatives to secure a comparison between the clubhouse and the addition to the S.O.S. club in an effort to determine why the difference in the cost per square foot of the two buildings. Mr. Kaestner said that he would secure this information and report to the Council at the April 18th meeting.

The importance of staying within ten per cent of the funds budgeted for the project was discussed by the Council.

MOTION

That this matter be continued for one week and the Architect asked to furnish the information requested on the comparison between the cost of the proposed clubhouse and S.O.S. addition; that the Architect be prepared to offer suggestions as to how the cost of the proposed clubhouse can be reduced within the limitation of the budgeted funds

Moved by Mitchell Seconded by Smith Unanimously carried

By order of the Chair, the staff was directed to report to the Council at the next meeting whether the tightness of money would improve the City's position in securing more bidders for the project; that the staff check with local contractors to find out why they did not submit bids for the clubhouse.

CONSIDER AWARD OF BID FOR CONSTRUCTION OF COMFORT STATION AND OTHER IMPROVEMENTS AT MORAN ESTATES PARK

Upon questioning, Director of Public Works Campbell stated that the proposed comfort station had the same square footage and bid price range as the comfort stations previously constructed in other parks. He was questioned on the variance between the low bid submitted and the Engineer's estimate, Mr. Campbell stating that the difference was the mis-estimation of the cost of furnishing sand for the sandbox, the low bid being $2,450 against the City's estimate of $846.

RESOLUTION NO. 66-250

A RESOLUTION ACCEPTING THE BID OF A. C. CONSTRUCTION COMPANY FOR CONSTRUCTION OF COMFORT STATION AND OTHER IMPROVEMENTS AT MORAN ESTATES PARK

Introduced by VanderWall Seconded by Hughes
Ayes: Hughes, Mitchell, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Patton

RESOLUTION NO. 66-251

A RESOLUTION APPROVING APPROPRIATION TRANSFER - MORAN ESTATES PARK IMPROVEMENTS ($7,000)

Introduced by VanderWall Seconded by Hughes
Ayes: Hughes, Mitchell, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Patton

CONSIDER AWARDS FOR AUTOMOTIVE EQUIPMENT

The following documents were entered into the record of the minutes: Memorandum from the Director of Finance dated March 3, 1966, subject, "New Automotive Equipment"; bid tabulation for automotive equipment, bids opened March 22, 1966 at 2:00 P.M.; memorandum from the Director of Finance dated April 7, 1966, subject, "Automotive Bids," with Schedules A and B attached. The memorandum pointed out the significant value to the City in long warranty periods, stating that the Ford Motor Company warranty period was 24,000 miles, while Chrysler Corporation covered its equipment for 50,000 miles and accepted the city shop as a certified station. On the basis of additional maintenance cost protection by the Chrysler Corporation, the staff recommended that awards be made in accordance with the attached Schedule A.

The City Manager said that the above recommendation had been discussed with Griswold & Wight representatives, and as a result of the meetings the sales manager for Griswold & Wight had verbally proposed certain improved equipment and warranty changes in patrol cars as follows: Ford police patrol cars would be supplied with 390 cubic inch displacement engines, having two barrel carburetors burning regular gasoline and producing 265 HP; cars would be furnished with Series C6 extra heavy duty transmissions; in addition to the factory 24,000 mile warranty, Griswold and Wight would provide, at no cost to the City, labor and materials to repair or replace engines, transmissions and differentials on patrol cars, if major problems develop, up to 36,000 miles.

Mr. Ernie Burgi, representing Griswold & Wight, read to the Council the Ford Company's extended policy. He confirmed approval of the improved equipment and warranty changes as listed in memorandum from the Director of Finance dated April 7, 1966 if the contracts were awarded under Schedule "B".

The warranties offered by the automotive dealers were discussed by the Council.

RESOLUTION NO. 66-252

A RESOLUTION ACCEPTING THE BID OF GRISWOLD & WIGHT FOR TEN (10) AUTOMOBILES FOR THE SUM OF $17,464.73 (Schedule B)

Introduced by Hughes Seconded by VanderWall
Ayes: Hughes, Mitchell, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Patton

RESOLUTION NO. 66-253

A RESOLUTION ACCEPTING THE BID OF MODESTO CHRYSLER PLYMOUTH FOR AUTOMOTIVE EQUIPMENT (3 4-door police cars) FOR THE SUM OF $4,473.53 (Schedule B)

Introduced by Hughes Seconded by VanderWall
Ayes: Hughes, Mitchell, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Patton

RESOLUTION NO. 66-254

A RESOLUTION ACCEPTING THE BID OF DEAN JONES, INC., MODESTO, FOR AUTOMOTIVE EQUIPMENT FOR THE SUM OF $9,381.70 (4 police cars, 2 pickups, Schedule B)

Introduced by Hughes Seconded by VanderWall
Ayes: Hughes, Mitchell, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Patton

RESOLUTION NO. 66-255

A RESOLUTION ACCEPTING THE BID OF HELM CHEVROLET COMPANY, MODESTO, CALIFORNIA FOR AUTOMOTIVE EQUIPMENT FOR THE SUM OF $9,053.80
(1 - 1/2 T. pickup, 3 - 2-ton cab and chassis, Schedule B)

Introduced by Hughes Seconded by VanderWall
Ayes: Hughes, Mitchell, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Patton

MATTERS FOR THE GOOD OF THE COMMUNITY
New approach to Wells Fargo Bank, Granger and McHenry

At the request of Councilman VanderWall, the staff was directed to check on the possibility of working with representatives of the Well Fargo Bank, Granger & McHenry, for a new approach to the bank's drive-in window in an effort to bring the approach back further off of McHenry, and the approach so arranged that the people would come out on the alley and not through the present driveway.

Director of Public Works Campbell stated that Director of Parking and Traffic Carmody was working with Wells Fargo representatives on this matter; that the staff had met with Granger Avenue residents last Monday to discuss Granger Avenue traffic problems; that another meeting was scheduled in about two weeks.

The staff was also directed to report the results of the forthcoming meeting to the Council.

ADOPTION OF ORDINANCE NO. 782-C.S. RELATING TO PUBLIC WORKS - AMENDMENTS TO PUBLIC WORKS TEXT - STREET IMPROVEMENTS

ORDINANCE NO. 782-C.S. entitled
"AN ORDINANCE AMENDING TITLE VIII OF THE MODESTO MUNICIPAL CODE RELATING TO PUBLIC WORKS"

introduced March 28, 1966 and having been published as required, was moved and adopted.

Moved by Hughes Seconded by Mitchell
Ayes: Hughes, Mitchell, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Patton

FURTHER REPORT ON STREET LIGHTING IN THE CITY OF MODESTO

Director of Public Works Campbell stated that since the last meeting, he had met with members of the M.I.D. staff to work out details concerning alley lighting, since these lights would all be mounted on existing M.I.D. poles; that arrangements have been made to make a survey of all of the poles in the area so that each one can be looked upon individually; that a report will be made to the Council during the first week in May with the actual number, estimated cost, and a proposal for carrying out the program. He said that attempts were being made to work out a program where the City would acquire the materials, with the installation to be done by the M.I.D., the City billed for the installation, and then billed on a flat-rate monthly basis for the lights. The lights would be maintained by the City.

Mr. Campbell said that the staff was prepared to begin a survey of the other three areas - major intersections, parks, and railroad crossings, and other major intersections in other areas if funds are still available, to determine what is available, where the lights should be located, where service is required, and develop this in the form of a plot plan to present for bid. He said that it would not be possible to do this work with the city electrical crew, but that the basic engineering would be done with the city crew; that it was hoped that a complete package could be presented to the Council at the first meeting in May.

CONSIDER COUNCIL'S POSITION FOR DISPOSITION OF AIRPORT FUEL TAX FUNDS

A memorandum from the Airport Manager dated April 7, 1966, subject, "S.B. 1347," was entered into the record of the minutes. The memorandum listed recommendations by the Airport Manager for the disposition of funds provided by S.B. 1347 passed by the 1965 legislative session, creating an Airport Assistance and Development Fund. The City Manager recommended that the recommendations of the Airport Manager for the use of the funds be established as the city policy relative to these funds.

MOTION

That the recommendations of the Airport Manager be established as city policy relative to the use of funds derived under S.B. 1347

Moved by Shastid Seconded by Mitchell Unanimously carried

CONSIDER STAFF RECOMMENDATION TERMINATING MODESTO FLYING SERVICE HANGAR LEASE 5-62

A memorandum from the Director of Public Works dated April 6, 1966 subject, "Rental of Hangar Space by Modesto Flying Service," was entered into the record of the minutes. Recommendation was made that the lease of hangar space to the Modesto Flying Service be terminated.

Councilman Hughes reported that one of the partners in the business had telephoned him, stating that the money due would be paid tomorrow, Tuesday, April 12th.

RESOLUTION NO. 66-256

A RESOLUTION REGARDING TERMINATION OF LEASE FOR WEST HALF OF HANGAR NO. 5 - MODESTO FLYING SERVICE (Lease to be terminated if monies due not paid to City in full by 5:00 P.M. April 12, 1966; in the event these terms are complied with and a subsequent delinquency develops up to a 30-day period, that the matter of termination of lease again be brought to the attention of the Council for reconsideration)

Introduced by Shastid Seconded by Mitchell
Ayes: Hughes, Mitchell, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Patton

PROPOSED STREET CONSTRUCTION BUDGET FOR 1965-66 FISCAL YEAR

A memorandum from the Director of Public Works dated April 7, 1966, subject, "Proposed Street Construction Budget for 1965-66 Fiscal Year," was entered into the record of the minutes.

The City Manager stated that there were problems on Coldwell Avenue as to whether the curbs should be rolled or vertical; that a letter had been received from a property owner on Coldwell Avenue stating that he would not dedicate land for the street improvement whether or not the curb problem was resolved; that if this matter was not resolved, it was possible that another street would have to be substituted.

Upon questioning, Director of Public Works Campbell stated that no funds for the improvement of Briggsmore and Northern Boulevard have been budgeted in the 1966-67 Capital Improvement budget. The development schedule for the Northgate Enterprises planned development on Granger Avenue was questioned by the Council. The City Manager stated that a report on this information would be furnished the Council.

RESOLUTION NO. 66-257

A RESOLUTION INCREASING THE 1965-66 GAS TAX REVENUE ESTIMATES AND APPROPRIATING THE FUNDS IN THE SPECIAL GAS TAX FUND

Introduced by Shastid Seconded by Hughes
Ayes: Hughes, Mitchell, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Patton

RESOLUTION NO. 66-258

A RESOLUTION APPROVING APPROPRIATION TRANSFERS FOR STREET CONSTRUCTION SCHEDULES DURING THE 1965-66 FISCAL YEAR ($147,320)

Introduced by Shastid Seconded by Hughes
Ayes: Hughes, Mitchell, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Patton

CONSIDER REQUEST BY AIRPORT MANAGER TO PREPARE INFORMATIONAL POSTCARDS CONCERNING AIRPORT FACILITIES

A memorandum from the Director of Public Works dated April 5, 1966, subject, "Informational Postcard on Airport Facilities," was entered into the record of the minutes. Recommendation was made by the Airport Manager that a postcard containing information concerning available services and facilities at the Modesto City-County Airport be prepared for distribution to airports, flying clubs, etc. Approximate cost is $105.

RESOLUTION NO. 66-259

A RESOLUTION APPROVING APPROPRIATION TRANSFER - $105 TO PREPARE INFORMATIONAL POSTCARDS CONCERNING AIRPORT FACILITIES

Introduced by Hughes Seconded by Shastid
Ayes: Hughes, Mitchell, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Patton

APPROPRIATION TRANSFERS - None

NOTICE OF PUBLIC HEARINGS - LOCAL AGENCY FORMATION COMMISSION

A notice from the Stanislaus County Local Agency Formation Commission indicating that hearings for the annexation of parcels to the cities of Oakdale and Riverbank were scheduled for April 20, 1966 at 7:30 P.M. in the County Offices Building, Room 206, was entered into the record of the minutes. The notice was ordered filed.

REPORT ON PROCEDURE FOR MANDATORYCONSTRUCTION OF SIDEWALKS WITHIN THE CITY

A memorandum from the Director of Public Works dated April 6, 1966,

subject, "Construction of Sidewalks," was entered into the record of the minutes. The memorandum indicated that Sections 5870 through 5895 of the Streets and Highways Code of the State of California provide a vehicle by which the City can require property owners to install sidewalks.

The City Manager stated that if the recommendations of the Director of Public Works were approved in principle, a proposed resolution outlining procedural policy could be furnished the Council for consideration and adoption.

Mayor Johansen cited the importance of notifying Schools and other governmental agencies of the sidewalks required in connection with their properties for budgetary purposes. Mr. Campbell said that this information could be developed. He also told the Council that the steps needed to be taken in formulating the program could not be done with the existing staff without interfering with projects presently underway.

Mayor Johansen stated that he believed that priority for mandatory sidewalk construction should be directed to school properties.

The proposal was discussed by the Council. The staff was directed to come back to the Council with a time table on putting the program into effect.

FINANCIAL STATEMENT FOR MONTH OF MARCH 1966

MOTION

That the financial statement for the month of March 1966 be accepted

Moved by Shastid Seconded by VanderWall Unanimously carried

REPORT ON COMPENSATION INSURANCE REFUND

Director of Finance Bird reported that $4,838.86 has been refunded to the City by the State Compensation Insurance Fund, representing final settlement on all claims for the 1961-62 fiscal year.

MOTION

That the report of the Director of Finance be accepted

Moved by Shastid Seconded by Mitchell Unanimously carried

REPORT BY DIVISION OF HIGHWAYS IN REGARD TO STATE HIGHWAY ROUTE 132 BETWEEN L AND D STREETS

A letter from J. G. Meyer, District Engineer, State Division of Highways, dated April 1, 1966 with copy of a resolution passed by the California Highways Commission on March 16, 1966 redesignating a portion of superseded state highway as State Highway Route 132 (9th Street between L and D Streets) was entered into the record of the minutes. The letter was ordered filed.

ADJOURNMENT

MOTION

That the Council adjourn to executive session to discuss acquisition of property on McHenry Avenue north of Lateral No. 4 for stop light purposes, and the acquisition of property on Coffee Road for the Downey Park site

Moved by Smith Seconded by VanderWall Unanimously carried

The meeting adjourned at 8:58 P.M.

ATTEST: _____
REX E. GAILFUS, City Clerk

The Council of the City of Modesto met in regular session this date at 4:00 P.M. in the Council Chambers, City Hall, 801 11th Street, Modesto, California, Mayor Johansen presiding.

Present: Councilmen: Hughes, Mitchell, Smith, VanderWall, Mayor Johansen
(Councilman Shastid arrived at 4:02 P.M.)
(Councilman Patton arrived at 4:10 P.M.)
Absent: Councilmen: None

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

Reverend Walter Zeck gave the invocation.

REQUEST BY J. G. MEYER DISTRICT ENGINEER, STATE DIVISION OF HIGHWAYS, FOR A JOINT PUBLIC HEARING WITH THE CITY COUNCIL TO PRESENT THE ONE-WAY COUPLET STUDY FOR ROUTE 132

A letter from J. G. Meyer, District Engineer, State Division of Highways dated April 6, 1966 requesting a joint Division of Highways - Council meeting to hold a public hearing to consider a one-way couplet study for Route 132 between the intersection of 14th and D Streets and Las Flores Avenue, was entered into the record of the minutes.

RESOLUTION NO. 66-257A
A RESOLUTION SETTING TIME AND PLACE FOR JOINT PUBLIC HEARING WITH STATE DIVISION OF HIGHWAYS FOR ONE-WAY COUPLET STUDY FOR ROUTE 132 - 14TH AND D STREETS AND LAS FLORES AVENUE

Introduced by Hughes Seconded by Shastid
Ayes: Hughes, Mitchell, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Patton

May 23, 1966 at 8:10 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

Progress of right of way acquisitions on Yosemite Blvd. was discussed briefly.

LETTER FROM FRED G. THIEMANN, EXECUTIVE SECRETARY, STANISLAUS COUNTY FARM BUREAU, REGARDING TELEPHONE RATE CASE

A letter from Fred G. Thiemann dated April 11, 1966 reporting that his organization was able to convince the P.U.C. to give further study to the telephone rate schedule proposed by the staff of the P.U.C. before rendering a decision, was entered into the record of the minutes and ordered filed.

LETTER FROM HENRY E. WIESER, 950 EL VECINO AVENUE, REGARDING IMPROVEMENTS TO EL VECINO AVENUE LYING WITHIN THE CITY LIMITS

A letter from Henry E. Wieser dated April 11, 1966 complaining of the use of El Vecino Avenue between East Morris and Lucerne Avenue as an "alley," was entered into the record of the minutes. Request was made that something be done to relocate garbage cans, which presently line this section of El Vecino Avenue.

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

Councilman Patton arrived at 4:10 P.M.

LETTER FROM DAVID STEFFEN, PRESIDENT, THE MODESTO ROADMEN, REGARDING PROPOSED BICYCLE RACE AND THE CLOSING OF CERTAIN CITY STREETS

A letter from David Steffen, 1211 Helen Drive, dated April 13, 1966 requesting that the Roadmen's Club be permitted to hold a bicycle race on Saturday, May 14, 1966 from about 9:00 A.M. to 1:00 P.M. on the streets around the West Side Park, and that the City co-sponsor the event, was entered into the record of the minutes.

Director of Parks and Recreation Grogan recommended that trophies be donated for the event at a cost of about $57.

Upon questioning, the City Attorney stated that programs sponsored by the Parks and Recreation Department were covered under the City's insurance policy; that events sponsored by private groups were not covered by the City's policy.

David Steffen said it was the intent of his letter that the City sponsor the event, with the Modesto Roadmen's Club taking care of the details and running of the event.

MOTION

That the sponsorship of the bicycle race by the City Parks and Recreation Department, scheduled by the Modesto Roadmen Club on May 14, 1966, be approved.

Moved by Shastid Seconded by Hughes Unanimously carried

LETTER FROM THE COMMUNITY FULL GOSPEL CHURCH, 1442 TULLY ROAD, IN REGARD TO PARKING ON CITY PROPERTY 1-85

A letter from Jack M. Carlson dated April 14, 1966 requesting permission for the Community Full Gospel Church to continue the use of a city-owned lot for parking purposes, was entered into the record of the minutes. The letter indicated that the church was agreeable to entering into an agreement with the City on the use of the lot, limiting the days of parking to Sundays and special days, to provide insurance, and keep the area clean.

The city-owned lot, on which a water pump stands, is located adjacent to the church property which is located on the corner of Pearl Avenue and Tully Road.

MOTION

That the City Attorney be directed to prepare the necessary documents to permit use of the lot for parking as requested in letter dated April 14, 1966.

Moved by VanderWall Seconded by Smith Unanimously carried

LETTER FROM BOMBERGER BROTHERS, INC., REGARDING SALE OF PROPERTY ON CORNER OF 10TH AND H STREETS (CITY PARKING LOT)

A letter from Carter H. Harrison dated April 13, 1966 requesting permission to place a "for sale" sign on the 10th and H Street city-operated parking lot, was entered into the record of the minutes.

MOTION

That the request of Bomberger Brothers, Inc., to place a "for sale" sign on the 10th and H Street city-operated parking lot be approved.

Moved by Hughes Seconded by Smith Unanimously carried

LETTER FROM TRI-VALLEY GROWERS REGARDING PROPOSAL FOR INCLUSION OF THE MCHENRY PLANT NO. 2 IN THE MODESTO AREA SEWAGE DISTRICT

A letter from L. L. Lehtin, Vice President, Corporate Management, Tri-Valley Growers, San Francisco, dated April 7, 1966 presenting two proposals for the inclusion of Tri-Valley Plant No. 2 to the Modesto Sewage District, was entered into the record of the minutes.

The City Manager recommended that the letter be referred to the staff, along with the previous proposal submitted by Tri-Valley; that nothing be done with the request at the present time so as to not jeopardize the City's application for a federal grant. Mr. Keefe said that a report on the request would be submitted to the Council after federal action has been taken on the application.

MOTION

That the recommendation of the City Manager be approved.

Moved by Mitchell Seconded by Shastid Unanimously carried

LETTER FROM WILLIAM R. MALLORY AND YACOUB G. MOURADIAN REQUESTING ABANDONMENT OF A PORTION OF ALMA AVENUE

A letter from William R. Mallory and Yacoub G. Mouradian requesting abandonment of a portion of Alma Avenue between Roseburg and Audrey Avenues, was entered into the record of the minutes.

MOTION

That the letter be referred to the Planning Commission for report and recommendation.

Moved by VanderWall Seconded by Patton Unanimously carried

CONSIDER AWARD OF BID FOR CONSTRUCTION OF COMFORT STATION AT CATHERINE EVERETT PARK

RESOLUTION NO. 66-258A

A RESOLUTION ACCEPTING THE BID OF BROUWER BROTHERS FOR CONSTRUCTION OF COMFORT STATION AT CATHERINE EVERETT PARK ($9,742)

Introduced by Shastid Seconded by Smith

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR THE IMPROVEMENT OF TULLY ROAD BETWEEN PEARL STREET AND BOWEN AVENUE

RESOLUTION NO. 66-259A

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE IMPROVEMENT OF TULLY ROAD BETWEEN PEARL STREET AND BOWEN AVENUE

Introduced by Shastid Seconded by Smith

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

May 3, 1966 at 10:00 A.M. in the City Clerk's office was set as the time and place for opening of bids.

ACCEPT AS COMPLETE INDUSTRIAL ELECTRICAL CO.'S CONTRACT FOR AUTOMATION OF MUNICIPAL WATER SYSTEM

RESOLUTION NO. 66-260

A RESOLUTION ACCEPTING THE INSTALLATION OF AUTOMATION EQUIPMENT ON THE MUNICIPAL WATER SYSTEM BY INDUSTRIAL ELECTRICAL COMPANY

Introduced by Shastid Seconded by Smith

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen

Noes: None Absent: None

RESOLUTION NO. 66-261

A RESOLUTION APPROVING APPROPRIATION TRANSFER - $3,750 FOR AUTOMATION OF MUNICIPAL WATER SYSTEM

Introduced by Shastid Seconded by Smith

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

CONSIDER ACCEPTANCE OF OPTION AGREEMENT FOR PURCHASE OF 7.58 ACRES OF LAND FOR A PARK SITE ADJACENT TO BELLENITA SCHOOL

RESOLUTION NO. 66-262

A RESOLUTION APPROVING OPTION AGREEMENT BETWEEN THE CITY OF MODESTO AND ROBERT L. BAUCHER, PAUL G. SESSER, PHIL LINE, PAUL SCHEIDECKER, DON L. BAUGHMAN, AND CHARLES W. BAKER, A PARTNERSHIP, FOR PURCHASE OF 7.58 ACRES OF LAND, BELLENITA PARK SITE

Introduced by Shastid Seconded by Smith

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

RESOLUTION NO. 66-263

A RESOLUTION APPROVING APPROPRIATION TRANSFER - $6,000 TO COVER OPTION PAYMENT AND INCIDENTAL EXPENSES IN PREPARING TO PURCHASE BELLENITA PARK SITE

Introduced by Shastid Seconded by Smith

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

CONSIDER SALE OF TREES TO HARRY O. KLINE

RESOLUTION NO. 66-264

A RESOLUTION AUTHORIZING THE SALE OF EIGHT OLIVE TREES TO HARRY O. KLINE (at $25 each)

Introduced by Shastid Seconded by Smith

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

LETTER FROM THE GREATER MODESTO CHAMBER OF COMMERCE REGARDING ANNUAL APPROPRIATION

MOTION

That the letter from the Greater Modesto Chamber of Commerce dated April 13, 1966 requesting the budgeting of $15,000 for fiscal year 1966-67 be referred to the staff for presentation to the Council at the appropriate budget hearing.

Moved by Mitchell Seconded by Patton Unanimously carried

LETTER FROM W. J. MOORAD, BUSINESS MANAGER, THE CALIFORNIA RELAYS, REQUESTING ANNUAL APPROPRIATION AND CONSIDERATION OF A LIKE AMOUNT IN 1966-67 BUDGET

MOTION

That the request of W. J. Moorad, Business Manager, California Relays, in letter dated April 8, 1966 for payment of $2,000 budgeted for fiscal year 1965-66 be approved; that the letter be referred to the staff for presentation to the Council at the appropriate budget hearing to consider the request for the budgeting of a similar amount for fiscal year 1966-67.

Moved by Mitchell Seconded by Patton Unanimously carried

CONSIDER REQUEST FOR SEWER SERVICE EXTENSION TO PROPERTY LOCATED AT 1337 CROWS LANDING ROAD

MOTION

That the request for sewer service to property located at 1337 Crows Landing Road be approved.

Moved by Mitchell Seconded by Patton Unanimously carried

FURTHER CONSIDERATION OF BIDS RECEIVED FOR THE DRYDEN PARK MUNICIPAL GOLF COURSE

This matter was carried over from the April 11th meeting, at which time Mr. Kaestner, the architect, was asked to furnish the Council information on the comparison between the cost of the proposed club house and S.O.S. addition, and to be prepared to offer suggestions as to how the cost of the proposed club house could be reduced within the limitation of budgeted funds.

Mr. Kaestner reported that the addition to the S.O.S. Club was an addition to an existing building, consisting of two stories. He outlined the plans and general construction of the building, stating that the total area of the addition was about 6,780 square feet. He said that the cost of the addition was $63,875 (about $9.42 per square foot). Mr. Kaestner listed the following items which occur in the proposed Dryden Club house, which do not occur in the S.O.S. addition: Sewer and water service, $1,020; electrical distribution, $1,000; bond, $530 for faithful performance and labor and materials; bid bond, $192; millwork, $3,298; painting of millwork, $300; excavation, $944; additional plumbing fixtures, $3,875; sink and range hood, $1,500; carpeting, $3,000; wood shingles as opposed to composition roofing, $443; more glass, $481; entrance doors, $1,600; epoxy wall finish in kitchen, $300; additional painting, $1,152; hardware, $350; retaining walls and footings due to site conditions, $1,884; damp-proofing, $300; plywood soffit; toilet partitions, $415; (Total, $22,958). Mr. Kaestner also pointed out that the S.O.S. building did not require a fourth wall.

Mr. Kaestner listed the following changes in the Dryden Club house plans in order to reduce costs: Change the entrance doors (glass doors) at a savings of $1,000; substitute wood hand rails for the metal hand rails for a savings of $1,300; delete the carpeting and have it installed by the city; or downgrade the quality at a savings of $1,000; reduce millwork to economy grade at a savings of $500; remove showers, curtains, saving $400.

The Council discussed the following: Whether or not inflated bids were submitted

to governmental agencies; the cost comparison between the S.O.S. addition and the club house; the need for showers in the club house.

Mr. Kaestner was questioned by the Council on the following: Whether or not specifications for the club house were more stringent than those of private buildings; the completion time specified in the plans and specifications (150 days).

RESOLUTION NO. 66-265

A RESOLUTION REJECTING ALL BIDS RECEIVED FOR CONSTRUCTION OF DRYDEN PARK CLUB HOUSE (Bids opened March 29, 1966 at 10:30 A.M.)

Introduced by Hughes Seconded by Shastid

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

In considering a new call for bids containing alternate bids, Mr. Kaestner suggested that the bids be kept as simple as possible.

RESOLUTION NO. 66-266

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR CONSTRUCTION OF DRYDEN GOLF COURSE CLUB HOUSE (including alternates suggested by the Architect)

Introduced by Hughes Seconded by VanderWall

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

May 6, 1966 at 2:00 P.M. in the City Clerk's office, City Hall, was set as the time and place for opening of bids.

MATTERS FOR THE GOOD OF THE COMMUNITY

Resignation of Henry Laws from Crime Study Committee

Mayor Johansen read a letter from Henry Laws resigning as a member and chairman of the Crime Study Committee appointed by the Mayor.

RESOLUTION NO. 66-267

A RESOLUTION COMMENDING HENRY LAWS FOR HIS OUTSTANDING SERVICE TO THE CITY OF MODESTO AS A MEMBER OF THE CRIME STUDY COMMITTEE

Introduced by VanderWall Seconded by Mitchell

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

Mayor Johansen said that the appointment of a Chairman to succeed Mr. Laws would be considered in executive session at the close of the meeting.

Hiring of Engineering Firm for Expansion of Sewage Treatment Plant

The City Manager stated that this matter would be placed on the agenda of the May 2nd meeting for Council consideration.

Report on City-County Sewer Committee meeting held April 18, 1966

Mayor Johansen reported that a financial report was presented to the City-County Sewer Committee by Bartle Wells Associates, financial consultants hired by the City in connection with the Metropolitan Area Sewer Study. He said that copies would be available for Council members and the county supervisors some time this week.

Councilman Shastid briefly reviewed the report, stating that it indicated that the area sewage district was definitely feasible, and the establishment of the Metropolitan Sewage District recommended. He said that another meeting would be held with the financial consultants next Monday, April 25th, at which time it was hoped that a final decision would be reached to submit to the Council and Board of Supervisors.

Mayor Johansen suggested that next Monday's council meeting be adjourned to 4:00 P.M. Tuesday, April 26, to permit the Council to have an in-depth look at the sewage study; that members of the city and county staffs be present to answer any questions which may be raised. This suggestion was agreeable to the Council.

Appropriation transfer - Breakage in Tuolumne River Sewer Line

The City Manager reported a breakage in the Sewer Line crossing over from the meat packing area; that city crews were repairing the break; that a $1,000 appropriation was needed to cover the costs involved.

RESOLUTION NO. 66-268

A RESOLUTION APPROVING APPROPRIATION TRANSFER - $1,000 TO COVER COST OF REPAIRING TUOLUMNE RIVER SEWER LINE

Introduced by Shastid Seconded by Patton

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

Approval of Right of Way Agreement, Agnes Huffman, for widening of McHenry and Norwegian Avenues

Terms of the right of way contract dedicating land to the City for the widening of McHenry and Norwegian Avenues were outlined by the City Manager. Mr. Keefe stated that these dedications would permit the progression of plans for the installation of traffic signs.

RESOLUTION NO. 66-269

A RESOLUTION APPROVING RIGHT OF WAY AGREEMENT BETWEEN THE CITY OF MODESTO AND AGNES C. HUFFMAN RELATING TO DEDICATING OF PROPERTY TO THE CITY OF MODESTO FOR WIDENING OF MCHENRY AVENUE AND NORWEGIAN AVENUE

Introduced by Smith Seconded by VanderWall

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

Resignation of Police Chief Bowers

The City Manager stated that a letter had been received from Chief Bowers submitting his resignation effective August 31, 1966; that Chief Bowers had told him verbally that the resignation was definite.

MOTION

That the resignation of Police Chief Bowers be accepted with regret.

Moved by Shastid Seconded by Smith Unanimously carried

Upon questioning, the City Manager stated that recruitment for the position would be made at large.

FURTHER CONSIDERATION OF ACQUISITION OF LAND FOR DOWNEY PARK

A report from the City Manager that negotiations for purchase of properties owned by Mr. and Mrs. Frey and Mrs. Stutz, located on Coffee Road, considered for acquisition by the City for the enlargement of Downey Park, indicated that the cost might be excessive for community park purposes, was entered into the record of the minutes.

MOTION

That negotiations for the purchase of properties owned by Mr. and Mrs. Frey and Mrs. Stutz for the enlargement of Downey Park be terminated.

Moved by Shastid Seconded by Smith Unanimously carried

CONSIDER OFFER OF STATE TO SELL PROPERTY NEAR 9-HOLE GOLF COURSE

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

WITHDRAWAL OF APPLICATION FOR FEDERAL GRANT FOR DOWNEY PARK SITE

(Unanimous Consent Item)

RESOLUTION NO. 66-270

A RESOLUTION AUTHORIZING WITHDRAWAL OF APPLICATION FOR FEDERAL GRANT FOR DOWNEY PARK SITE

Introduced by Shastid Seconded by Smith

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

REPORT ON RECEIPT OF P.U.C. OPINION AUTHORIZING TRANSFER OF BUMGARDNER WATER SYSTEM

RESOLUTION NO. 66-271

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN A STIPULATION REGARDING THE PURCHASE OF BUMGARDNER WATER CO., INC.

Introduced by VanderWall Seconded by Shastid

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

REPORT FROM STATE COMPENSATION INSURANCE FUND ON ANNUAL REFUND TO THE CITY OF $24,721 (42⅓%)

Director of Finance Bird stated that a check in the amount of $24,721 has been received from the State Compensation Insurance Fund, a refund from a gross payment of $57,000. He further stated that next year's experience rating will drop from 83 to 72%.

EXECUTIVE SESSION TO CONSIDER PURCHASE OF LEWIS PROPERTY

Mayor Johansen stated that the Council would meet in executive session at the end of the meeting to consider purchase of the Lewis property, and to consider an appointment to the Crime Study Committee.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned to executive session to consider purchase of the Lewis property, and to consider an appointment to the Crime Study Committee.

Moved by Patton Seconded by Smith Unanimously carried

The meeting adjourned at 5:22 P.M.

ATTEST: _____
REX E. GAILFUS, City Clerk

The Council of the City of Modesto met in regular session this date at 7:30 P.M. in the Council Chambers, City Hall, 801 11th Street, Modesto, California, Mayor Johansen presiding.

Present: Councilmen: Hughes, Mitchell, Smith, VanderWall, Mayor Johansen
(Councilman Shastid arrived at 7:31 P.M.)
(Councilman Patton arrived at 7:32 P.M.)
Absent: Councilmen: None

The pledge of allegiance to the Flag was given by all present.
Reverend Mark DeWitt gave the invocation.

LETTER FROM SUSAN BETTENCOURT AND ARNOLA FOSNAUGH, 1433 LOUISE AVENUE, REGARDING TENNIS COURTS IN PIKE PARK

A letter from Susan Bettencourt and Arnola Fosnaugh dated April 16, 1966 requesting that the Council consider the installation of tennis courts at Pike Park, was entered into the record of the minutes.

Upon questioning as to whether there were any plans for the installation of tennis courts in West Modesto, Director of Parks and Recreation Grogan stated that it was the City's policy to install tennis courts in community parks only; that no parks in West Modesto were so identified. She said that there was a lighted tennis court in West Side Park; that unlighted tennis courts were available at Modesto High School.

Mayor Johansen stated that discussions had been held with the Human Rights Committee concerning a tennis program in West Modesto. He suggested that a formal tennis program in West Modesto be investigated.

Miss Grogan said that there was sufficient room to place tennis courts in neighborhood parks, but the question would be whether they properly belonged there and whether the City wished to change its policy; that if the Council so desired, the staff could prepare a report as to where they could be placed in West Modesto.

Councilman Patton noted the lack of use of the West Side Park tennis court. He suggested that demand be used as the basis for installation of additional courts.

Councilman Shastid suggested that while examining the need for tennis courts, the need of facilities for baseball, soccer, etc., also be examined.

Councilman Smith suggested that a check be made on the possibility of lighting the Modesto High School courts, thus determining if there was enough interest to justify the expense of installing new courts.

MOTION

That the staff be directed to submit a report on the usage of tennis courts in West Modesto; whether installation of new courts are justified; to check with the Schools on the lighting of the Modesto High School Courts; whether facilities for other athletic activities would be desirable.

Moved by VanderWall Seconded by Smith Unanimously carried

The City Clerk was directed to inform the writers of the letters of the City's policy regarding installation of tennis courts in community parks only.

LETTER FROM WILLIAM G. HOWE, VICE PRESIDENT, CALIFORNIA AVIATION ASSOCIATION, REQUESTING PERMISSION TO USE THE MODESTO CITY-COUNTY AIRPORT FOR AN AIR SHOW 1-80

A letter from William G. Howe, Vice President, California Aviation Association, dated April 21, 1966 requesting permission to use the Modesto Airport on May 15, 1966 for an air show, was entered into the record of the minutes.

MOTION

That the request of the California Aviation Association to use the Modesto-City Airport on May 15, 1966 for an air show be approved

Moved by Shastid Seconded by Mitchell Unanimously carried

LETTER FROM FARM-CITY ADVISORY COMMITTEE REGARDING REDUCTION IN FEDERAL FUNDS FOR AGRICULTURAL RESEARCH AND EXTENSION SERVICE

A letter from Ronald Berryhill, Chairman, Farm-City Advisory Committee, dated April 21, 1966 recommending that the Council go on record opposing proposed reductions and changes in the budget of federal funds for agricultural research and extension service, was entered into the record of the minutes.

Joe Hart, representing the Farm-City Advisory Committee, spoke briefly to the Council on the effect of the proposed budget reductions on the agricultural economy of the area.

RESOLUTION NO. 66-272

A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO OPPOSING THE PROPOSED REDUCTIONS AND CHANGES IN THE BUDGET OF FEDERAL FUNDS FOR AGRICULTURAL RESEARCH AND EXTENSION SERVICE

Introduced by Smith Seconded by Shastid

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

LETTER FROM E. DON LEE, REQUESTING PERMISSION TO BLACKTOP AREA AT 141 SOUTH SANTA CRUZ AVENUE

RESOLUTION NO. 66-273

A RESOLUTION SETTING TIME AND PLACE FOR HEARING REQUEST OF E. DON LEE TO BLACKTOP AREA ON PROPERTY LOCATED AT 141 SOUTH SANTA CRUZ AVENUE

Introduced by Shastid Seconded by Smith

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

May 2, 1966 at 4:45 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

CONSIDER AWARD OF BID FOR THE INSTALLATION OF SPRINKLER SYSTEM AND LAWN AREA AT LEGION PARK

RESOLUTION NO. 66-274

A RESOLUTION ACCEPTING THE BID OF BIBENS NURSERY COMPANY FOR INSTALLATION OF SPRINKLER SYSTEM AND LAWN AREA AT LEGION PARK

Introduced by Shastid Seconded by Smith

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

CONSIDER AWARD OF BID FOR CONSTRUCTION OF WADING POOL AT MELLIS PARK

RESOLUTION NO. 66-275

A RESOLUTION ACCEPTING THE BID OF WOLVERINE BUILDING SERVICE, INC. FOR CONSTRUCTION OF WADING POOL AT MELLIS PARK

Introduced by Shastid Seconded by Smtih

Ayes: Hughes, Mitchell, Patton, Smith, Shastid, VanderWall, Mayor Johansen
Noes: None Absent: None

CONSIDER AWARDS FOR RADIO EQUIPMENT

RESOLUTION NO. 66-276

A RESOLUTION ACCEPTING THE BID OF MOTOROLA C. & E., INC., FOR SIX RADIOS ($3,518.32, Items 2 and 3)

Introduced by Shastid Seconded by Smith

Ayes: Hughes, Mitchell, Patton, Smith, Shastid, VanderWall, Mayor Johansen
Noes: None Absent: None

RESOLUTION NO. 66-277

A RESOLUTION ACCEPTING THE BID OF GENERAL ELECTRIC COMPANY FOR TWO RADIOS IN THE AMOUNT OF $1,736.80 (Item 1)

Introduced by Shastid Seconded by Smith

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

RESOLUTION NO. 66-278

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $580 TO PERMIT PURCHASE OF RADIO EQUIPMENT

Introduced by Shastid Seconded by Smith

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

ACCEPT AS COMPLETE EDWARD S. WALSH COMPANY'S CONTRACT FOR FURNISHING ONE SAND TRAP FOR PUMP STATION NO. 25

RESOLUTION NO. 66-279

A RESOLUTION ACCEPTING THE FURNISHING OF ONE SAND TRAP FOR PUMP STATION NO. 25, WOODROW AVENUE

Introduced by Shastid Seconded by Smith

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

AGREEMENT BETWEEN CITY OF MODESTO AND R. S. GADA FOR FURNISHING ALL MATERIAL AND LABOR NECESSARY TO MAINTAIN THE ELECTRONIC AND RADIO EQUIPMENT SET FORTH IN SAID AGREEMENT FOR THE PERIOD OF ONE YEAR COMMENCING JULY 1, 1966 AND ENDING JUNE 30, 1967 SUBJECT TO ANNUAL RENEWAL THEREAFTER

RESOLUTION NO. 66-280

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND R. S. GADA FOR FURNISHING LABOR AND MATERIAL TO MAINTAIN ELECTRONIC AND RADIO EQUIPMENT

Introduced by Shastid Seconded by Smith

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

AGREEMENT BETWEEN CITY AND CHARLES G. WRIGHT FOR CONCESSION RIGHTS AT BEARD BROOK PARK

RESOLUTION NO. 66-281

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND CHARLES G. WRIGHT FOR CONCESSION RIGHTS AT BEARD BROOK PARK FOR A PERIOD OF ONE YEAR, COMMENCING MAY 1, 1966 AND ENDING APRIL 30, 1967

Introduced by Shastid Seconded by Smith

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

RECOMMEND AMENDMENT TO SECTIONS 26-3-9, 27-3-9, 34-3-9 AND 35-3-9 (NEESAN)

RESOLUTION NO. 66-282

A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO SECTIONS 26-3-9, 27-3-9, 34-3-9 and 35-3-9 OF THE ZONING MAP (Neesan)

Introduced by Shastid Seconded by Smith

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

May 16, 1966 at 4:40 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

RECOMMEND COMMENCEMENT OF ANNEXATION PROCEEDINGS - NORTH 99 ADDITION

RESOLUTION NO. 66-283

A RESOLUTION GIVING NOTICE OF THE PROPOSED ANNEXATION TO THE CITY OF MODESTO OF UNINHABITED TERRITORY DESCRIBED HEREIN AND DESIGNATED AS NORTH 99 ADDITION AND GIVING NOTICE OF TIME AND PLACE FOR HEARING PROTESTS THERETO

Introduced by Shastid Seconded by Smith

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

June 6, 1966 at 4:15 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

RECOMMEND PREZONING AMENDMENT TO SECTION 19-3-9

RESOLUTION NO. 66-284

A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO SECTION 19-3-9 OF THE ZONING MAP TO PREZONE TO R-1, R-2, R-3 and H-1 A PORTION OF NORTH 99 ADDITION

Introduced by Shastid Seconded by Smith

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

May 16, 1966 at 4:30 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

LETTERS FROM OLIVER DEATSCH, SECRETARY, MODESTO BAND OF STANISLAUS COUNTY, REGARDING ANNUAL APPROPRIATIONS (STATE FAIR AND MUNICIPAL SUMMER CONCERTS)

MOTION

That the request of the Modesto Band of Stanislaus County for the budgeting of $350 for State Fair representation and $1,200 for summer municipal concerts be referred to staff for consideration of the Council at the appropriate budget hearing

Moved by VanderWall Seconded by Mitchell Unanimously carried

CONSIDER REQUEST FOR SEWER SERVICE EXTENSION TO PROPERTY LOCATED AT 813 ROSE AVENUE

MOTION

That the request for sewer service extension to property located at 813 Rose Avenue be approved

Moved by VanderWall Seconded by Mitchell Unanimously carried

CANVASS OF RETURNS OF SPECIAL WESTVIEW GARDENS ADDITION ANNEXATION ELECTION HELD ON TUESDAY APRIL 19, 1966

The City Clerk reported that there were 90 registered voters in the Westview Gardens annexation election; 20 votes were cast, with 19 for and 1 against the annexation. Estimated cost of the election was $400.

Cost of the election was questioned by the Council.

Councilman Mitchell spoke of the need for a simpler way of handling non-controversial inhabited annexations, by way of petition and concurrence of the Board of Supervisors and City Council.

RESOLUTION NO. 66-285

A RESOLUTION DETERMINING THE RESULT OF AN ELECTION HELD IN THE WESTVIEW GARDENS ADDITION FOR ANNEXATION OF SAID ADDITION TO THE CITY OF MODESTO

Introduced by VanderWall Seconded by Smith

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

ORDINANCE NO. 783-C.S. entitled
"AN ORDINANCE APPROVING THE ANNEXATION OF CERTAIN TERRITORY KNOWN AS THE WESTVIEW GARDENS ADDITION TO THE CITY OF MODESTO"

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

Moved by Hughes Seconded by Patton

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

INTRODUCTION OF STUDENTS FROM RIPON CHRISTIAN HIGH SCHOOL

Mayor Johansen extended a welcome to students from the Ripon Christian High School, present in the audience.

HEARING ON APPEAL BY R. O. STEIN, DECISION OF THE PLANNING COMMISSION, GRANTING AN H-1 ZONE USE PERMIT TO ALBERTSON'S MARKET, MCHENRY AVENUE 2-72

Mayor Johansen announced that the hour of 7:45 P.M. had arrived, the time set for consideration of the appeal of R. O. Stein to the decision of the Planning Commission, in granting an H-1 Zone use permit to Albertson's, Inc., for a supermarket to be located on the west side of McHenry Avenue north of Bowen Avenue, and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Tribune on April 14, 1966 and notices posted and distributed in the area on April 14, 1966. A verbatim transcript of the Planning Commission hearing was furnished each councilman.

Planning Commission Resolution No. 66-26 granting an H-1 Zone use permit to Albertson's, Inc., for a grocery supermarket was entered into the record of the minutes.

Director of Planning Fey outlined the provisions of Planning Commission Resolution No. 66-26, which granted the use permit subject to 13 conditions.

Gerald Simero, representing Albertson's, Inc., spoke briefly in support of the use permit for the supermarket.

R. O. Stein, appellant, speaking in behalf of residents residing immediately to the west of the proposed supermarket site, said that they objected to the use of the property for a supermarket for the following reasons: Granting of the use permit violated the principles of the purpose of H-1 zoning listed in the ordinance adopted by the Council in October, 1964--promotion of free traffic flow on a major street; assuring compatibility among the uses along the major street and with existing and future uses in adjacent zoning districts; supplying an area for the conduct of retail, service and institutional uses not ordinarily found in shopping centers; uses generally dependent on a regional rather than a local population for their support. Mr. Stein stated that supermarkets were ordinarily found in shopping centers and were dependent on local, not regional support. He also stated that under Section 10-2.2903(h) of the Municipal Code, "Retail Trade and Consumer Services Establishments," supermarkets were not listed as a permitted use; that the proposed use of the property was not in accord with the concepts of the amended General Plan recently approved by the Council.

A letter from Northgate Residents Committee dated April 22, 1966 listing requirements deemed necessary to make the grocery supermarket compatible with the Northgate residential neighborhood, was read into the record by John Funnel, 217 Bowen Avenue, and filed with the City Clerk.

Patricia Buckley, 3108 Buckingham Court, stated that the City, in granting use permits in H-1 Zones, had a moral responsibility to solve the already existing traffic problems before more traffic is created; that McHenry Avenue should be widened to accommodate traffic before the safety of citizens is jeopardized further; that the Planning Commission and Council should exercise their right, as stated in the H-1 zoning ordinance, to insist that strict modifications be inserted to make the uses as compatible as possible with the existing residential areas which were there before a zoning change is made.

A letter from the Sylvan School Board relating to traffic problems affecting the Sylvan School was filed with and read into the record by the City Clerk.

Richard Nazarian, 405 Bowen Avenue, asked that the use permit be denied on the basis that it did not promote good planning, since it was his understanding that H-1 zoning was designed for more restrictive zoning on frontages on major highways as opposed to C-1 and C-2 zoning, where supermarkets are permitted, and which are already available in the area. He pointed out the need for widening McHenry Avenue and installation of traffic signals before more traffic is generated. He also pointed out the need for the improvement of Northern Boulevard, for which no funds have been budgeted for fiscal year 1966-67.

Gerry Underwood, 306 Northgate Drive, asked that a twelve-foot wall be required to separate the proposed supermarket and the residences, with landscaping on the west side of the fence, and that a shake roof be required on the building.

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

Upon questioning, the City Manager stated that the traffic signals on McHenry at Briggsmore and Bowen would be functioning in about September.

The Council discussed the following: Plans for the future improvement of Northern Boulevard; code provisions relating to the disposition and collection of garbage; status of right of way acquisition for the improvement of Northern Boulevard; the Council's intention regarding the permissibility of retail stores at the time H-1 zoning was considered and adopted by the Council; the philosophy of H-1 zoning, and the differences of opinion on the intent of H-1 zoning at the time the ordinance was adopted; advantages to the neighborhood of H-1 zoning; differences between County and City H-1 zoning.

The letter from Northgate Residents Committee dated April 22, 1966 listing requirements the committee deemed necessary to make a grocery supermarket compatible with the neighborhood was reviewed by the Council. Referring to Item No. 2 on the list, the City Attorney stated that he did not believe that the Council could legally impose a condition restricting the conduct of business on Sundays, but could require that the business be closed from 10:00 P.M. to 7:00 A.M.

Lee Brown, Planning Consultant for Albertson's, pointed out the advantages of a grocery store operation over other permissible uses under the H-1 zone which might be located on the property.

Mr. Simero was questioned by the Council on the proposed conduct of the supermarket, unloading of trucks, hours of deliveries, janitorial hours, stocking of shelves, etc.

The following spoke briefly: Liz Soderstrom, 322 Northwood Drive; Don Schmidt, Phil Soderstrom, 322 Northwood Drive; Mrs. Richard Nazarian, 405 Bowen Avenue

Since the representatives of Albertson's, Inc., had not yet seen the list of suggested requirements submitted by the Northgate Residents Committee, the residents, Mr. Brown, Mr. Simero and Planning Director Fey left the chambers to meet in the City Hall multipurpose room in an effort to reach agreement on the proposed requirements.

The meeting was recessed at 10:00 P.M., and reconvened at 10:05 P.M.

MATTERS FOR THE GOOD OF THE COMMUNITY

Appointment of Jack Schall as Chairman, Crime Study Committee, replacing Henry Laws

RESOLUTION NO. 66-286
A RESOLUTION APPOINTING JACK SCHALL CHAIRMAN OF THE CRIME STUDY COMMITTEE

Introduced by Hughes Seconded by VanderWall

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

Sam Yorty, Democratic Candidate for Governor - Speaker, Exchange Club Dinner

Councilman Mitchell announced that Sam Yorty would be guest speaker at the Exchange Club luncheon to be held at the Hotel Covell Fable Room Thursday, April 28, at noon.

Youth in Government Day

The City Manager announced that Youth in Government Day will be held on Wednesday, May 4th.

Report on City-County Sewer Committee meeting 11-4

Mayor Johansen reported briefly on the City-County Sewer Committee meeting held at noon; that agreement was reached on what the respective elected officials would recommend to their respective bodies. He said that the boundaries have been agreed upon in principle; the method of financing has been agreed on, as recommended by the financial consultants; the staff could proceed with the steps necessary to prepare the legal boundaries with the help of the county staff.

A decision was made to adjourn the present meeting to the Sun Dial restaurant Thursday, April 28, 1966, at 7:00 A.M. to discuss the proposed sewer district.

APPROPRIATION TRANSFER - $2,900 FROM THE GENERAL RESERVE OF THE GENERAL FUND TO THE PUBLIC WORKS WATER DIVISION BUDGET, SALARIES AND WAGES, REGULAR

A memorandum from the Director of Public Works dated April 20, 1966 subject, "Personnel Change - Water Division," recommending the assignment of Clarence Martin to the pump maintenance section and upgrading him from laborer to maintenance man, was entered into the record of the minutes.

RESOLUTION NO. 66-287

A RESOLUTION APPROVING APPROPRIATION TRANSFER - $2,900 FOR SALARIES AND WAGES, REGULAR, PUBLIC WORKS, WATER DEPARTMENT, DUE TO PERSONNEL TRANSFERS (in pump maintenance crew)

Introduced by Shastid Seconded by VanderWall

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

REPORT ON REQUEST OF MUIR TRAIL GIRL SCOUT COUNCIL TO USE CITY PARKS

A memorandum from Director of Parks and Recreation Grogan dated April 21, 1966, subject, "Request of Girl Scouts to use City Park," was entered into the record of the minutes. Recommendation was made that the use of Kewin and Beard Brook Parks for day camp programs be approved as requested.

MOTION

That the request of the Muir Trail Girl Scout Council for use of Kewin and Beard Brook Parks for day camp programs be approved as requested

Moved by Mitchell Seconded by VanderWall Unanimously carried

NOTICE OF HEARING - PUBLIC UTILITIES COMMISSION, APPLICATION OF PACIFIC TELEPHONE FOR RATE INCREASE 11-58

Application No. 48293, Notice of Hearing before the Public Utilities Commission of the State of California, by Pacific Telephone and Western Union Telegraph Co. for authority to increase their respective rates, was entered into the record of the minutes. No action was taken by the Council.

REMINDER OF CENTRAL VALLEY DIVISION LEAGUE OF CALIFORNIA CITIES, QUARTERLY MEETING

Mayor Johansen reminded the Council of the Central Valley Division League dinner to be held in Lodi, Thursday, April 28, 1966 at 6:30 P.M.

VISIT TO CITY - CONSULTING ENGINEER REPRESENTING FEDERAL GOVERNMENT

The City Manager reported that a consulting engineer representing the federal government would visit the City's sewer facilities tomorrow in connection with the City's application for federal funds.

REPORT ON INCORPORATION OF SISTER CITY PROGRAM

Councilman Mitchell reported that Speaker of the House McCormick has agreed to sponsor legislation in the House of Representatives, and Vice President Humphrey in the Senate, to form a nonprofit corporation of the sister city program. He said that the proposed charter will be air mailed to him; that he has been asked to prepare the reasons for the incorporation, to be submitted with the legislation. Mr. Mitchell said that in the past the program has been jointly sponsored by the National League of Cities and People to People program; that the People to People program has run out of funds due to withdrawal of the financial support of the Hallmark Foundation.

REPORT ON COMMUNITY ACTION COMMITTEE

Mayor Johansen suggested that the Council keep informed on the action of the Community Action Committee, of which Councilman Smith is a member, so that the Council will be in a position to take necessary action for the protection of the entire community. Councilman Smith spoke briefly on the function of the Committee. He said that he would appreciate any direction people might wish to give him in connection with the difficult decisions which have to be made; that the Committee had several meeting places and would meet on April 26th at the Junior College.

REPORT ON VACANCIES IN LOCAL AGENCY FORMATION COMMISSION

Councilman Mitchell reported two vacancies in the Local Agency Formation Commission; that Mayor Guy Wharton of Ceres was not running, and Emory Bonander of Turlock was defeated in a recent election. Mayor Johansen stated that he had received a letter calling a meeting of Mayors in the County to fill these vacancies.

SCHEDULING OF BUDGET HEARINGS

The City Manager stated that the budget would be submitted to the Council at the May 2nd meeting; that recommendation would be made that the Council budget hearings begin at 4:00 P.M. on May 19, 1966 to continue on succeeding Tuesdays and Thursdays at 4:00 P.M. and limited to 5:30 P.M. until completed.

PROGRESS REPORT ON TUOLUMNE RIVER AREA PARK

Mayor Johansen reported that no reply has as yet been received from the County Board of Supervisors on the proposed establishment of a joint City-County Park Committee; that a follow-up would be forwarded if a reply is not received within a week or ten days.

REST STOPS

Mr. Keefe reported that he had received word by phone from the State that the proposed rest stop at the northern freeway entrance to the City had not been approved; that he had asked that a report be submitted in writing.

OPENING BASEBALL GAME - DEL WEBB FIELD

Mayor Johansen said that he attended the opening baseball game at Del Webb Field and reported that the ball club and players were pleased with the lighting improvements and bleachers.

REPORT BY MRS. HEIDI WARNER RELATIVE TO THE CITIZENS CULTURAL CENTER

Mrs. Heidi Warner said that she wished to clear some of the confusion in the minds of the public regarding the proposed cultural center. She said that the Committee had never intimated that the City had dedicated or given title to the 15th Street property for the cultural center; that it was her understanding that in studies made over the years relating to the civic center, three buildings have always been included--the library, civic auditorium and the cultural center; that the civic center was presently shown on the downtown plan as being located at the 15th Street site, and would be the location of the cultural center unless the location of the proposed civic center is changed. Mrs. Warner said that in that event, it could be assumed that the City would provide plans for the cultural center in the new location.

She said it was also the understanding of the Committee that once the money is raised by the Committee and the building is completed, the City would probably be responsible for staffing and maintaining the building. As to the question of revenues to be derived from the project, Mrs. Warner said that the Committee has informed the people in general terms that the City normally charges sufficient fees to cover maintenance costs for the use of the facilities.

Mrs. Warner said that most museums do have memberships; that the Committee's bylaws provide for memberships ranging from $1.00 for students to $50 for patrons. All contributors to the building fund will be given a one-year membership free, and all contributors of $1,000 or more will receive a free life membership. She said it was hoped that these funds would be used to buy articles for the museum and the art gallery, to bring historical shows and programs to Modesto. Another source of revenue would be the charge of admission to these shows. Mrs. Warner stated that the by-laws also provide for a Board of Directors to be elected from the members of the Museum each year, and, if approved by the Council, the Board would coordinate its efforts with the City.

Mrs. Warner stated that Mr. Nielsen, Vice President of John Carl Warnecke and Associates, felt strongly that an architectural study must be the first step, as outlined in a letter dated April 4, 1966 filed with the City Clerk. She said that this letter was presented to the Planning Commission and determination made that funds for such a study were available in the current budget; that the Committee suggested that this letter be referred to the Planning Commission when the downtown plan is discussed; that Mr. Nielsen be invited to attend this meeting and, when a recommendation for the site is presented to the Council, that a recommendation be included that the study be made. She said that this was apparently where the impression was created that Capital Improvement Funds would be used for the cultural center instead of the entire civic center project. Mrs. Warner read Mr. Nielsen's letter into the record of the minutes.

Mayor Johansen said that he believed that the Council should be informed on the progress being made by the Citizens' Cultural Committee as the City will eventually be directly involved in the project.

CONTINUATION OF HEARING OF APPEAL OF R. O. STEIN TO THE DECISION OF THE PLANNING COMMISSION IN GRANTING AN H-1 ZONING USE PERMIT TO ALBERTSON'S, INC.

Director of Planning Fey reported on the meeting between the residents in the area and representatives of Albertson's, Inc., on the list of requirements presented by the Northgate Residents Committee deemed necessary to make the supermarket compatible with the Northgate residential neighborhood:

Item 3: No agreement between the two groups; No. 4: Agreement in principle; No. 5: No question; No. 6: No disagreement; No. 6: Agreement on the 12' wall; No. 7: Landscaping agreed to in principle with the suggestion that the type of trees not be mentioned other than evergreen trees; that the distance of the planting of the trees depend upon the variety of the trees to be planted with a minimum size tree of a 5-gallon tree, with the landscaping plan to be approved by the Director of Parks and Recreation and Director of Planning; No. 8: Agreement in principle, that if the option is exercised, Albertson's would continue on the same type of conditions under discussion; No. 9: Rather than to try to define an esthetic appearance, submission of a preliminary architectural plan of the building be presented to a committee of three from the Northgate area to review the plan and see that it meets the general character of development in the Northgate Subdivision; No. 10: No agreement on the entrances and exits on McHenry and Bowen; No. 11: Albertson's have indicated that the only signs for the store are attached to the facade of the building, and that this condition was acceptable; No. 12: Agreement was reached on 20' lighting standards; lights at the rear of the building shining into the loading and unloading area to be installed in the wall and directed toward the building, with no other type of lighting facility at the rear. No. 13: Agreement was reached that all lights, including parking area lights and building lights shall be turned off between the hours of 10:00 p.m. and 7:00 a.m., with the exception of necessary security lights, especially at the rear of the building.

The Council discussed Condition No. 9 requiring that the store must be designed to harmonize with Northgate Homes, including shake roof and esthetically pleasing appearance. The City Attorney stated that, based on California law, cities do not have the right to exercise architectural control unless there is some overriding civic interest--historical buildings, etc.

Mr. Richard Giddings said that he did not believe it reasonable to include in an ordinance an agreement between Albertson's and Northgate residents regarding the esthetics of the building. Speaking as a resident of Northgate Subdivision, he registered a protest against the proposed 12-foot wall on the basis that it was unreasonable, unsightly, the Council would be establishing a precedent in approving such a condition, and air circulation would be stopped.

In commenting on his objections to Item No. 3, Mr. Simero said that forcing all vehicles to load or unload completely inside the building would create an architectural monstrosity. He said that there would be no night loading or unloading, and none on Sunday.

Director of Planning Fey pointed out that there was agreement to enclose the City's well site with the wall up to the setback area on Bowen Avenue.

Disagreement on Item No. 10, the number of accesses to be permitted to the supermarket on McHenry and Bowen, was discussed. Director of Planning Fey stated that the staff recommendation was for 2½ driveways on McHenry and 1½ driveways on Bowen.

MOTION

That 2½ accesses be permitted on McHenry Avenue, and 1½ accesses be permitted on Bowen Avenue

Moved by Shastid Seconded by Patton Unanimously carried

MOTION

That Item 3 of list of requirements (loading and unloading within the building) be deleted

Moved by Hughes Seconded by Patton Unanimously carried

MOTION

That that portion of Item No. 2, "no business of any nature to be permitted on Sunday," be deleted as a requirement.

Moved by Hughes Seconded by Patton

The motion carried, Councilman Smith dissenting.

MOTION

That Item 9 relating to the esthetics of the building be deleted from the list of requirements

Moved by Patton Seconded by Shastid Unanimously carried

The twelve-foot wall requirement was discussed. Charles Sypolt, Chairman, Legislative Committee, Modesto Board of Realtors, told of litigation involving a city where a wall required by a Planning Commission collapsed during a wind storm, and the city was now being sued.

MOTION

That Item 6 of the Committee's requirements be amended to require that the masonry wall be nine feet high instead of twelve feet high

Moved by Mayor Johansen Seconded by VanderWall

Ayes: Hughes, Mitchell, Patton, VanderWall, Mayor Johansen
Noes: Shastid, Smith
The motion carried.

MOTION

That Item 6 of the Committee's requirements be amended to require that the masonry wall be ten feet high instead of twelve feet high

Moved by Shastid Seconded by Smith

Ayes: Shastid, Smith
Noes: Hughes, Mitchell, Patton, VanderWall, Mayor Johansen
The motion failed to carry.

RESOLUTION NO. 66-288

A RESOLUTION AFFIRMING THE DECISION OF THE PLANNING COMMISSION GRANTING AN H-1 ZONE USE PERMIT TO ALBERTSON'S, INC., FOR A GROCERY SUPERMARKET ON THE WEST SIDE OF MCHENRY AVENUE NORTH OF BOWEN AVENUE, WITH CERTAIN EXCEPTIONS (Subject to conditions imposed by Planning Commission Resolution No. 66-26 and conditions listed in letter from Northgate Residents Committee dated April 22, 1966 as amended by the Council in above actions)

Moved by Patton Seconded by Hughes

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

ADJOURNMENT

MOTION

That the meeting now in session adjourn to Thursday, April 28, 1966 at 7:00 A.M. at the Sun Dial Restaurant

Moved by Mayor Johansen Seconded by VanderWall Unanimously carried

The meeting adjourned at 11:35 P.M.

ATTEST: REX E. GAILFUS, City Clerk

The Council of the City of Modesto met in adjourned regular session this date, at 7:00 A.M., in the Sun Dial Restaurant, McHenry Avenue, Modesto, California, Mayor Johansen presiding.

Present: Councilmen: Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen

Absent: Councilmen: Hughes

Discussion of proposed Sewer District

The finance report submitted by Bartle Wells and Associates of San Francisco, was entered into the record of the minutes.

The Council discussed the following: The engineering studies submitted by Jenks and Jenks and Brown and Caldwell to provide adequate sewer service to the City of Modesto and the Modesto metropolitan area, respectively; the financial report of Bartle Wells and Associates; cost of the proposed project; method of financing; possibility of annexation of outlying industries

Director of Public Works Campbell presented a map outlining the boundaries of the proposed sewer district, a copy of which is filed with the record of the minutes.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by Patton Seconded by Smith Unanimously carried

The meeting adjourned at 9:30 A.M.

ATTEST: Rex E. Gailfus
REX E. GAILFUS, City Clerk

4/28/66

The Council of the City of Modesto met in regular session this date at 4:00 P.M. in the Council Chambers, City Hall, 801 11th Street, Modesto, California, Mayor Johansen presiding..

Present: Councilmen: Hughes, Mitchell, Smith, VanderWall, Mayor Johansen
(Councilman Patton arrived at 4:10 P.M.)

Absent: Councilmen: Shastid

The pledge of allegiance to the Flag was given by all present.
Captain John Potts, Salvation Army, gave the invocation.

LETTER FROM WILLIAM R. GAHR, MODESTO OPTIMIST CLUB, REQUESTING PERMISSION TO SPONSOR BICYCLE RACE EVENTS

A letter from William R. Gahr, Modesto Optimist Club, requesting permission to sponsor a series of bicycle race events on September 11, 1966 on city streets bordering Graceada Park, was entered into the record of the minutes. The letter indicated that detailed arrangements have been finalized with representatives of the United States Olympic Cycling Committee, Amateur Bicycle League of America, and the Northern California Cycling Association. Specific requests were outlined in the letter, the event to begin at 10:00 A.M.

Interference of the event with church services in the area through the proposed rerouting of traffic and elimination of parking spaces was discussed by the Council.

Henry Laws stated that present plans were to work with Reverend Kimpton to have an opening service at Mancini Bowl prior to the beginning of the races.

It was suggested by the Council that members of the Optimist Club and Director of Parking and Traffic Carmody meet with representatives of the two churches in the neighborhood to give them advance notice of traffic problems which will result on the date set for the races.

MOTION

That the Optimist Club be authorized to proceed with arrangements for the Bicycle Race on September 11, 1966

Moved by VanderWall Seconded by Smith Unanimously carried

LETTER FROM JESSE F. FLUHARTY, REFEREE IN CHARGE, INDUSTRIAL ACCIDENT COMMISSION, STATE OF CALIFORNIA, REGARDING USE OF COUNCIL CHAMBERS

A letter from Jesse E. Fluharty, Referee in Charge, Stockton District Office, Industrial Accident Commission, 31 East Channel Street, Stockton, dated April 19, 1966 requesting that the City Hall Council Chambers be made available for the Workmen's Compensation Appeals Board of the State of California at such time as the Special Courts Room in the Court House is not available for hearings, as an alternate facility, was entered into the record of the minutes.

John Trimbur, President, Stanislaus County Bar Association, spoke briefly in support of the request. He said that the hearings usually begin at 9:00 A.M.; that City facilities would only be used when Court House space was not available; that having an alternate facility available would preclude the possibility of all of the hearings being scheduled in Stockton.

MOTION

That the City Manager be authorized to permit the use of a portion of the Multipurpose Room for hearings conducted by the Workmen's Compensation Appeals Board at such time as Court House facilities are not available

Moved by Hughes Seconded by Patton Unanimously carried

LETTER FROM BARRISTERS' CLUB OF STANISLAUS COUNTY RE USE OF CITY FACILITIES FOR WORKMEN'S COMPENSATION APPEALS BOARD HEARINGS

A letter from John S. Gilmore, President, dated April 27, 1966 requesting use of City facilities for use of the Workmen's Compensation Appeals Board when space is not available at the Court House, was entered into the record of the minutes. Use of a

portion of the Multipurpose room for the hearings was approved by the Council in connection with a similar request from Jesse F. Fluharty, Referee in Charge, Industrial Accident Commission, above.

LETTER FROM LIBRARY AND CULTURAL COMMISSION REGARDING McHENRY LIBRARY FACILITY

With the unanimous consent of the Council this item was held over for consideration with Item 25 of the agenda.

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR CONSTRUCTION OF LAWN, SPRINKLER SYSTEM AND OTHER IMPROVEMENTS AT CATHERINE EVERETT PARK

RESOLUTION NO. 66-289

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR CONSTRUCTION OF LAWN, SPRINKLER SYSTEM AND OTHER IMPROVEMENTS AT CATHERINE EVERETT PARK

Introduced by VanderWall Seconded by Smith

Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

May 17, 1966 at 10:00 A.M. in the City Clerk's office was set as the time and place for opening of bids.

CONSIDER DETERMINING GEORGE REED, INC., TO BE LOW BIDDER ON APPROXIMATELY 900 TONS OF LIQUID ASPHALT AND AUTHORIZE PURCHASES TO BE MADE AS NEEDED FOR ONE-YEAR PERIOD ENDING MAY 14, 1967

RESOLUTION NO. 66-290

A RESOLUTION ACCEPTING THE BID OF GEORGE REED, INC., FOR THE FURNISHING OF THE CITY'S ANNUAL NEEDS FOR LIQUID ASPHALT, COMMENCING May 15, 1966 AND ENDING MAY 14, 1967

Introduced by VanderWall Seconded by Smith

Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

CONSIDER ACCEPTING GEORGE REED, INC., AS LOW BIDDER FOR APPROXIMATELY 2,300 TONS OF CRUSHED ROCK SCREENINGS AND AUTHORIZE PURCHASES TO BE MADE FOR ONE-YEAR PERIOD ENDING MAY 14, 1967

RESOLUTION NO. 66-291

A RESOLUTION ACCEPTING THE BID OF GEORGE REED, INC., FOR THE FURNISHING OF THE CITY'S ANNUAL NEEDS FOR CRUSHED ROCK SCREENINGS COMMENCING MAY 15, 1966 AND ENDING MAY 14, 1967

Introduced by VanderWall Seconded by Smith

Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

AWARD CONTRACT FOR CONSTRUCTION OF BRACK-GRIFFIN PARKING LOT AND APPROVE APPROPRIATION TRANSFER OF $5,200 FOR CONSTRUCTION

RESOLUTION NO. 66-292

A RESOLUTION ACCEPTING THE BID OF M. J. RUDDY AND SON FOR CONSTRUCTION OF BRACK-GRIFFIN PARKING LOT (10TH STREET, BETWEEN G AND H)

Moved by VanderWall Seconded by Smith

Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

RESOLUTION NO. 66-293

A RESOLUTION APPROVING APPROPRIATION TRANSFER - $5,200 FOR CONSTRUCTION OF PARKING LOT, 10TH STREET, BETWEEN G AND H (BRACK-GRIFFIN PROPERTY)

Introduced by VanderWall Seconded by Smith

Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

CONSIDER AWARD OF BID FOR THE CONSTRUCTION OF 27" R.C.S.P. SANITARY SEWER RELIEF LINE ON EMERALD AVENUE BETWEEN MAZE BOULEVARD AND LENORE DRIVE

RESOLUTION NO. 66-294

A RESOLUTION ACCEPTING THE BID OF A. P. RASMUSSEN FOR CONSTRUCTION OF 27" R.C.S.P. SANITARY SEWER RELIEF LINE ON EMERALD AVENUE BETWEEN MAZE BLVD. AND LENORE DRIVE ($14,878)

Introduced by VanderWall Seconded by Smith

Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

RESOLUTION NO. 66-295

A RESOLUTION APPROVING APPROPRIATION TRANSFER - $16,000 FOR CONSTRUCTION OF 27" R.C.S.P. SANITARY SEWER RELIEF LINE ON EMERALD AVENUE BETWEEN MAZE BLVD. AND LENORE DRIVE

Introduced by VanderWall Seconded by Smith

Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

CONSIDER THE SIX-MONTHS' TEMPORARY EMPLOYMENT OF THE BUMGARDNER WATER COMPANY'S SERVICE MAN SO THAT HE MAY ACQUAINT THE CITY WATER CREW WITH THE NEWLY ACQUIRED BUMGARDNER WATER SYSTEM

RESOLUTION NO. 66-296

A RESOLUTION AUTHORIZING EMPLOYMENT OF PETE BURT FOR A PERIOD OF SIX MONTHS TO ACQUAINT CITY WATER CREW WITH NEWLY ACQUIRED BUMGARDNER WATER COMPANY

Introduced by VanderWall Seconded by Smith

Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

RESOLUTION NO. 66-297

A RESOLUTION APPROVING APPROPRIATION TRANSFER - $1,045 TO COVER EXPENSE OF THE TEMPORARY EMPLOYMENT OF PETE BURT IN CONJUNCTION WITH THE ACQUISITION OF THE BUMGARDNER WATER SYSTEM

Introduced by VanderWall Seconded by Smith

Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

RESOLUTION PETITIONING THE BOARD OF SUPERVISORS OF STANISLAUS COUNTY TO EXCLUDE ALL PROPERTY WITHIN THE INCORPORATED LIMITS OF THE CITY FROM COUNTY TAX LEVY FISCAL YEAR 1966-67

RESOLUTION NO. 66-298

A RESOLUTION PETITIONING THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS TO EXCLUDE ALL PROPERTY WITHIN THE INCORPORATED LIMITS OF THE CITY OF MODESTO FROM COUNTY TAX LEVY FOR FISCAL YEAR 1966-67 FOR SUPPORT OF FIRE PROTECTION IN THE COUNTY PURSUANT TO THE PROVISIONS OF GOVERNMENT CODE SECTION 25643

Introduced by VanderWall Seconded by Smith

Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

LETTER FROM CLEVELAND STOCKTON, ATTORNEY, APPEALING THE DECISION OF THE PLANNING COMMISSION DENYING AN APPLICATION FOR AMENDMENT TO SECTION 17-3-9 OF THE ZONING MAP

RESOLUTION NO. 66-299

A RESOLUTION SETTING TIME AND PLACE FOR HEARING REQUEST OF CLEVELAND STOCKTON FOR APPEAL TO THE DECISION OF PLANNING COMMISSION DENYING AN APPLICATION FOR AN AMENDMENT TO SECTION 17-3-9 OF THE ZONING MAP

Introduced by VanderWall Seconded by Smith

Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

June 6, 1966 at 4:45 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

RECOMMEND AMENDMENT TO SECTION 18-3-9 OF THE ZONING MAP (NUNES)

RESOLUTION NO. 66-300

A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO SECTION 18-3-9 OF THE ZONING MAP (Nunes)

Introduced by VanderWall Seconded by Smith

Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

May 23, 1966 at 8:15 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

RECOMMEND AMENDMENT TO SECTION 27-3-9 OF THE ZONING MAP (CASKEY)

RESOLUTION NO. 66-301

A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO SECTION 27-3-9 OF THE ZONING MAP (CASKEY)

Introduced by VanderWall Seconded by Smith

Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

June 6, 1966 at 4:50 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

RECOMMEND GRANTING UNCLASSIFIED USE PERMIT FOR CONVALESCENT HOSPITAL

RESOLUTION NO. 66-302

A RESOLUTION SETTING TIME AND PLACE FOR HEARING REQUEST OF INTER-VALLEY TITLE COMPANY FOR A CONVALESCENT HOSPITAL

Introduced by VanderWall Seconded by Smith

Ayes: Hughes, Mitchell, Patton, VanderWall, Smith, Mayor Johansen
Noes: None Absent: Shastid

May 23, 1966 at 8:20 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

CONSIDER APPROPRIATION TRANSFER FOR FIRE STATION OPERATION OF McHENRY-BRIGGSMORE SIGNALS IN TIME OF EMERGENCY

RESOLUTION NO. 66-303

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $2,600 FOR FIRE STATION OPERATION OF McHENRY-BRIGGSMORE SIGNALS (NORTHERN BOULEVARD FIRE STATION)

Introduced by VanderWall Seconded by Smith

Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

APPROPRIATION TRANSFER OF $351 TO PROVIDE FUNDS FOR WESTVIEW GARDENS ANNEXATION COSTS

RESOLUTION NO. 66-304

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $351 - COSTS FOR WESTVIEW GARDENS ANNEXATION ELECTION

Introduced by VanderWall Seconded by Smith

Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

APPROPRIATION TRANSFER OF $184 FOR INSTALLATION OF TWO MONITORING SPEAKERS ON EMERGENCY FIRE DEPARTMENT PHONE 523-5656

RESOLUTION NO. 66-305

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $184 FOR INSTALLATION OF TWO MONITORING SPEAKERS ON EMERGENCY FIRE DEPARTMENT PHONE 523-5656

Introduced by VanderWall Seconded by Smith

Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johnson
Noes: None Absent: Shastid

CONSIDER ADOPTION OF THE 1964 EDITION OF THE UNIFORM BUILDING CODE; VOLUME III OF THE UNIFORM BUILDING CODE STANDARDS; UNIFORM PLUMBING CODE; HEATING AND COMFORT COOLING CODE

MOTION

That the staff be authorized to prepare the required ordinances to adopt the editions enumerated above

Moved by Smith Seconded by VanderWall Unanimously carried

CONSIDER ADOPTION OF THE 1962 EDITION OF THE NATIONAL ELECTRICAL CODE AND UNIFORM ELECTRICAL CODE

MOTION

That the staff be authorized to prepare the ordinances required to adopt the above enumerated editions

Moved by Smith Seconded by VanderWall Unanimously carried

CONSIDER AMENDMENT OF THE UNSAFE STRUCTURE CODE AND ORDINANCES NOS. 761-C.S. and 762-C.S.

MOTION

That the staff be authorized to prepare the required ordinances to effect amendments to the Unsafe Structure Code and Ordinances 761-C.S. and 762-C.S.

Moved by Smith Seconded by VanderWall Unanimously carried

CONSIDER REQUEST FOR SEWER SERVICE EXTENSION TO PROPERTY LOCATED AT 547 ROSE AVENUE

MOTION

That the request for sewer service extension to property located at 547 Rose Avenue be approved

Moved by Smith Seconded by VanderWall Unanimously carried

CONSIDER REQUEST FOR SEWER SERVICE EXTENSION TO PROPERTY LOCATED AT 2005 TERRANCE WAY

MOTION

That the request for sewer service extension to property located at 2005 Terrance Way be approved

Moved by Smith Seconded by VanderWall Unanimously carried

PRESENTATION OF REPORT FOR QUARTER ENDING MARCH 1966 BY MODESTO CHAMBER OF COMMERCE

MOTION

That the report of Modesto Chamber of Commerce for quarter ending March 1966 be accepted

Moved by Smith Seconded by VanderWall Unanimously carried

REPORT ON STREET LIGHTING IMPROVEMENTS 2-89

A memorandum from the Director of Public Works dated April 28, 1966, subject, "Street Lighting," was entered into the record of the minutes. The memorandum outlined a street lighting program for Council consideration.

Director of Public Works Campbell was questioned on the criteria used in selecting the major intersections proposed for improved lighting; availability of funds for the improvement of lighting in the Modesto High School area from the amount budgeted, if the responsibility proves to be that of the City.

Mr. Campbell stated that the lighting of the Modesto High School area was being considered by the staff on the basis of past Council policy, as in the case of the Junior College, where the cost of material was provided by the adjacent properties and installation costs borne by the City.

Resolution approving specifications and call for bids for furnishing galvanized standards and mast arms for major intersections and railroad crossings

RESOLUTION NO. 66-306

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR FURNISHING GALVANIZED STANDARDS AND MAST ARMS FOR MAJOR INTERSECTIONS AND RAILROAD CROSSINGS

Introduced by VanderWall Seconded by Smith

Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

May 17, 1966 at 2:00 P.M. in the City Clerk's office was set as the time and place for opening of bids.

Resolution approving specifications and call for bids for furnishing lighting fixtures for major intersections, railroad crossings and alleys

RESOLUTION NO. 66-307

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR FURNISHING LIGHTING FIXTURES FOR MAJOR INTERSECTIONS, RAILROAD CROSSINGS AND ALLEYS

Introduced by VanderWall Seconded by Smith

Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

HEARING ON ANNEXATION OF THE PRESCOTT ADDITION

Mayor Johansen announced that the hour of 4:30 P.M. had arrived, the time set for consideration of the proposed annexation of the Prescott Addition to the City of Modesto, and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Tribune on April 21, 1966 and notices mailed to property owners on the same date. No written protests were filed with the City Clerk.

Planning Commission Resolution No. 66-33 adopted April 5, 1966 recommends that the area be annexed to the City.

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

RESOLUTION NO. 66-308

A RESOLUTION ANNEXING UNINHABITED TERRITORY KNOWN AS THE PRESCOTT ADDITION TO THE CITY OF MODESTO

Introduced by Hughes Seconded by Mitchell

Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

HEARING ON PROPOSED PREZONING OF SECTION 21-3-9 (BIRD)

Mayor Johansen announced that the hour of 4:40 P.M. had arrived, the time set for consideration of the proposed amendment to Section 21-3-9 of the zoning map, the prezoning of all of Lots 4 and 5 in Block 632 and all of Lot 10 in Block 633, including also the easterly one-half of Ramona Avenue adjacent to these lots, located on the east side of Ramona Avenue, north of Helen Avenue, to Two-Family Zone, R-2, and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Tribune on April 21, 1966 and notices delivered and posted in the area on April 26, 1966. No written protests were filed with the City Clerk.

Planning Commission Resolution No. 66-27 adopted April 5, 1966 recommends the

prezoning amendment to Section 21-3-9 of the zoning map.

Charles Bird, applicant, stated that duplex residences were presently on the property; that the property was adjacent to an R-2 zone within the city limits, that the owners were desirous of having the property prezoned to R-2 to correspond with its use when annexed to the City.

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

ORDINANCE NO. 784-C.S. entitled

"AN ORDINANCE AMENDING SECTION MAP 21-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO TO PREZONE CERTAIN PROPERTY LOCATED THEREON (Bird)"

was introduced and ordered published as required by the Charter.

Moved by Mitchell Seconded by Smith

Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

INFORMAL HEARING ON BLACKTOP VARIANCE REQUEST, E. DON LEE, AT 141 SOUTH SANTA CRUZ AVENUE

Mayor Johansen announced that the hour of 4:50 P.M. had arrived, the time set for consideration of the request of E. Don Lee to permit the installation of blacktop in the sidewalk and street area on property located at 141 South Santa Cruz Avenue, and opened the hearing.

A memorandum from the Director of Public Works dated April 28, 1966, subject, "Request for variance to permit installation of blacktop at The Dons, 141 South Santa Cruz Avenue," was entered into the record of the minutes.

Recommendation was made that the request be granted subject to the conditions that the permit be made revocable upon demand of the Council; that concrete curb and gutter be installed immediately following the improvement of Yosemite Boulevard; that the permittee indemnify and save the City harmless from any and all damages, cost and charges of any kind or character arising out of the rights granted by the permit.

Mr. Lee spoke briefly in support of his request.

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

RESOLUTION NO. 66-309
A RESOLUTION GRANTING A VARIANCE TO E. DON LEE, THE DONS, 141 SOUTH SANTA CRUZ, TO TEMPORARILY INSTALL BLACKTOP IN THE SIDEWALK AND STREET AREA IN FRONT OF HIS PROPERTY

Introduced by Patton Seconded by Smith

Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

MATTERS FOR THE GOOD OF THE COMMUNITY

Request for Use of Maddux Youth Center - Reverend Sylvester Grant

Reverend Sylvester Grant, member of the West Modesto Opportunity Program, requested permission to use Maddux Youth Center as part of the West Modesto poverty program.

The City Manager said that he and members of the staff had met with Reverend Grant earlier in the day, and after discussion on the use of Maddux Youth Center, it was the recommendation of the staff that Reverend Grant submit a request to the Council that the staff be permitted to work with Reverend Grant on the development of a program to supplement the City's program, for use of the Center.

Upon questioning, Reverend Grant stated use of the Center was desired for as long as possible; that it was hoped to have a program into effect from July 31, 1966 to July 31, 1967.

The request was discussed by the Council. Mayor Johansen stated that he had met with interested people and groups in the community over a period of several months regarding programs and facilities in West Modesto; that he had tried to explain to each group his feelings that any programs involving the City should not be with groups competing with one another, but requested by people in general; that he wanted assurance that the community on the West Side as a whole would be behind the program.

MOTION

That Reverend Grant's request be referred to the staff for study and report to the Council

Moved by Hughes Seconded by Mitchell Unanimously carried

Baseball Game Attendance

Councilman Mitchell commended the community for the turnout at the local baseball games. The staff was questioned as to whether the new bleachers would be painted or varnished as a protective upkeep measure. He also commented on the greatly improved lighting at Del Webb Field.

PRESENTATION OF THE 1966-67 PRELIMINARY BUDGET

A copy of the preliminary budget for fiscal year 1966-67 was presented to each council member.

MOTION

That the preliminary budget hearings be scheduled to begin Tuesday, May 17, 1966 at 4:00 P.M. in the Council Chambers, City Hall, with subsequent meetings to be held on Tuesdays and Thursdays from 4:00 P.M. to 5:30 P.M. until concluded

Moved by VanderWall Seconded by Smith Unanimously carried

PROPOSAL TO THE CITY COUNCIL FOR THE CREATION OF A LIBRARY FUND

The following documents were entered into the record of the minutes: Memorandum from the City Manager dated April 25, 1966 subject, "Planning for the Library"; memorandum from Mayor Johansen to the Council dated April 27, 1966, subject, "Library Building."

The City Manager recommended that the Council consider the allocation of $450,000 from the General Reserve of the General Fund to be utilized for site acquisition and construction of a new library when certain considerations were fulfilled, namely, completion of the Downtown Plan in order to determine the library site; Council authorization for staff to work with Library and Culture Commission and the County to obtain a suitable working agreement for library services if a new building is constructed, including negotiation for County participation in the cost of the structure if it wishes to utilize it as its central headquarters; authorization for staff to work with the Library and Culture Commission and County to improve the level of library services to at least the minimum level required for state aid. This recommendation was predicated upon the assumption that the City will receive a sizable federal grant for the improvement of its sewage facilities and that they will be constructed under a district bond issue.

The memorandum from Mayor Johansen agreed with the recommendations of the City Manager and suggested that the Council, if it concurred, take the following steps: Request the Planning Commission to complete the Downtown Plan as soon as possible for presentation to the Council for immediate action; authorize the staff to begin negotiations with the County as recommended; authorize the preparation of an appropriation transfer setting up the fund.

The source of the $450,000 recommended for allocation for the site acquisition and construction of the library was discussed. Mr. Keefe said that the preliminary budget indicated that a balance of $850,000 would be available in the General Reserve of the General Fund at the end of the fiscal year; that it was his recommendation that $450,000 of this reserve be placed in a fund for the acquisition and construction of the library; to add to the fund whenever possible, as was done in the case of the police communications building and new corporation yard; that the funds could be transferred to the McHenry Library Capital Outlay Fund and earmarked for the proposed library.

The recommendations were discussed by the Council. Upon questioning, the City Manager stated that he had given the library priority over the civic auditorium because

he believed that the library could be constructed with available funds, while the auditorium would probably have to be financed by bond issue.

Councilman Hughes expressed the opinion that the money should be placed into a reserve fund rather than allocated specifically for land acquisition and construction of the library because of problems which would be encountered if the City wished to use the funds for a purpose other than for a library.

Mayor Johansen said that he was willing to go on record that the library should have priority over the civic auditorium; that this did not mean that plans for the auditorium would be put aside. He said that the complete financing of the library would be determined by what can be worked out with County and State participation. He concurred with Councilman Smith's expression that the Cultural Center Committee was working hard to raise funds for the center and the Council should be in a position at that time to provide a site for the proposed cultural center.

Upon questioning as to whether or not funds earmarked for library and placed in a library capital fund reserve could be withdrawn from this fund and used for other purposes if the library did not materialize, the City Attorney stated that in his opinion the Council would be establishing a budgetary account and could change that budget at a future time.

Mr. Stanley Peterson, 429 Myrtle, was told that the estimated total cost of the proposed library was about 1½ million dollars, of which it was anticipated that federal funds might be available for about one-third of that amount; that the cost of civic auditoriums throughout the state ranged from $3 to $15 million.

The Council indicated approval of the City Manager's and Mayor's recommendations as contained in memoranda dated April 25 and 27 respectively.

RESOLUTION NO. 66-310

A RESOLUTION AUTHORIZING THE TRANSFER OF FOUR HUNDRED FIFTY THOUSAND AND NO/100THS ($450,000) DOLLARS FROM THE GENERAL FUND (FUND NO. 101) OF THE CITY OF MODESTO TO THE SPECIAL FUND FOR CAPITAL OUTLAYS (FUND NO. 321)

Introduced by Smith Seconded by VanderWall

Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

RECOMMEND AMENDMENT TO SECTION 15-3-9 OF THE ZONING MAP (SOELLING)

RESOLUTION NO. 66-311

A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO SECTION 15-3-9 OF THE ZONING MAP (Soelling)

Introduced by Mitchell Seconded by Hughes

Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

June 6, 1966 at 5:30 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

PLANNING COMMISSION RECOMMENDATION - CAPITAL IMPROVEMENT PROGRAM, 1966-67 THROUGH 1971-72

The following documents were entered into the record of the minutes: Memorandum from the City Manager dated April 27, 1966 subject, "Capital Improvement Program 1966-67 to 1971-72"; letter from Phil Humphreys, Chairman, City Planning Commission, dated April 27, 1966 relating to the submitted Capital Improvement Program; Capital Improvement Program for 1966-67 through 1971-72.

MOTION

That the Capital Improvement Program, 1966-67 to 1971-72, be accepted

Moved by Patton Seconded by Hughes Unanimously carried

LEGISLATIVE MATTERS

The Council considered the following legislative matters:

AB-135, which provides a method for financing the costs of converting overhead utility

lines to underground.

RESOLUTION NO. 66-312

A RESOLUTION OF THE CITY OF MODESTO URGING ADOPTION OF ASSEMBLY BILL 135

Introduced by Mitchell Seconded by Smith

Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

ACA-3, authorizing the Legislature to exempt from local property taxation single family dwellings owned and occupied by persons over 64 years of age.

RESOLUTION NO. 66-313

A RESOLUTION OF THE CITY OF MODESTO OPPOSING ACA-3

Introduced by Hughes Seconded by Patton

Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

AB-80, this bill would require assessors to assess at a publicly announced ratio of between 20 and 25% of full cash value and, by 1971 and thereafter, at 25%. Deputy Manager Ray stated that the staff had no recommendation on this bill.

The proposed bill was discussed by the Council.

By order of the Chair, the Deputy City Manager was directed to secure more information on AB-80 from Mr. Carpenter, League of California Cities, to get the League's feelings on the matter, and to place the matter on next week's agenda for further council consideration. Mr. Ray was also directed to get information on the qualifications of appraisers mentioned in the bill.

AB-128, Police retirement at age 50 instead of 55; Mr. Ray stated that this bill had been passed by the Legislature; that the Council had previously expressed opposition to the bill.

RESOLUTION NO. 66-314

A RESOLUTION OF THE CITY OF MODESTO OPPOSING ASSEMBLY BILL 128 (Urging Governor Brown to veto the Bill)

Introduced by Hughes Seconded by Patton

Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

CONSIDER RESOLUTION EXTENDING GREETINGS TO MODESTO'S SISTER CITY OF BARRANGQUILLA AND ITS CITIZENS, AND DESIGNATING OFFICIAL REPRESENTATIVES OF THE CITY OF MODESTO

Councilman Mitchell reported that while in Washington he had been shown correspondence indicating that the State of Florida, under the Alliance for Progress program, has selected Colombia, South America as its affiliation; that Tampa, Florida, has extended an invitation to Barranquilla to establish a second sister city relationship, which has been accepted. Councilman Mitchell said that the above affiliation was made on the Chamber of Commerce level, rather than Modesto's affiliation with individual student exchanges, schools, and other personal exchanges.

RESOLUTION NO. 66-315

A RESOLUTION OF THE MODESTO CITY COUNCIL EXTENDING GREETINGS TO ITS SISTER CITY, BARRANQUILLA, COLOMBIA, AND ITS CITIZENS, AND DESIGNATING OFFICIAL REPRESENTATIVES OF THE CITY OF MODESTO

Moved by Mitchell Seconded by Smith

Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

LETTER FROM LIBRARY AND CULTURAL COMMISSION REGARDING McHENRY LIBRARY FACILITY

A letter from Lee Condit, Chairman, Library and Culture Commission, dated April 28, 1966 recommending that the Council appoint a committee from the membership of the Library and Culture Commission to study and prepare a report on the replacement of the present

library facility, and to propose to the Board of Supervisors that it appoint a committee of representatives of the County to work with the City's committee on the study and report, was entered into the record of the minutes.

RESOLUTION NO. 66-316

A RESOLUTION APPROVING RECOMMENDATION OF LIBRARY AND CULTURE COMMISSION THAT A COMMITTEE BE APPOINTED FROM MEMBERSHIP OF LIBRARY AND CULTURE COMMISSION TO STUDY AND REPORT ON REPLACEMENT OF PRESENT LIBRARY FACILITY

Introduced by VanderWall Seconded by Mitchell

Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

EXECUTIVE SESSION TO CONSIDER ACQUISITION OF PROPERTY NEAR 9-HOLE GOLF COURSE FOR PARKING, AND ACQUISITION OF LEWIS PROPERTY, 9TH NEAR J, FOR PARKING

Mayor Johansen announced that these items would be considered in executive session at the end of the meeting.

ADJOURNMENT

MOTION

That the meeting now in session adjourn to executive session to consider the acquisition of property near the 9-hole golf course for parking purposes, and acquisition of the Lewis property, 9th near J, for parking

Moved by Smith Seconded by Mitchell Unanimously carried

The meeting adjourned at 6:00 P.M.

ATTEST: _____
REX E. GAILFUS, City Clerk

Modesto City Council
May 9, 1966

The Council of the City of Modesto met in regular session this date at 7:30 P.M. in the Council Chambers, City Hall, 801 11th Street, Modesto, California, Mayor Johansen presiding.

Present: Councilmen: Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen (Councilman Hughes arrived at 7:35 P.M.)

Absent: Councilmen: None

The pledge of allegiance to the Flag was given by all present.
Reverend Norman Van Walterop gave the invocation.
Councilman Hughes arrived at 7:35 P.M.

STATEMENT BY JOHN SEARS, STUDENT MAYOR, YOUTH IN GOVERNMENT, REGARDING MODESTO DOWNTOWN

John Sears, member of the Key Club and Acting Mayor for the City on Youth in Government Day held on May 4, 1966, reviewed briefly the activities of the day. He thanked the Council and members of the staff, the Kiwanis Clubs, sponsors of Youth in Government Day; and George Inglis, Bee reporter, for the publicity given the event.

A resolution entitled "United Resolution of the Key Clubs of Modesto" was filed with the City Clerk and read into the record of the minutes. The Resolution took note of the blighted downtown area and resolved that the three high school Key Clubs would form a central committee consisting of three representatives from each club to take action to supplement the City's publicity program, and such other actions that might be deemed advisable.

Mayor Johansen commended the members of the Key Clubs for their civic interest, and the Kiwanis Clubs for sponsoring such a worthwhile program.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

The minutes of the regular meetings of April 8 and 25, 1966 were approved.

MEMORANDUM FROM RICHARD CARPENTER, LEAGUE OF CALIFORNIA CITIES, REGARDING LOSS OF FEDERAL AID REVENUE FOR HIGHWAYS

A memorandum from Richard Carpenter, Executive Director and General Counsel, League of California Cities, dated April 27, 1966 subject, "Loss of Federal Aid Revenues for Highways," was entered into the record of the minutes.

The memorandum indicated that because the City of San Francisco did not approve locations for interstate highway routes within the City, the Bureau of Public Roads withdrew the mileage in the city from the interstate; that this action in cutting back the interstate system in California, rather than revising it, would have a serious effect on the highway program in the State; that the deleted mileage in San Francisco would have cost approximately $235 million to construct; that this sum was included in the formulas which were used to allocate federal interstate money in California. The Council was urged to request our Congressman to insist that equivalent federal aid funds be restored to California by adding to the interstate mileage other freeways essential to California's transportation system.

RESOLUTION NO. 66-317
A RESOLUTION REQUESTING RESTORATION OF FEDERAL AID FUNDS TO THE STATE OF CALIFORNIA

Introduced by Shastid Seconded by VanderWall
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

LETTER FROM WILLIAM H. BATES, GENERAL CHAIRMAN, 4TH OF JULY CELEBRATION COMMITTEE, REGARDING ANNUAL APPROPRIATIONS

A letter from William H. Bates, General Chairman, 4th of July Celebration Committee, dated May 3, 1966 requesting an additional $250 in its annual appropriation for fiscal year 1965-66, was entered into the record of the minutes. The letter indicated that the Police Association was bringing in the James Brothers circus of Martinez for the afternoon of the 4th of July, had a professional fund-raising crew soliciting funds from merchants, which had tended to reduce contributions from the merchants for the celebration.

Steps which might be taken to prevent the scheduling of events conflicting with the Fourth of July celebration were discussed. A suggestion was made that the Committee consider asking the Circus to contribute to the Fourth of July celebration fund, since the parade will contribute to circus attendance.

The Council also discussed whether or not the $250 requested could properly be directed to the Chamber of Commerce for payment from funds recently appropriated by the City for promotion of conventions.

The staff was asked to see that publicity be given to the desirability of organizations checking with the Fourth of July Committee before events are scheduled for the 4th of July.

RESOLUTION NO. 66-318

A RESOLUTION AUTHORIZING PAYMENT OF $250 TO THE FOURTH OF JULY CELEBRATION COMMITTEE, CONSTITUTING AN INCREASE IN ITS ANNUAL APPROPRIATION

Introduced by Hughes Seconded by VanderWall

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

RESOLUTION NO. 66-319

A RESOLUTION APPROVING APPROPRIATION TRANSFER - $250 FOR THE FOURTH OF JULY CELEBRATION (AN INCREASE IN ITS ANNUAL APPROPRIATION, 1965-66)

Introduced by Shastid Seconded by Patton

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

LETTER FROM HAROLD S. FRANCE REGARDING IMPROVEMENT OF ALLEY IN BLOCK 937

A letter from Harold S. France dated May 3, 1966 offering to pay $588 for the complete improvement of the alley in Block 937, southerly from and parallel with Princeton Avenue between Del Rey Avenue and Tully Road in the manner of surrounding alleys, was entered into the record of the minutes. Under the terms of Council Resolution No. 62-457 dated September 24, 1962 approving a planned development zone, P-D (9), the developer was required to dedicate and improve a ten-foot strip to create a full twenty-foot alley to city standards along the north side of the property.

Director of Public Works Campbell stated that improvement of the alley to city standards required grading, compacting, and installing 2½" of road mix; that the work had not been done; that the staff had been in contact with Mr. France trying to get the work done. He said that Mrs. F. A. Fancher, 1306 Princeton Avenue, (Block 937) telephoned on April 19, 1966 requesting information concerning alley oiling; and since this date funds have been received by the City for the oiling of the alley with the exception of the portion for which Mr. France is responsible, (a ten-foot strip about 490 feet long). Upon questioning, Mr. Campbell stated that alley oiling consisted of grading and application of an oil-dirt mix; that Mr. France under the provisions of the planned development zone, was required to grade and place a 10-foot section of 2½" road mix surfacing on the portion of the alley adjacent to his property; that the City assumed responsibility for the upkeep of alleys constructed in accordance with city standards; that property owners were responsible for the upkeep of oiled alleys.

The Council discussed the following: The possibility of Mr. France placing the 2½" road mix down the center of the alley, with the adjacent neighbors' funds being used to oil five feet on either side of the 10-foot center strip; Mr. France's future responsibility toward upkeep of the alley if a ten-foot center strip were constructed, or if his funds ($588) were used to improve the entire alley with oil dirt mix.

Mr. France spoke briefly to the Council stating that he was willing to construct the alley in accordance with the conditions imposed under the P-D zoning or apply the $588 to improvement of the entire alley with oil-dirt mix. It was pointed out to Mr. France that if the alley adjacent to his property were improved with oil-dirt mix, the property owners would have to pay to have it re-oiled; if he complied with the conditions of the planned development zone, the City would be responsible for the upkeep of the alley adjacent to his property.

Action on this item was withheld until later in the meeting, pending a meeting of Mr. France with members of the staff to arrive at a solution satisfactory to Mr. France.

LETTER FROM C. E. DIXON, COUNTY ADMINISTRATIVE OFFICER, REGARDING JOINT CITY-COUNTY COMMITTEE TO SUPERVISE DEVELOPMENT OF PROPOSED TUOLUMNE RIVER PARK

A letter from C. E. Dixon, Chief Administrative Officer, dated April 28, 1966 indicating that the Board of Supervisors had referred Mayor Johansen's letter of March 31, suggesting the formation of a joint City-County committee to supervise the plans for the development of the Tuolumne River Park, to the Stanislaus County Park Commission, was entered into the record of the minutes.

Mayor Johansen stated that there seemed to be a misunderstanding on the intent of his letter, and that he would follow the Council's suggestion to clarify the matter with the Board of Supervisors.

MATTERS FOR THE GOOD OF THE COMMUNITY

Official Representatives - Barranquilla, Colombia

Mr. Robert Nickerson, appointed official representative of the City of Modesto, along with Jack Herron and Robert Corby, in their pending visit to Modesto's sister city, Barranquilla, Colombia, thanked the Council for the appointment, stating that they planned to leave on Friday morning and would be happy to pay the Council's respects to Barranquilla officials. Mr. Nickerson was asked to get in touch with Councilman Mitchell before leaving.

Visit to Kern County Library - Report by Councilman VanderWall

Councilman VanderWall reported that he had recently visited the Kern County Library in Bakersfield; that the library was outstanding, with a $2.78 per capita cost, or 12¢ on the tax rate; that the same tax rate was applicable to both city and county residents; that over 408,000 books were available; that 23 community branches, 12 institutional services, and 43 school outlets were serviced by the central library, plus a bookmobile. About $1,000,000 is budgeted for the library in fiscal year 1966-67. Mr. VanderWall said that one of the outstanding features was the fact that there was no library indebtedness--that they were on a pay-as-you-go basis. He recommended that the Library and Cultural Commission Study Committee for new library facilities investigate the possibility of service arrangements with all of the city school libraries, including the Junior College; that the Commission study the Kern County library system with a view to adopting a similar system for Stanislaus County. Mr. VanderWall stated that the City tax rate for library purposes was between 18 and 19¢, while the County rate was between 10 and 11¢. Upon questioning, Mr. VanderWall stated that the Kern County Library and branches, etc. were administered solely by the County.

MOTION

That the staff be directed to write a letter to the Library and Cultural Commission suggesting that it investigate the possibility of service arrangements with all of the city school libraries, including the Junior College; that the Commission be asked to study the Kern County library system with a view to adopting a similar system for Stanislaus County

Moved by VanderWall Seconded by Smith Unanimously carried

Expediting the Downtown Plan

The importance of expediting the Downtown Plan was mentioned by Councilman Hughes. He suggested that the Planning Commission be asked to submit the Plan to the Council as soon as possible for final determination in order that property owners and businessmen in the downtown area will know how to proceed in the event their businesses will have to be relocated, etc.

Asst. Planner Don Toombs stated that the Planning Commission would meet on May 17 to further discuss the Downtown Plan and that he believed that alternative plans would be submitted to the Council within a short time thereafter.

Mayor Johansen stated that a letter had been sent to the Planning Commission about two weeks ago asking that the matter be expedited; that he would again communicate with the chairman of the Planning Commission on the urgent need for expediting the Downtown Plan.

CONSIDER APPROVAL OF SPECIFICATIONS AND CALL FOR BIDS FOR FURNISHING ONE NEW GENERAL PURPOSE TRACTOR

RESOLUTION NO. 66-320

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR ONE NEW GENERAL PURPOSE TRACTOR

Introduced by Smith Seconded by Shastid

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

May 23, 1966 at 2:30 P.M. in the City Clerk's office was set as the time and place for opening of bids.

CONSIDER APPROVAL OF SPECIFICATIONS AND CALL FOR BIDS FOR FURNISHING ONE NEW PARKING ENFORCEMENT VEHICLE

RESOLUTION NO. 66-321

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR ONE NEW PARKING ENFORCEMENT VEHICLE

Introduced by Smith Seconded by Shastid

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

May 23, 1966 at 2:00 P.M. in the City Clerk's office was set as the time and place for opening of bids.

CONSIDER AUTHORIZING PURCHASE OF NEW TRACTOR AND BACKHOE UNIT FROM FARM EQUIPMENT CENTER

RESOLUTION NO. 66-322

A RESOLUTION AUTHORIZING PURCHASE OF MASSEY-FERGUSON TRACTOR BACKHOE UNIT FROM FARM EQUIPMENT CENTER

Introduced by Smith Seconded by Shastid

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

RESOLUTION NO. 66-323

A RESOLUTION APPROVING APPROPRIATION TRANSFER - $11,845 FOR PURCHASE OF NEW TRACTOR AND BACKHOE UNIT

Introduced by Smith Seconded by Shastid

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

ACCEPT IMPROVEMENTS IN QUARESMA HOMES NO. 5 SUBDIVISION AND AUTHORIZE CITY CLERK TO FILE NOTICE OF COMPLETION AND RELEASE BOND UPON EXPIRATION OF STATUTORY LIEN PERIOD

RESOLUTION NO. 66-324

A RESOLUTION ACCEPTING IMPROVEMENTS IN QUARESMA HOMES UNIT NO. 5 SUBDIVISION AND AUTHORIZING RELEASE OF SUBDIVISION BOND UPON EXPIRATION OF STATUTORY LIEN PERIOD (65 days)

Introduced by Smith Seconded by Shastid

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

RESOLUTION RENEWING LETTER OF AGREEMENT FOR MODESTO AIRPORT TRAFFIC CONTROL TOWER, EMPIRE FIRE DISTRICT STATION AND MODESTO CITY-COUNTY AIRPORT

RESOLUTION NO. 66-325

A RESOLUTION APPROVING LETTER OF AGREEMENT BETWEEN THE MODESTO AIRPORT TRAFFIC CONTROL TOWER, EMPIRE FIRE DISTRICT STATION AND MODESTO CITY-COUNTY AIRPORT

Introduced by Smith Seconded by Shastid

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

LETTER FROM W. J. GENTRY APPEALING THE DECISION OF THE PLANNING COMMISSION, DENYING APPLICATION FOR AN AMENDMENT TO SECTION 21-3-9 OF THE ZONING MAP

RESOLUTION NO. 66-326

A RESOLUTION SETTING TIME AND PLACE FOR HEARING REQUEST OF W. J. GENTRY FOR AN APPEAL TO THE DECISION OF THE PLANNING COMMISSION DENYING APPLICATION FOR REZONING OF LAND LOCATED ON THE CORNER OF COFFEE ROAD AND CHEHALEM DRIVE

Introduced by Smith Seconded by Shastid

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

June 13, 1966 at 7:45 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

FURTHER REPORT BY PLANNING COMMISSION ON REZONING APPLICATION, MAZE AND EMERALD (KIRKPATRICK)

RESOLUTION NO. 66-327

A RESOLUTION DENYING THE APPLICATION OF JOHN KIRKPATRICK FOR AN AMENDMENT TO THE ZONING MAP (SECTION 31-3-9)

Introduced by Smith Seconded by Shastid

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

RECOMMEND ABANDONMENT OF PORTION OF SOUTH MORTON BOULEVARD RIGHT OF WAY

RESOLUTION NO. 1028-S.P.
RESOLUTION OF INTENTION NO. 295

A RESOLUTION OF INTENTION TO VACATE AND ABANDON THE TRIANGULAR PORTION OF SOUTH MORTON BOULEVARD AT B STREET, ADJACENT TO BLOCK U IN THE CITY OF MODESTO

Introduced by Smith Seconded by Shastid

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

June 13, 1966 at 8:00 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

CONSIDER REQUEST FOR SEWER SERVICE EXTENSION TO PROPERTY LOCATED AT 1849 SCENIC DRIVE

MOTION

That the request for sewer service extension to property located at 1849 Scenic Drive be approved

Moved by Shastid Seconded by Smith Unanimously carried

PRESENTATION OF FINANCIAL STATEMENT FOR MONTH OF APRIL, 1966

MOTION

that the financial statement for the month of April, 1966, be accepted and filed.

Moved by Shastid Seconded by Smith Unanimously carried

ADOPTION OF ORDINANCE NO. 784-C.S. PREZONING PROPERTY IN SECTION 21-3-9 OF THE ZONING MAP (BIRD PROPERTY)

ORDINANCE NO. 784-C.S. entitled

"AN ORDINANCE AMENDING SECTION MAP 21-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO TO PREZONE CERTAIN PROPERTY LOCATED THEREON (BIRD)"

Introduced May 2, 1966 and having been published as required, was moved and adopted. (Effective June 8, 1966)

Moved by VanderWall Seconded by Smith

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

CONSIDER AWARD OF BID RECEIVED FOR CONSTRUCTION OF DRYDEN CLUBHOUSE 4-80

The following documents were entered into the record of the minutes: Letter from Kenneth K. Kaestner, A.I.A., dated May 9, 1966 recommending that the award of the contract for the construction of the Dryden Park Clubhouse be made to Olsen Brothers, Contractors, for the base bid in the amount of $73,980 and alternate bid No. 1 in the amount of $4,800, for a total contract price of $78,780; bid tabulation for construction of the clubhouse for bids opened May 6, 1966 at 2:00 P.M. Deputy Manager Ray stated that the staff concurred with the recommendation.

RESOLUTION NO. 66-328

A RESOLUTION ACCEPTING THE BID OF OLSEN BROTHERS, CONSTRACTORS, FOR THE CONSTRUCTION OF DRYDEN GOLF COURSE CLUBHOUSE

Introduced by VanderWall Seconded by Smith

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

CITY-COUNTY AIRPORT SECURITY FENCE

Consider approval of grant offer by F.A.A.
Consider award of bid for construction of airport security fence subject to County's acceptance of grant offer.
Consider request by U. S. Steel Corporation, Cyclone Fence Division, for substitution of subcontractors

At the request of the Deputy City Manager, and with the unanimous consent of the Council, these items were held over for one week.

CONSIDER AGREEMENT BETWEEN CITY OF MODESTO AND ARNOLD C. DICKENS AND HELEN J. DICKENS FOR PURCHASE OF PROPERTY BY CITY FOR THE FOURTH HIGH SCHOOL PARK SITE, PROJECT NO. 64-8

A memorandum from the City Attorney dated May 4, 1966, subject, "Acquisition of property for Fourth High School Park Site: Arnold C. Dickens and Helen J. Dickens," was entered into the record of the minutes. The memorandum indicated that condemnation proceedings for acquisition of the parcel was authorized by the Council on August 16, 1965; that Mr. and Mrs. Dickens have accepted an offer of $20,500, with the sellers having the right to farm the property, without charge, until October 15, 1967.

The provision in the proposed agreement pertaining to tree removal credits with the Cling Peach Advisory Beard was discussed.

RESOLUTION NO. 66-329

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND ARNOLD C. DICKENS AND HELEN J. DICKENS FOR THE PURCHASE OF PROPERTY FOR THE FOURTH HIGH SCHOOL PARK SITE, PROJECT NO. 64-8 (Balance of land needed to complete park site)

Introduced by VanderWall Seconded by Mitchell

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

RESOLUTION NO. 66-330

A RESOLUTION APPROVING APPROPRIATION TRANSFER - $20,500 FOR PURCHASE OF PROPERTY FOR THE FOURTH HIGH SCHOOL PARK SITE, FROM ARNOLD C. AND HELEN J. DICKENS

Introduced by VanderWall Seconded by Mitchell

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

RESOLUTION AUTHORIZING FILING OF APPLICATION FOR URBAN BEAUTIFICATION GRANT

Deputy Manager Ray stated that the proposed application for an urban beautification grant was previously approved by the Council and included the $12,500 for park lighting which was later added.

Councilman Hughes expressed his opposition to the application on the basis that funds could be used more effectively in other areas--such as continuation of the Agricultural Extension Service or other projects of vital importance. He suggested that instead of applying for funds, the Council write a letter to responsible officials so

advising them.

Councilman Patton concurred that the funds were more vitally needed for expansion of the sewage system, street improvements, and other basic needs.

The proposed application was discussed by the Council.

RESOLUTION NO. 66-331
A RESOLUTION AUTHORIZING FILING OF APPLICATION FOR URBAN BEAUTIFICATION GRANT

Introduced by Shastid Seconded by VanderWall

Ayes: Mitchell, Shastid, Smith, VanderWall, Mayor Johansen
Noes: Hughes, Patton Absent: None

APPROPRIATION TRANSFERS - None

LEGISLATIVE MATTERS

AB-80 Assessment Practices and Procedures Reform. Further information pertaining to this bill was requested by the Council at the last meeting. Deputy Manager Ray said that he had talked with Mr. Carpenter, League of California Cities, who stated that most of the changes proposed by the bill were good; that there were several controversial features involved; that the League felt that the bill should be supported in general; that the bill has been passed by the Assembly and was now in the Senate. Mr. Ray said he had also spoken with Mr. Veneman and Karylton Broadwell; that he had received copies of the bill and in trying to analyze it, could see that there were some undesirable features. He said that there was no recommendation on the part of the staff as to what stand the Council should take.

No action was taken by the Council.

EXECUTIVE SESSION TO CONSIDER ACQUISITION OF PROPERTY AT 10TH AND H STREETS (SOUTHWEST CORNER)

The Council went into executive session to consider litigation pertaining to rights of way on Tully Road and Carver Road, and acquisition of property at 10th and H Streets. It returned to regular session at 9:28 P.M.

CONSIDER TULLY ROAD PROJECT

Approve Francek agreement - right of way litigation - Tully Road

Terms of the proposed agreement were reviewed by the City Attorney.

RESOLUTION NO. 66-333
A RESOLUTION APPROVING RIGHT OF WAY AGREEMENT BETWEEN THE CITY OF MODESTO AND FRANK J. FRANCEK AND MARY J. FRANCEK (TULLY ROAD)

Introduced by Shastid Seconded by Hughes

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

Authorize City Attorney to file condemnation proceedings to acquire remaining rights of way on Tully Road

RESOLUTION NO. 66-332
A RESOLUTION AUTHORIZING THE INSTITUTION OF CONDEMNATION PROCEEDINGS TO ACQUIRE CERTAIN REAL PROPERTY IN THE CITY OF MODESTO TO BE USED FOR STREET WIDENING PURPOSES (TULLY ROAD - POWELL)

Introduced by Smith Seconded by Mitchell

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

CONSIDER AWARD OF BID FOR IMPROVEMENT OF TULLY ROAD FROM PEARL STREET TO BOWEN AVENUE

RESOLUTION NO. 66-334
A RESOLUTION ACCEPTING THE BID OF GEORGE REED, INC. FOR IMPROVEMENT OF TULLY ROAD FROM PEARL STREET TO BOWEN AVENUE ($76,649.10)

Introduced by Shastid Seconded by Hughes

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

Acquisition of property at 10th and H Streets (Southwest Corner)

No action was taken by the Council on this matter.

Rights of way on Carver Road

No action was taken by the Council on this matter.

LETTER FROM HAROLD S. FRANCE REGARDING IMPROVEMENT OF ALLEY IN BLOCK 937 (CONSIDERATION CONTINUED FROM EARLIER IN MEETING) 6-47

Director of Public Works Campbell stated that the discussion with Mr. France resulted in the following possible solutions: (1) To go with an oil-dirt alley over the entire length of the alley with an increased thickness over normal standards (From about 1½" to from 2 to 3" of oil dirt), with Mr. France paying $588 and not being relieved of maintaining the alley after its improvement; (2) Compliance with the planned development requirements--to grade and place a ten-foot section of 2½" road mix surfacing on the portion of the alley adjacent to his property.

Bill Fox, 1302 Princeton, stated that he believed that the alley would be more generally satisfactory if improved entirely with the oil-dirt mix.

RESOLUTION NO. 66-335
A RESOLUTION RELATING TO IMPROVEMENT OF ALLEY IN BLOCK 937, SOUTHERLY FROM AND PARALLEL WITH PRINCETON AVENUE BETWEEN DEL REY AVENUE AND TULLY ROAD (P-D (9) (improving the entire alley with oil dirt mix)

Introduced by Shastid Seconded by VanderWall

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by VanderWall Seconded by Smith Unanimously carried

The meeting adjourned at 9:45 P.M.

ATTEST: Rex E. Gailfus
REX E. GAILFUS, City Clerk

The Council of the City of Modesto met in regular session this date at 4:00 P.M. in the Council Chambers, City Hall, 801 11th Street, Modesto, California, Mayor Johansen presiding.

Present: Councilmen: Hughes, Mitchell, Shastid, Smith, VanderWall, Mayor Johansen (Councilman Patton arrived at 4:18 P.M.)

Absent: Councilmen: None

The pledge of allegiance to the Flag was given by all present. Reverend Bernard Den Ouden gave the invocation.

LETTER FROM REX V. MCKISSEN, SECRETARY, STANISLAUS DISPOSAL ASSOCIATION, REGARDING DUMPING FACILITIES

A letter from Rex V. McKissen dated May 4, 1966 requesting permission to use the City's present disposal area when the county dump closes in September, 1966, was entered into the record of the minutes. Permission was also requested to use future city dumps when opened.

The City Manager stated that the staff would probably report to the Council next week on the obtaining of a new disposal area; that when this has been established, it will be possible to work with the Stanislaus Disposal Association.

By order of the Chair, the letter was referred to the staff for report and recommendation.

LETTER FROM LEE H. DAVIES, CHAIRMAN, HUMAN RIGHTS COMMISSION, REGARDING WESTSIDE COMMUNITY CULTURAL CENTER

A letter from Lee H. Davies dated May 11, 1966 informing the Council that the Human Rights Commission has consented to serve the steering committee of the Westside Community Cultural Center in an advisory capacity, was entered into the record of the minutes. The report was ordered filed.

LETTER FROM VERNON S. MULLEN, CHAIRMAN, MODESTO BEAUTIFICATION COMMITTEE, REGARDING I STREET ARCH

A letter from Vernon S. Mullen dated May 12, 1966 recommending that the I Street Arch be preserved as an interesting and valuable historical landmark, was entered into the record of the minutes. The letter indicated that the Committee did not feel in a position at this time to make a firm recommendation as to whether the Arch should be retained in its current location, or moved to another site, and recommended that it be maintained in the best possible condition so as to be a credit to the community.

The Council discussed the following: Cost of maintaining the Arch; status of improvement of the Southern Pacific Depot park area. By order of the Chair, the staff was directed to write Southern Pacific a letter asking if plans had been formulated for beautification of the area.

LETTER FROM VERNON S. MULLEN, CHAIRMAN, MODESTO BEAUTIFICATION COMMITTEE, REGARDING PROPOSED GROUND COVER ON CANAL BANKS

A letter from Vernon S. Mullen dated May 12, 1966 recommending that the Modesto Irrigation District be approached with the suggestion that it give immediate consideration to the beginning of a program to plant some type of ground cover on canal banks within the city limits, was entered into the record of the minutes.

MOTION

That the staff be instructed to write a letter to M.I.D. suggesting that it consider the program of planting ground cover on canal banks

Moved by Shastid Seconded by VanderWall Unanimously carried

MEMORANDUM FROM LEAGUE OF CALIFORNIA CITIES REGARDING CURBSIDE MAILBOXES IN THE CITY

A memorandum from the League of California Cities dated May 6, 1966 suggesting that the Council adopt a resolution requesting that the Post Office Department rescind its regulation calling for curbside delivery of mail in all new subdivisions, was entered into the record of the minutes.

RESOLUTION NO. 66-363

A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO OPPOSING CURBSIDE DELIVERY OF MAIL BY THE UNITED STATES POST OFFICE

Introduced by Mitchell Seconded by Smith

Ayes: Hughes, Mitchell, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Patton

CONSIDER APPROVAL OF SPECIFICATIONS AND AUTHORIZE CALL FOR BIDS FOR ANNUAL REQUIREMENTS OF LIQUID CHLORINE 1-67

RESOLUTION NO. 66-336

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR ANNUAL REQUIREMENTS OF LIQUID CHLORINE

Introduced by Shastid Seconded by Mitchell

Ayes: Hughes, Mitchell, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Patton

May 31, 1966 at 2:00 P.M. in the City Clerk's office was set as the time and place for opening of bids.

CONSIDER APPROVAL OF SPECIFICATIONS AND AUTHORIZE CALL FOR BIDS FOR ANNUAL REQUIREMENTS OF LIQUID ANHYDROUS AMMONIA

RESOLUTION NO. 66-337

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR ANNUAL REQUIREMENTS OF LIQUID ANHYDROUS AMMONIA

Introduced by Shastid Seconded by Mitchell

Ayes: Hughes, Mitchell, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Patton

May 31, 1966 at 2:15 P.M. in the City Clerk's office was set as the time and place for opening of bids.

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR THE IMPROVEMENT OF CARVER ROAD BETWEEN NORTH 9TH STREET AND BRIGGSMORE AVENUE

RESOLUTION NO. 66-338

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR IMPROVEMENT OF CARVER ROAD BETWEEN NORTH 9TH STREET AND BRIGGSMORE AVENUE

Introduced by Shastid Seconded by Mitchell

Ayes: Hughes, Mitchell, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Patton

May 31, 1966 at 10:00 A.M. in the City Clerk's office was set as the time and place for opening of bids.

ACCEPT AS COMPLETE OUTDOOR PRODUCTS COMPANY'S CONTRACT FOR CONSTRUCTION OF BLEACHERS AT DEL WEBB BALL PARK

RESOLUTION NO. 66-339

A RESOLUTION ACCEPTING THE CONSTRUCTION OF BLEACHERS AT DEL WEBB BALL PARK BY OUTDOOR PRODUCTS COMPANY

Introduced by Shastid Seconded by Mitchell

Ayes: Hughes, Mitchell, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Patton

ACCEPT IMPROVEMENTS IN ROSELENE TERRACE SUBDIVISION AS BEING COMPLETE AND AUTHORIZE CITY CLERK TO FILE NOTICE OF COMPLETION AND RELEASE BOND UPON EXPIRATION OF THE STATUTORY LIEN PERIOD

RESOLUTION NO. 66-340

A RESOLUTION ACCEPTING IMPROVEMENTS IN ROSELENE TERRACE SUBDIVISION AND AUTHORIZING RELEASE OF SUBDIVISION BOND UPON EXPIRATION OF STATUTORY LIEN PERIOD

Introduced by Shastid Seconded by Mitchell

Ayes: Hughes, Mitchell, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Patton

ACCEPT AS COMPLETE HAROLD W. LOGSDON'S CONTRACT FOR INSTALLATION OF WATER LINE TO SERVE CRANBROOK COLONY NO. 1 SUBDIVISION

RESOLUTION NO. 66-341

A RESOLUTION ACCEPTING THE INSTALLATION OF WATER LINE TO SERVE CRANBROOK COLONY NO. 1 SUBDIVISION

Introduced by Shastid Seconded by Mitchell

Ayes: Hughes, Mitchell, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Patton

ACCEPT AS COMPLETE HAROLD W. LOGSDON'S CONTRACT FOR INSTALLATION OF WATER LINES TO M.I.D. SUBSTATION LOCATED AT OLD OAKDALE ROAD AND M.I.D. LATERAL NO. 3

RESOLUTION NO. 66-342

A RESOLUTION ACCEPTING THE INSTALLATION OF WATERLINES TO M.I.D. SUBSTATION LOCATED AT OLD OAKDALE ROAD AND M.I.D. LATERAL NO. 3

Introduced by Shastid Seconded by Mitchell

Ayes: Hughes, Mitchell, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Patton

ACCEPT AS COMPLETE HAROLD W. LOGSDON'S CONTRACT FOR INSTALLATION OF WATER LINES IN WYLDEWOOD PARK NO. 3 SUBDIVISION

RESOLUTION NO. 66-343

A RESOLUTION ACCEPTING THE INSTALLATION OF WATER LINES IN WYLDEWOOD PARK NO. 3 SUBDIVISION BY HAROLD W. LOGSDON

Introduced by Shastid Seconded by Mitchell

Ayes: Hughes, Mitchell, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Patton

REQUEST OF KIRKPATRICK HOMES, INC., FOR PERMISSION TO BLACKTOP SIDEWALK AREA

RESOLUTION NO. 66-344

A RESOLUTION SETTING TIME AND PLACE FOR HEARING REQUEST OF KIRKPATRICK HOMES, INC., TO BLACKTOP SIDEWALK AREA ON MAZE ROAD, APPROXIMATELY 1,000 FEET WEST OF EMERALD AVENUE

Introduced by Shastid Seconded by Mitchell

Ayes: Hughes, Mitchell, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Patton

May 23, 1966 at 8:25 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

AUTHORIZE PURCHASE OF SURPLUS STATE PROPERTY NEAR 9-HOLE GOLF COURSE

RESOLUTION NO. 66-345

A RESOLUTION AUTHORIZING THE PURCHASE OF TWO PARCELS OF SURPLUS PROPERTY FROM THE STATE OF CALIFORNIA TO BE USED FOR OFF-STREET PARKING PURPOSES FOR THE MODESTO 9-HOLE MUNICIPAL GOLF COURSE ($4,000.00)

Introduced by Shastid Seconded by Mitchell

Ayes: Hughes, Mitchell, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Patton

RESOLUTION NO. 66-346

A RESOLUTION APPROVING APPROPRIATION TRANSFER - $4,000 FOR PURCHASE OF SURPLUS STATE PROPERTY NEAR 9-HOLE GOLF COURSE

Introduced by Shastid Seconded by Mitchell

Ayes: Hughes, Mitchell, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Patton

CONSIDER TWO COOPERATIVE AGREEMENTS BETWEEN THE CITY AND COUNTY OF STANISLAUS FOR IMPROVEMENT OF CARVER ROAD BETWEEN NORTH 9TH STREET AND BRIGGSMORE AVENUE: IMPROVEMENT OF EMERALD AVENUE BETWEEN CALIFORNIA AVENUE AND MAZE BOULEVARD

RESOLUTION NO. 66-347

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND THE COUNTY OF STANISLAUS FOR IMPROVEMENT OF CARVER ROAD BETWEEN NORTH 9TH STREET AND BRIGGSMORE AVENUE

Introduced by Shastid Seconded by Mitchell

Ayes: Hughes, Mitchell, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Patton

RESOLUTION NO. 66-348

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND THE COUNTY OF STANISLAUS FOR IMPROVEMENT OF EMERALD AVENUE BETWEEN CALIFORNIA AVENUE AND MAZE BOULEVARD

Introduced by Shastid Seconded by Mitchell

Ayes: Hughes, Mitchell, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Patton

APPROPRIATION TRANSFER FROM CONTINGENCY RESERVE, SPECIAL FUND FOR CAPITAL OUTLAY, TO MISCELLANEOUS RIGHT OF WAY, SPECIAL FUND FOR CAPITAL OUTLAY

RESOLUTION NO. 66-349

A RESOLUTION APPROVING APPROPRIATION TRANSFER - $10,000 FOR RIGHT OF WAY ACQUISITIONS ON TULLY ROAD, AND CLEARING RIGHTS OF WAY ON CARVER ROAD AND ORANGEBURG AVENUE

Introduced by Shastid Seconded by Mitchell

Ayes: Hughes, Mitchell, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Patton

APPROPRIATION TRANSFER OF $5,000 FROM ACCOUNT NOS. 5401, 5404, 5405 TO ACCOUNT 332-48-512

RESOLUTION 66-350

A RESOLUTION APPROVING APPROPRIATION TRANSFER - $5,000 FOR EQUIPMENT PARTS FOR THE MAINTENANCE AND REPAIR OF CITY EQUIPMENT

Introduced by Shastid Seconded by Mitchell

Ayes: Hughes, Mitchell, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Patton

CITY COUNTY AIRPORT SECURITY FENCE

Acceptance of Grant Offer

RESOLUTION NO. 66-351

A RESOLUTION ACCEPTING THE OFFER OF THE UNITED STATES OF AMERICA FOR A GRANT OF FEDERAL FUNDS FOR THE DEVELOPMENT OF THE MODESTO CITY-COUNTY AIRPORT (SECURITY FENCING)

Introduced by Shastid Seconded by Smith

Ayes: Hughes, Mitchell, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Patton

Acceptance of bid of U. S. Steel Corp. for Airport Fencing

RESOLUTION NO. 66-352

A RESOLUTION ACCEPTING THE BID OF U. S. STEEL CORP., CYCLONE FENCE DIVISION, FOR CONSTRUCTION OF A SECURITY FENCE AT THE MODESTO CITY-COUNTY AIRPORT

Introduced by Shastid Seconded by Smith

Ayes: Hughes, Mitchell, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Patton

Consider request of U. S. Steel Corp., Cyclone Fence Division, for Substitution of Subcontractors

MOTION

That the request of U. S. Steel Corporation to substitute subcontractors for the construction of the Airport Security Fence be approved

Moved by VanderWall Seconded by Shastid Unanimously carried

Councilman Patton arrived at 4:18 P.M.

FURTHER DISCUSSION AND SELECTION OF CONSULTING ENGINEER FOR SEWAGE DISPOSAL PLAN

The status of the application for a federal grant for the expansion of the sewage treatment facilities was briefly outlined by Mayor Johansen.

The City Manager stated that both engineering firms, Jenks and Adamson and Brown and Caldwell, have indicated that they could handle the entire project if they were selected to do the work.

Mayor Johansen and Councilman Shastid, members of the City-County Sewer Committee, recommended that the proposal of consulting engineers Jenks and Adamson for the expansion of the sewage treatment facilities be accepted. This was also the recommendation of the staff.

MOTION

That the staff be authorized to negotiate with consulting engineers Jenks and Adamson for the preparation of an agreement to expand the sewage treatment facilities

Moved by Smith Seconded by VanderWall Unanimously carried

AUTHORIZE PURCHASE OF 10TH AND H STREETS PARKING LOT

RESOLUTION NO. 66-353

A RESOLUTION AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY LOCATED AT THE CORNER OF 10TH AND H STREETS IN THE CITY OF MODESTO TO BE USED FOR AN OFF-STREET PARKING LOT ($32,500)

Introduced by VanderWall Seconded by Shastid

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

RESOLUTION NO. 66-354

A RESOLUTION APPROVING APPROPRIATION TRANSFER - $32,672 FOR PURCHASE OF 10TH AND H STREETS PARKING LOT FROM CHARLES ORVILLE WAHLGREN AND DOROTHY MAE WAHLGREN

Introduced by VanderWall Seconded by Shastid

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

AMEND MUNICIPAL CODE AND ADOPT RESOLUTION SETTING TIME LIMITS AND RATES FOR PARKING ON BRACK-GRIFFIN PARKING LOT ON 10TH BETWEEN G AND H STREETS

RESOLUTION NO. 66-355

A RESOLUTION DESIGNATING CERTAIN AREAS AS MUNICIPAL OFF-STREET PARKING LOTS, PROVIDING FOR CONTROL OF VEHICULAR PARKING THEREON BY MEANS OF TICKET DISPENSING DEVICES, ESTABLISHING THE DAYS AND HOURS DURING WHICH CONTROL BY TICKET DISPENSING DEVICES SHALL BE EFFECTIVE AND FIXING THE RATES TO BE CHARGED, AND RESCINDING RESOLUTION NO. 64-527

Introduced by Mitchell Seconded by Smith

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

ORDINANCE NO. 785-C.S. entitled

"AN ORDINANCE AMENDING SECTION 3-2.1601 OF ARTICLE 16 OF CHAPTER 2 OF TITLE III OF THE MODESTO MUNICIPAL CODE, RELATING TO OFF-STREET PARKING"

was introduced and ordered published as required by the Charter.

Moved by Mitchell Seconded by Smith

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

CONSIDER ADOPTING AND SUBMITTING A BUDGET PROPOSAL FOR EXPENDITURE OF 2107 GAS TAX FUNDS ALLOCATED FROM STATE HIGHWAY FUNDS TO THE CITY FOR FISCAL YEAR 1966-67

A memorandum from the Director of Public Works dated May 12, 1966, subject, "2107 Gas Tax Funds," was entered into the record of the minutes.

RESOLUTION NO. 66-356
A RESOLUTION ADOPTING AND SUBMITTING A BUDGET FOR EXPENDITURE OF FUNDS ALLOCATED FROM THE STATE HIGHWAY FUNDS TO CITIES

Introduced by Shastid Seconded by Smith

Ayes: Hughes, Shastid, Smith, VanderWall, Mitchell, Patton, Mayor Johansen
Noes: None Absent: None

LEGISLATIVE MATTERS - None

FURTHER REPORTS ON SIDEWALK CONSTRUCTION PROGRAM

The following documents were entered into the record of the minutes: Memorandum from Director of Public Works dated April 6, 1966, subject, "Construction of Sidewalks"; memorandum from Director of Public Works dated May 11, 1966, subject, "Construction of Sidewalks"; memorandum from Director of Public Works dated May 13, 1966, subject, "Report on Curb, Gutter and Sidewalk along recently Reconstructed Major Streets."

The memorandum from the Director of Public Works dated May 11, 1966, with attachments including a map showing the elementary school districts; curb, gutter and sidewalk inventory by school district; curb, gutter and sidewalk required at schools, parks, water pump stations, county facilities and fire stations; summary of curb, gutter and sidewalk required at school, city, and county properties; and a proposed letter to be sent to property owners, was discussed. Recommendation was made by the staff that concentration be given to the installation of sidewalks along the City's four-lane streets, starting with Orangeburg Avenue and Tully Road; that the Parent-Teachers' Associations and Dad's Club units of each of the elementary schools be contacted to determine interest. The memorandum further indicated that if the program was to have any chance for success it would require the hiring of an additional man to the engineering staff for full-time assignment to the project, since the existing staff time is committed to other jobs.

Director of Public Works Campbell referred to his memorandum dated May 13, 1966 containing a tabulation of the street and block numbers of those blocks in which more than 50% of the curb, gutter or sidewalk has already been constructed, and which, under present policy, the City could require the installation of the curb and gutter or sidewalk if requested to do so by someone in the block. Mr. Campbell stated that this would be a logical place to proceed.

A suggestion was made that neighborhoods interested in the installation of sidewalks also be listed in the priority group; also, that the County be made aware of the City's program so that it might also be incorporated in the county area.

The recommendations and suggestions were discussed by the Council.

The staff was directed to communicate with the Schools to permit them to plan, budget, and work with the City on accomplishment of the project; to bring up the matter of an addition to the engineering staff at the appropriate budget hearing.

The recommendations made by the Director of Public Works in establishing the sidewalk

construction program were generally accepted by the Council.

MOTION

That the Council hereby establishes a policy permitting ten-year installment payments for the cost of construction of sidewalks on any projects costing over $50.00

Introduced by Shastid Seconded by Mitchell Unanimously carried

HEARING ON PROPOSED AMENDMENT TO SECTION 19-3-9 OF THE ZONING MAP (NORTH 99 ADDITION) (PREZONING)

Mayor Johansen announced that the hour of 4:30 P.M. had arrived, the time set for consideration of the proposed prezoning of certain properties (as shown on map marked Exhibit "A" attached to Planning Commission Resolution No. 66-43, adopted April 19,1966) to R-1, R-2, R-3 and H-1 respectively, and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Tribune on May 5, 1966 and notices posted and distributed in the area on the same day. No written protests were filed with the City Clerk.

Planning Commission Resolution No. 66-43 recommending the prezoning amendment to Section 19-3-9 of the zoning map, was entered into the record of the minutes.

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

ORDINANCE NO. 786-C.S. entitled
"AN ORDINANCE AMENDING SECTION MAP 19-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO TO PREZONE CERTAIN PROPERTY LOCATED THEREON (NORTH 99 ADDITION)"

was introduced and ordered published as required by the Charter.

Moved by VanderWall Seconded by Patton

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

HEARING ON PROPOSED AMENDMENT TO SECTIONS 26-3-9, 27-3-39, 34-3-39, AND 35-3-39 (NEESAN)

Mayor Johansen announced that the hour of 4:40 P.M. had arrived, the time set for consideration of the proposed rezoning of property located on the north side of Yosemite Boulevard between Phoenix Avenue and Colfax Avenue, from C-1 to C-2, and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Tribune on May 5, 1966 and notices posted and distributed in the area on the same day. No written protests were filed with the City Clerk.

Planning Commission Resolution No. 66-37 recommends that the Council approve the proposed rezoning.

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

ORDINANCE NO. 787-C.S. entitled
"AN ORDINANCE AMENDING SECTION MAPS 26-3-9, 27-3-9, 34-3-39 AND 35-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (NEESAN)"

was introduced and ordered published as required by the Charter.

Moved by Hughes Seconded by Patton

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

MATTERS FOR THE GOOD OF THE COMMUNITY

Report on Industrial Tour, Joe Good, Greater Modesto Chamber of Commerce

Joe Good, Manager, Greater Modesto Chamber of Commerce, made a brief report on the highlights of an industrial tour throughout the United States. He noted one particular

contact, a printing industry, which has indicated an interest in establishing a plant in Modesto, which would employ about 300 people. Mr. Good said that while in Washington he visited the Economic Development Agency and discussed the City's application for federal funds for expansion of sewage treatment facilities. He stated that this agency was very complimentary to the City in the way that information pertaining to the application has been presented, and very impressed over the interest shown by City officials. Mr. Good stated that a new person had taken over Modesto's application, and that as a result he devoted a lot of time in explaining Modesto's agriculturally based economy, the needs in fruit processing, and the importance of proper sewage disposal. He expressed the Chamber's interest in the sewage problem, and its willingness to cooperate and work with the City in every way possible.

Resetting of Nunes Rezoning Hearing

RESOLUTION NO. 66-357

A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO SECTION 18-3-9 OF THE ZONING MAP (NUNES), AND RESCINDING RESOLUTION NO. 66-300

Introduced by Smith Seconded by Mitchell

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

A new hearing date of June 13, 1966 at 7:50 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

Appointments filling vacancies in Local Agency Formation Commission

Mayor Johansen announced that Councilman Allister Allen of Patterson has been appointed a member of the Local Agency Formation Commission for a four-year term, and Joe Nicolausen, Vice Mayor of Turlock, appointed alternate member.

RESOLUTION COMMENDING SPONSORS OF AIR SHOW HELD MAY 15TH

RESOLUTION NO. 66-358

A RESOLUTION COMMENDING THE SPONSORS AND PARTICIPANTS OF THE AIR SHOW AT THE CITY-COUNTY AIRPORT SUNDAY, MAY 15, 1966

Introduced by Hughes Seconded by Patton

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

Favorable comments on the air show were made by the councilmen and a hope expressed that the show would continue as an annual affair. Approximately 8,000 people attended.

Letter from Dean Crowley, Stanislaus State College

Councilman Mitchell said that he had received a letter from Dean Crowley, Stanislaus State College, expressing appreciation to council members for the many suggestions made for closer ties between the residents of Modesto and the College. Dean Crowley also indicated that he was hopeful that political science students would be able to attend council meetings as part of the course. He invited the Council as a group, or individually, to revisit the college.

NOTICE OF SPECIAL MEETING OF COUNCIL

Mayor Johansen announced that the budget hearings would begin on Tuesday, May 17, 1966 at 4:00 P.M. in the Council Chambers, City Hall.

LETTER FROM MONROE C. TAYLOR, CHAIRMAN, WEST SIDE COMMUNITY STEERING COMMITTEE REGARDING NEEDED FACILITIES 4-66

A letter from Monroe C. Taylor, Chairman, West Side Community Steering Committee, dated May 11, 1966 asking to be heard by the Council to seek city participation in constructing a proposed Westside Neighborhood Center, was entered into the record of the minutes. Attached to the letter was information pertaining to the need for such a center, basic considerations of procurement and operation, functions of the facility, the proposed location - the southwest corner of Franklin and Vine Streets - and a plan of

the proposed center.

Mr. Taylor spoke briefly on the need for such a facility in West Modesto and outlined the origin of the Steering Committee. He said that the report submitted to the Council listed the findings of the Committee. Mr. Taylor asked that the Council evaluate the suggestions, recognize the great need for the project, and help the group by accepting the Public Agency responsibility in order that the application for federal funds may be made under Section 703 of the Housing and Urban Development Act.

Reverend Howard Clarke displayed a sketch of the proposed center, a two-story structure consisting of 12,000 square feet, containing an auditorium seating between 400 and 500 people; a child care room; restroom; receptionist room; all-purpose room, and kitchen.

The Council discussed the following: The method of appointing the Board of Directors for the proposed center; the importance of planning the building to meet available funds; the need for such a center in West Modesto; the City's share of the cost of the building; source of funds for operation and maintenance of the building; time schedule for submission of application.

Mr. Taylor was questioned by the Council on the proposed Center.

MOTION

That the City Manager and staff be authorized to prepare information needed for the submission of an application for federal funds for the proposed center; that this information be presented to the Council

Moved by Shastid Seconded by Smith Unanimously carried

Mayor Johansen said that the above motion was an indication that the Council desired to give the Steering Committee encouragement and assistance in the proposed project. He said that in discussing the matter with Reverend Clarke, it appeared to the Mayor that the $160,000 estimated cost of the proposed center should not be too definitely pinpointed at this time, but should be left open.

EXECUTIVE SESSION TO FURTHER CONSIDER ACQUISITION OF 9TH AND J STREETS PARKING LOT (LEWIS PROPERTY) AND APPOINTMENTS TO VARIOUS COMMITTEES AND HUMAN RIGHTS COMMISSION

The Council went into executive session at 5:20 P.M., returning to regular session at 5:49 P.M.

Appointments to Farm-City Advisory Committee

RESOLUTION NO. 66-359

A RESOLUTION CONFIRMING APPOINTMENT AND REAPPOINTMENTS TO FARM-CITY ADVISORY COMMITTEE, AND APPOINTING CHAIRMAN

(Harvey Phillips, Tom Sawyer, Paul LaVine, Joe Hart, Chairman)

Introduced by Mitchell Seconded by Smith

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

Appointment of Wallace L. Wenge to Crime Study Committee

RESOLUTION NO. 66-360

A RESOLUTION CONFIRMING APPOINTMENT OF WALLACE L. WENGE TO THE CRIME STUDY COMMITTEE

Introduced by Mitchell Seconded by Smith

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

Appointment of John Quaresma to Modesto Beautification Committee

RESOLUTION NO. 66-361

A RESOLUTION CONFIRMING APPOINTMENT OF JOHN QUARESMA TO THE MODESTO BEAUTIFICATION COMMITTEE

Introduced by Mitchell Seconded by Smith

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

Appointments and reappointments to Human Rights Commission

RESOLUTION NO. 66-362

A RESOLUTION CONFIRMING APPOINTMENT AND REAPPOINTMENTS TO THE MODESTO HUMAN RIGHTS COMMISSION (Reverend Howard Clarke, Wendell J. Kiser, Leopold Prescott)

Introduced by Mitchell Seconded by Smith

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by VanderWall Seconded by Smith Unanimously carried

The meeting adjourned at 5:59 P.M.

ATTEST: Rex E. Gailfus
REX E. GAILFUS, City Clerk

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 11th Street, Modesto, California, as provided by Section 2-1.02 of the Modesto Municipal Code, Mayor Johansen presiding, to consider the preliminary budget for fiscal year 1966-67.

Present: Councilmen: Hughes, Mitchell, Shastid, Smith, VanderWall, Mayor Johansen (Councilman Patton arrived at 4:14 P.M.)
Absent: Councilmen: None

REVIEW OF BUDGET MESSAGE

The City Manager reviewed the Budget Message for the Preliminary 1966-67 Budget dated May 2, 1966.

With the unanimous consent of the Council, Mayor Johansen stated that the supplemental requests would be considered separately after review of the preliminary budget.

The staff was directed to publicize the budget hearings through the press and radio, and to notify known interested persons when specific projects are to be considered by the Council. June 13th was tentatively set as the date for public hearing of the budget.

CITY COUNCIL - 7 (p. 18)

MOTION

That the City Council budget of proposed expenditures be tentatively approved

Moved by Smith Seconded by Shastid Unanimously carried

CITY MANAGER - 8 (p. 19)

MOTION

That the City Manager budget of proposed expenditures be tentatively approved

Moved by Smith Seconded by Shastid Unanimously carried

TYPING POOL & RECORDS - 9 (p. 20)

Xerox rental costs were discussed.

MOTION

That the Typing Pool & Records budget of proposed expenditures be tentatively approved

Moved by Smith Seconded by Shastid Unanimously carried

CITY ATTORNEY - 13 (p. 21)

The request for part-time salaries and wages, $300, was discussed.

MOTION

That the City Attorney budget of proposed expenditures be tentatively approved

Moved by Smith Seconded by Shastid Unanimously carried

CITY CLERK AND AUDITOR - 14 (p. 22)

MOTION

That the City Clerk budget of proposed expenditures be tentatively approved

Moved by Smith Seconded by Shastid Unanimously carried

FINANCE - 15 (p. 23)

The supplemental request for an additional person with general office background to work half-time on business license enforcement collection problems and half-time purchasing was discussed. The possibility of obtaining sales tax returns for comparison purposes in connection with business license collection enforcement was discussed. Various suggestions were given for the auditing of businesses, retail and otherwise, and determining whether or not a business is licensed. Enforcement of licensing of

trucks delivering in the city limits was also discussed. The City Manager stated that he would report to the Council on the possibility of obtaining sales tax returns.

MOTION

That the Finance budget of proposed expenditures be tentatively approved

Moved by Smith Seconded by Shastid Unanimously carried

PERSONNEL - 17 (p. 24)

Services, Professional and Other, 235, in amount of $2,320 was itemized.

MOTION

That the Personnel budget of proposed expenditures be tentatively approved

Moved by Smith Seconded by Shastid Unanimously carried

PLANNING - 18 (p. 25)

Salaries & Wages, 110, Regular, and 120, Part-time, were discussed.

MOTION

That the Planning budget of proposed expenditures be tentatively approved

Moved by Smith Seconded by Shastid Unanimously carried

CITY HALL - 19 (p. 26)

The following accounts were discussed: 120, Part-time salaries, $800; 224, M & R, Bldgs and Grounds, $2,050. Contractual janitorial service vs. city employee janitors was discussed.

MOTION

That the City Hall budget of proposed expenditures be tentatively approved

Moved by Smith Seconded by Shastid Unanimously carried

FIRE - 21 (p. 27)

Chief Everett stated that the increase in Account 223, M & R, Equipment, Other, was due to the taking over of responsibility for paying for the maintenance of quick call receivers; that the experience under the guarantee had been very poor; that 40 of the 57 sets received had been in for repair in the first quarter of service; that a portion of the increase was also occasioned by increase in contracting costs for maintenance of radio equipment, mobile and base station units.

The supplemental request for additional personnel and recruitment procedures were discussed.

MOTION

That the Fire Department budget of proposed expenditures be tentatively approved

Moved by Smith Seconded by Shastid Unanimously carried

POLICE - 22 (p. 28)

A correction in Account 204, Communications, for the 1966-67 budget from $7,532 to $7,808 was noted. Chief Bowers was questioned on the following: The number of authorized police personnel now on duty; duties of Patrolmen (Special) who serve as detectives without a classified rank, at Sergeant's pay; whether or not the contractual janitorial service was satisfactory; increase in Account 218, Equipment Rental Charges; responsibility of the City in handling criminal investigations occurring within the City; handling of bad check investigations and complaints; percentage of bad check cases dropped after complaints are issued; the possibility of specifying the model of vehicles desired when bids for automotive equipment are solicited, Chief Bowers stating that he would like to have bid specifications changed so that the Police Department would not get as many types of vehicles--instead of soliciting bids for particular vehicles, that bids be solicited on the entire fleet being traded so that the bids would be awarded to one company only.

Upon request, Chief Bowers stated that he would furnish the Council a report on the number of bad check cases which are dropped after a complaint is issued.

MOTION

That the Police Department budget of proposed expenditures be tentatively approved

Moved by Smith Seconded by Shastid Unanimously carried

ADJOURNMENT

MOTION

That the special meeting now in session be adjourned to Thursday, May 19, 1966 at 4:00 P.M.

Moved by VanderWall Seconded by Smith Unanimously carried

The meeting adjourned at 5:45 P.M.

ATTEST: Rex E. Gailfus
REX E. GAILFUS, City Clerk

The Council of the City of Modesto met in adjourned special session this date at 4:00 P.M. in the Council Chambers, City Hall, to consider further the 1966-67 budget, Mayor Johansen presiding.

Present: Councilmen: Hughes, Mitchell, Patton, VanderWall, Mayor Johansen
Absent: Councilmen: Shastid, Smith

DISASTER & CIVIL DEFENSE - 26 (p. 29)

MOTION
That the budget of proposed expenditures for Disaster & Civil Defense be approved

Moved by VanderWall Seconded by Hughes Unanimously carried

PARKS & RECREATION - ADMINISTRATION - 31 (p. 30)

MOTION
That the budget of proposed expenditures for Parks and Recreation - Administration be approved

Moved by VanderWall Seconded by Hughes Unanimously carried

PARKS & RECREATION - RECREATION - 32 (p. 31)

The following accounts were discussed: 210, Utilities; 120, Part-time help; 312, Chemicals.

Upon questioning, Director of Parks and Recreation Grogan stated that the County allocation has been essentially the same for the past ten years; that it has not fluctuated more than $200 during that period. She stated that the Schools' contribution was last increased when Catherine Everett School was included in the afterschool program.

The annual contribution of the County to the City's recreation program was discussed.

The City Clerk was directed to place the matter of the County's contribution to the City's recreation program back on the agenda about two weeks after the official formation of the Council-Supervisors Committee for the Tuolumne River area park so that this matter can be referred to the committee as an assignment.

The staff was directed to furnish the Council the following information: How the Schools arrive at the annual contribution to the City's recreation program in the amount of $7,200; per capita costs of the recreation program (city residents).

MOTION
That the budget of proposed expenditures for Parks & Recreation - Recreation - be tentatively approved

Moved by VanderWall Seconded by Hughes Unanimously carried

PARKS & RECREATION - MADDUX YOUTH CENTER - 33 (p. 32)

Upon questioning, Director of Parks and Recreation Grogan stated that in the event that the request of the Human Rights Committee for the use of Maddux Youth Center was approved, she recommended that the budget be approved as presented; that if in time the use changed the operations picture, a report would be made to the Council at that time; that the Continuation High School presently being conducted at Maddux Youth Center would finish on June 17, 1966.

The Council also discussed the following accounts: The decrease in Account 235, Services, Professional & Other.

MOTION
That the budget of proposed expenditures for Parks & Recreation - Maddux Youth Center be tentatively approved

Moved by VanderWall Seconded by Hughes Unanimously carried

PARKS & RECREATION - COMMUNITY SERVICE CENTER - 34 (p. 33)

Use of the Community Service Center by the Senior Citizens group was discussed. The City Manager stated that the group was attempting to find a site for a center, and planned to request that the City furnish facilities when a site is acquired. Possible locations for the facilities were discussed.

MOTION

That the budget of proposed expenditures for Parks and Recreation - Community Service Center - be tentatively approved

Moved by VanderWall Seconded by Hughes Unanimously carried

PARKS & RECREATION - PARKS - 35 (p. 34)

The Council discussed the following: Eventual installation of automatic sprinklers in all city parks; increase in Account 430, Taxes, from $116 to $4,766 (inclusion of county taxes for Mancini and 4th High School Parks); possibility of annexing Mancini Park.

MOTION

That the budget of proposed expenditures for Parks & Recreation - Parks - be tentatively approved

Moved by VanderWall Seconded by Hughes Unanimously carried

PARKS & RECREATION - STREET TREES - 36 (p. 35)

Reallocation of positions in this department was discussed.

MOTION

That the budget of proposed expenditures for Parks & Recreation - Street Trees - be tentatively approved

Moved by VanderWall Seconded by Hughes Unanimously carried

PARKS & RECREATION - 9-HOLE GOLF COURSE - 37 (p. 36)

In discussing the decrease in Account 310, Garden Supplies from $3,941 in fiscal year 1965-66 to $1,845 for fiscal year 1966-67, Miss Grogan stated that the difference covered the rebuilding of two greens last year, a one-year expenditure; that the supplemental request for $2,008 was proposed for the rebuilding of two additional greens the coming fiscal year.

Fertilizing practices at the golf courses and the golf pro's contracts were discussed. Miss Grogan stated that information was presently being obtained from cities of a comparable size to Modesto, and that a report and proposal would be presented to the Council by completion of the club house.

Miss Grogan stated that a recommendation has been made in the Parks and Recreation capital improvement program that the Council consider setting aside funds for the purchase of another golf course.

MOTION

That the budget of proposed expenditures for Parks & Recreation - 9-Hole Golf Course - be tentatively approved.

Moved by VanderWall Seconded by Hughes Unanimously carried

PARKS AND RECREATION - DRYDEN PARK MUNICIPAL GOLF COURSE - 38 (p. 37)

MOTION

That the budget of proposed expenditures for Parks & Recreation - Dryden Park Municipal Golf Course - be tentatively approved

Moved by VanderWall Seconded by Hughes Unanimously carried

PUBLIC WORKS - ENGINEERING & ADMINISTRATION - 41 (p. 38)

MOTION

That the budget of proposed expenditures for Public Works - Engineering and Administration - be tentatively approved

Moved by VanderWall Seconded by Hughes Unanimously carried

PUBLIC WORKS - INSPECTION - 42 (p. 39)

Upon questioning, Asst. Director of Public Works Reynolds stated that the same number of authorized positions existed; that the staff did not believe that the number of positions was adequate; that an additional inspector had been requested as a supplemental request. Mr. Reynolds stated that inspections were running behind; enforcement of zoning ordinances was also lagging due to the shortage of personnel.

The City Manager stated that the department was presently short one authorized personnel; that difficulty was being experienced in hiring an electrical inspector to fill the position; that one of the inspectors had recently been absent because of illness; that recruitment was presently underway for a general building inspector.

MOTION

That the budget of proposed expenditures, Public Works - Inspection - be tentatively approved

Moved by VanderWall Seconded by Hughes Unanimously carried

PUBLIC WORKS - ELECTRICAL - 43 (p. 40)

MOTION

That the budget of proposed expenditures for Public Works, Electrical, be tentatively approved

Moved by VanderWall Seconded by Hughes Unanimously carried

PUBLIC WORKS - AIRPORT - 46 (p. 41)

The Council discussed the following: Increase in Account 218, Equipment Rental Charges, due to increased use of equipment; use of privately owned vehicle for city business by Airport Manager Sham instead of a city car.

The City Manager was directed to furnish the Council a report showing the amount of money which has been paid the Airport Manager for use of his private car.

MOTION

That the budget of proposed expenditures for Public Works, Airport, be tentatively approved

Moved by VanderWall Seconded by Hughes Unanimously carried

PUBLIC WORKS - WATER 50 (p. 42-43)

Upon questioning, Assistant Director of Public Works Frank Reynolds stated that the City had assumed operation of the recently acquired Bumgardner Water System; that a former Bumgardner employee had been hired for a six-month period to help with the transition; that an attempt would be made to operate the system without adding additional permanent personnel. The Council discussed the following: The decrease in the Salaries & Wages Account, 110, Salaries Regular, which was occasioned by automation of the water system; the City's ability to absorb the Bumgardner Water System without the addition of personnel.

MOTION

That the budget of proposed expenditures for Public Works, Water, be tentatively approved

Moved by VanderWall Seconded by Hughes Unanimously carried

PUBLIC WORKS - STREETS - 51 (p. 44)

The following document was entered into the record of the minutes: Memorandum from Director of Finance dated May 19, 1966 subject, "Changes in Budget Requests - Streets and Garden Refuse Divisions," requesting that the following changes be made in the Streets budget: Increase Account 110, Salaries & Wages, Regular, from $122,560 to $128,770; change total Salaries and Wages from $167,214 to $173,424; change Net Streets from $297,644 to $303,854; the Public Works Maintenance Mechanic position should remain in the authorized positions, increasing total authorized positions to 21.

The Council discussed the following: Increase in Account 111, Utility Crew; decrease in Account 321, Construction Materials; satisfactory results with the use of slurry seal on city streets and the airport runway.

MOTION

That the budget of proposed expenditures for Public Works, Streets, be tentatively approved with amendments as requested by the Director of Finance dated May 19, 1966.

Moved by VanderWall Seconded by Hughes Unanimously carried

PUBLIC WORKS - SEWERS - 52 (p. 45)

The Council questioned the following: The increase in Account 308, Tools, Shop, and Field Supplies.

MOTION

That the budget of proposed expenditures, Public Works, Sewers, be tentatively approved

Moved by VanderWall Seconded by Hughes Unanimously carried

PUBLIC WORKS - SEWAGE DISPOSAL - 53 (p. 46) 5-22

Assistant Director of Public Works Reynolds stated that the increase in Account 312, Chemicals, Drug, and Lab Supplies, was due to increased purchases of chlorine and re-odorant.

MOTION

That the budget of proposed expenditures, Sewage Disposal, be tentatively approved

Moved by VanderWall Seconded by Hughes Unanimously carried

PUBLIC WORKS - GARDEN REFUSE - 54 (p. 47)

The City Manager referred to memorandum from the Director of Finance dated May 19, 1966, subject, "Changes in Budget Requests - Streets and Garden Refuse Divisions," entered into the record of the minutes earlier in the meeting, which revised the Garden Refuse budget as follows: Salaries & Wages, 110 Regular, changed from $110,261 to $103,985; Total Salaries and Wages, changed from $116,513 to $110,237; Total Garden Refuse from $144,613 to $138,337; on the opposite page, under "Authorized Positions, the total for fiscal year 1966-67 changed from 20 to 19. Public Works Maintenance Mechanic was deleted.

Mayor Johansen commented on the favorable response by citizens of the City's garden refuse program.

MOTION

That the budget of proposed expenditures, Garden Refuse, be tentatively approved as amended by recommendation of Director of Finance

Moved by VanderWall Seconded by Hughes Unanimously carried

PARKING AND TRAFFIC - 56 (p. 48) 5-86

The City Manager stated that changes would have to be made in this budget as follows: Account 110, Regular Salaries and Wages, increase from $50,154 to $50,896, additional $704 needed to hire extra person during illness of an employee; an increase of Account 120, Part-time Salaries and Wages, from $5,217 to $6,012 due to increase of salary of meter revenue collector from $1.00 to $2.00 per hour. These changes resulted in Total Salaries and Wages being increased from $55,371 to $56,908; Total Parking and Traffic from $82,295 to $83,832; Net Parking and Traffic from $81,395 to $82,932.

MOTION

That the budget of proposed expenditures for Parking and Traffic - 56 - be approved as amended

Moved by VanderWall Seconded by Hughes Unanimously carried

OFFICE SERVICES - 58 (p. 49) 6-22

MOTION

That the budget of proposed expenditures for Offices Services be tentatively approved

Moved by VanderWall Seconded by Hughes Unanimously carried

PARKING AND TRAFFIC - 57 (p. 56)

The City Manager recommended that the following changes be made in this budget:

Salaries & Wages, 120, Part-time, changed from $19,762 to $20,022; Total Salaries & Wages, from $40,037 to $40,297; Total Parking & Traffic, $87,629 to $87,889. Mr. Keefe said that the increase was due to the meter revenue collector's salary being increased from $1.00 to $2.00 per hour.

MOTION

That the budget of proposed expenditures for Parking & Traffic - 57 - be tentatively approved

Moved by VanderWall Seconded by Hughes Unanimously carried

PUBLIC WORKS - SERVICE DIVISION - 48 (pp. 58-59)

MOTION

That the budget of proposed expenditures for Public Works, Service Division, be tentatively approved

Moved by VanderWall Seconded by Hughes Unanimously carried

ADJOURNMENT

MOTION

That the meeting now in session be adjourned to Tuesday, May 24, 1966 at 4:00 P.M.

Moved by VanderWall Seconded by Patton Unanimously carried

The meeting adjourned at 5:35 P.M.

ATTEST: _____
REX E. GAILFUS, City Clerk

The Council of the City of Modesto met in regular session this date at 7:30 P.M. in the Council Chambers, City Hall, 801 11th Street, Modesto, California, Mayor Johansen presiding.

Present: Councilmen: Hughes, Mitchell, Shastid, Smith, VanderWall, Mayor Johansen (Councilman Patton arrived at 7:35 P.M.)

Absent: Councilmen: None

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

Chaplain R. E. Patterson gave the invocation.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

The minutes of the regular meeting of May 2, 1966 and adjourned regular meeting of April 28, 1966 were approved.

LETTER FROM GEORGE GAGOS SUBMITTING RESIGNATION FROM FARM-CITY ADVISORY COMMITTEE

A letter from George Gagos dated May 12, 1966 submitting his resignation from the Farm-City Committee was entered into the record of the minutes.

RESOLUTION NO. 66-364

A RESOLUTION COMMENDING GEORGE GAGOS FOR OUTSTANDING SERVICE RENDERED TO THE CITY OF MODESTO AS A MEMBER OF THE FARM-CITY ADVISORY COMMITTEE

Introduced by VanderWall Seconded by Shastid

Ayes: Hughes, Mitchell, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Patton

Councilman Patton arrived at 7:35 P.M.

LETTER FROM TERRY McGRATH, CHAIRMAN, CHICKEN BAR-B-Q COMMITTEE, MODESTO JR. CHAMBER OF COMMERCE, REQUESTING USE OF BEARD BROOK PARK FOR BAR-B-Q ON JULY 4, 1966

A letter from Terry McGrath dated May 16, 1966 requesting the use of Beard Brook Park for a Chicken Bar-B-Q on July 4, 1966 was entered into the record of the minutes.

MOTION

That the request of the Jr. Chamber of Commerce for the use of Beard Brook Park for a Bar-B-Q on July 4, 1966 be approved

Moved by Hughes Seconded by Shastid Unanimously carried

MEMORANDUM FROM CITY CLERK REGARDING RESOLUTIONS RECEIVED FROM VARIOUS COUNTY CITIES RELATIVE TO CONTINUED CONTRIBUTION OF FUNDS BY COUNTY FOR RECREATIONAL PURPOSES

A memorandum from the City Clerk dated May 19, 1966 with resolutions attached from the Cities of Ceres, Newman, and Oakdale requesting the county to continue contributing funds to cities for recreational purposes, was entered into the record of the minutes.

The City Manager stated that a letter on this subject had already been sent to the county. No further action was taken by the Council.

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR NEW PUMP AND ELECTRICAL EQUIPMENT AT PUMP STATION NO. 25

RESOLUTION NO. 66-365

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR NEW PUMP AND ELECTRICAL EQUIPMENT FOR PUMP STATION NO. 25

Introduced by Shastid Seconded by Smith

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

June 7, 1966 at 10:20 A.M. in the City Clerk's office was set as the time and place for opening of bids.

APPROVE PLANS AND SPECIFICATIONS FOR DRILLING, CASING, TESTING AND DEVELOPMENT OF ONE DEEP WELL FOR THE CITY OF MODESTO - WELL NO. 33

RESOLUTION NO. 66-366

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR DRILLING, CASING, TESTING, AND DEVELOPMENT OF ONE DEEP WELL FOR THE CITY OF MODESTO (WELL NO. 33)

Introduced by Shastid Seconded by Smith

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR CONSTRUCTION OF IMPROVEMENTS AT PIKE PARK AND WHITMORE PARK

RESOLUTION NO. 367

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR CONSTRUCTION OF IMPROVEMENTS AT PIKE PARK AND WHITMORE PARK

Introduced by Shastid Seconded by Smith

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

June 7, 1966 at 10:00 A.M. in the City Clerk's office was set as the time and place for opening of bids.

CONSIDER AWARD OF BID FOR INSTALLATION OF SPRINKLER SYSTEM AND CONSTRUCTION OF IMPROVEMENTS AND LANDSCAPING AT CATHERINE EVERETT PARK SITE

RESOLUTION NO. 66-368

A RESOLUTION ACCEPTING THE BID OF A. C. CONSTRUCTION COMPANY OF MODESTO FOR INSTALLATION OF SPRINKLER SYSTEM AND CONSTRUCTION OF IMPROVEMENTS AND LANDSCAPING AT CATHERINE EVERETT PARK SITE

Introduced by Shastid Seconded by Smith

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR LEGAL ADVERTISING FOR FISCAL YEAR 1966-67

RESOLUTION NO. 66-369

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR LEGAL ADVERTISING FOR FISCAL YEAR 1966-67

Introduced by Shastid Seconded by Smith

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

June 9, 1966 at 10:00 A.M. in the City Clerk's office was set as the time and place for opening of bids.

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR THE CONSTRUCTION OF SLURRY SEAL ON VARIOUS CITY STREETS

RESOLUTION NO. 66-370

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR CONSTRUCTION OF SLURRY SEAL ON VARIOUS CITY STREETS

Introduced by Shastid Seconded by Smith

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

June 7, 1966 at 10:10 A.M. in the City Clerk's office was set as the time and place for opening of bids.

APPROVE PLANS AND SPECIFICATIONS FOR ASPHALT CONCRETE RESURFACING ON VARIOUS CITY STREETS

RESOLUTION NO. 66-371

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR ASPHALT CONCRETE RESURFACING ON VARIOUS CITY STREETS

Introduced by Shastid Seconded by Smith

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

June 7, 1966 at 10:30 A.M. in the City Clerk's office was set as the time and place for opening of bids.

A RESOLUTION SETTING THE DATE FOR PUBLIC HEARING ON PROPOSED BUDGET FOR FISCAL YEAR 1966-67

RESOLUTION NO. 66-372

A RESOLUTION SETTING THE DATE FOR PUBLIC HEARING ON PROPOSED BUDGET FOR THE CITY OF MODESTO FOR FISCAL YEAR 1966-67

Introduced by Shastid Seconded by Smith

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

June 13, 1966 at 8:15 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

REQUEST FROM CLEVELAND J. STOCKTON, ATTORNEY, FOR WITHDRAWAL OF APPEAL IN REZONING DENIED BY CITY PLANNING COMMISSION - SECTION 17-3-9 OF THE ZONING MAP

RESOLUTION NO. 66-373

A RESOLUTION WITHDRAWING APPEAL OF CLEVELAND J. STOCKTON AND RESCINDING RESOLUTION NO. 66-299 (Appeal to decision of Planning Commission denying reclassification of property located at northeast corner of Tully and Briggsmore Avenue)

Introduced by Shastid Seconded by Smith

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

CONSIDER SUPPLEMENTARY AGREEMENT FOR McHENRY TRAFFIC SIGNALS AT BOWEN AND BRIGGSMORE

RESOLUTION NO. 66-374

A RESOLUTION APPROVING SUPPLEMENTARY AGREEMENT BETWEEN THE CITY OF MODESTO AND THE STATE OF CALIFORNIA, DIVISION OF HIGHWAYS, FOR McHENRY TRAFFIC SIGNALS AT BOWEN AND BRIGGSMORE

Introduced by Shastid Seconded by Smith

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

ACCEPT AS COMPLETE A. C. CONSTRUCTION COMPANY'S CONTRACT FOR CONSTRUCTION OF CURB AND GUTTER, SIDEWALKS AND STORM SEWER ON JEFFERSON STREET BETWEEN CHESTNUT AND LAUREL

RESOLUTION NO. 66-375

A RESOLUTION ACCEPTING THE CONSTRUCTION OF CURB AND GUTTER, SIDEWALKS AND STORM SEWER ON JEFFERSON STREET BETWEEN CHESTNUT AND LAUREL

Introduced by Shastid Seconded by Smith

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

CONSIDER APPROVAL OF RIGHT OF WAY CONTRACT AND ACCEPTANCE OF GRANT DEED

RESOLUTION NO. 66-376

A RESOLUTION APPROVING RIGHT OF WAY AGREEMENT BETWEEN THE CITY OF MODESTO AND RICHARD AND BETHYL LYNG, AND RICHARD E. LYNG AS TRUSTEE FOR JEANETTE ANN LYNG AND MARILYN LOUISE LYNG, RELATING TO DEDICATION OF PROPERTY TO CITY FOR COLDWELL AVENUE PROJECT

Introduced by Shastid Seconded by Smith

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

CONSIDER APPROVAL OF RIGHT OF WAY CONTRACT AND ACCEPTANCE OF GRANT DEED RELATING TO DEDICATION OF PROPERTY TO CITY OF MODESTO

RESOLUTION NO. 66-377

A RESOLUTION APPROVING RIGHT OF WAY AGREEMENT BETWEEN THE CITY OF MODESTO AND MARY ANDRADE, RELATING TO DEDICATION OF PROPERTY TO CITY FOR CARVER ROAD RIGHT OF WAY PROJECT 59-2

Introduced by Shastid Seconded by Smith

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

APPROVE SUBDIVISION AGREEMENT AND FINAL MAP OF THE RESUBDIVISION OF SOMERSET PARK UNIT NO. 1 SUBDIVISION

RESOLUTION NO. 66-378

A RESOLUTION APPROVING THE FINAL MAP OF THE SOMERSET PARK UNIT NO. 1 SUBDIVISION OF THE CITY OF MODESTO

Introduced by Shastid Seconded by Smith

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

APPROVE SUBDIVISION AGREEMENT AND FINAL MAP OF ELMWOOD ESTATES NO. 2 SUBDIVISION

RESOLUTION NO. 66-379

A RESOLUTION APPROVING THE FINAL MAP OF THE ELMWOOD ESTATES NO. 2 SUBDIVISION OF THE CITY OF MODESTO

Introduced by Shastid Seconded by Smith

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

CONSIDER REQUEST BY STANISLAUS FOOD PRODUCTS FOR VARIANCE TO ENCROACH ON PUBLIC RIGHT OF WAY

RESOLUTION NO. 66-380

A RESOLUTION SETTING TIME AND PLACE FOR HEARING REQUEST OF STANISLAUS FOOD PRODUCTS FOR VARIANCE TO ENCROACH ON PUBLIC RIGHT OF WAY

Introduced by Shastid Seconded by Smith

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

June 6, 1966 at 5:35 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

APPROPRIATION TRANSFER OF $825 FOR STAFF HANDLING OF TRAFFIC SIGN WORK

RESOLUTION NO. 66-381

A RESOLUTION APPROVING APPROPRIATION TRANSFER - $825 FOR TRUCK AND EQUIPMENT AND STAFF HANDLING OF TRAFFIC SIGN WORK

Introduced by Shastid Seconded by Smith

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

APPROPRIATION TRANSFER OF $2,500 FOR REPAIR OF TUOLUMNE RIVER SEWER LINE INVERTED SIPHON

RESOLUTION NO. 66-382

A RESOLUTION APPROVING APPROPRIATION TRANSFER - $2,500 FOR REPAIR OF TUOLUMNE RIVER SEWER LINE INVERTED SIPHON

Introduced by Shastid Seconded by Smith

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

CONSIDER AUTHORIZING CITY STAFF TO JOIN WITH STANISLAUS COUNTY IN JOINT BID CALL FOR ANNUAL REQUIREMENTS OF GASOLINE COMMENCING JULY 1, 1966

MOTION

That the staff be authorized to join with Stanislaus County in joint bid call for annual requirements of gasoline for one year beginning July 1, 1966

Moved by Smith Seconded by Mitchell Unanimously carried

CONSIDER REQUEST FOR SEWER SERVICE EXTENSION TO PROPERTY LOCATED AT 1518 MORENE WAY

MOTION

That the request for sewer service to property located at 1518 Morene Way be approved

Moved by Smith Seconded by Mitchell Unanimously carried

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR INSTALLATION OF TENNIS COURT LIGHTS FOR GRACEADA PARK

Director of Parks and Recreation Mary Grogan stated that the proposed plans and specifications were for the improvement of electric lighting of four tennis courts at Graceada Park which were presently inadequately lighted. Director of Public Works Campbell stated that the proposed lighting was similar to that installed at the Roosevelt Park tennis court which was proving satisfactory.

RESOLUTION NO. 66-383

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR INSTALLATION OF TENNIS COURT LIGHTS AT GRACEADA PARK

Introduced by VanderWall Seconded by Smith

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

June 7, 1966 at 10:50 A.M. in the City Clerk's office was set as the time and place for opening of bids.

ADOPTION OF ORDINANCE NO. 786-C.S., PREZONING OF THE NORTH 99 ADDITION

ORDINANCE NO. 786-C.S. entitled

"AN ORDINANCE AMENDING SECTION MAP 19-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO TO PREZONE CERTAIN PROPERTY LOCATED THEREON (NORTH 99 ADDITION)"

introduced May 16, 1966 and having been published as required, was moved and adopted.

Moved by Smith Seconded by Mitchell

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

ADOPTION OF ORDINANCE NO. 785-C.S. AMENDING THE CODE RELATIVE TO OFF-STREET PARKING

ORDINANCE NO. 785-C.S. entitled

"AN ORDINANCE AMENDING SECTION 3-2.1601 OF ARTICLE 16 OF CHAPTER 2 OF TITLE III OF THE MODESTO MUNICIPAL CODE RELATING TO OFF-STREET PARKING"

introduced May 16, 1966 and having been published as required, was moved and adopted.

Moved by Smith Seconded by Mitchell

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

RENEWAL OF CATASTROPHE LIABILITY (UMBRELLA) INSURANCE AND RENEWAL OF AIRPORT COMPREHENSIVE LIABILITY INSURANCE 1-70

Director of Finance Bird stated, upon questioning, that bids had been solicited for the Catastrophe Liability and Airport Comprehensive Liability Insurance by the Modesto Insurance Agents' Association.

A memorandum from the Director of Finance dated May 11, 1966 subject, "Insurance Policy Renewals," was entered into the record of the minutes. The memorandum outlined the provisions and cost of the proposed insurance coverages.

The staff was directed to furnish the Council a tabulation of the insurance companies solicited and the bids received.

By order of the Chair, this matter was held over for two weeks to enable the staff to furnish the report requested.

CONSIDER EMPLOYMENT OF PERSON FOR SUMMER TO CHECK WITH RESIDENTS OF UNINCORPORATED AREAS AROUND THE CITY TO DETERMINE DESIRE FOR ANNEXATION

The City Manager recommended that a person be hired for summer work to contact residents of unincorporated areas bordering the City to determine their desire for annexation. He proposed that a college student be hired for this project, to be under the direct supervision of the City Attorney.

Since public relations were involved in the proposed project, the merits of the abilities of an older individual as opposed to a college student were discussed by the Council. Suggestions were made that perhaps a schoolteacher, a retired individual having civic interests, or a retired city employee might meet the qualifications.

MOTION

That the request for employment of an individual for summer work to check with residents of unincorporated areas to determine their desire for annexation be approved in principle; that the staff be directed to search for a qualified person to do the work

Moved by Shastid Seconded by Patton Unanimously carried

CONSIDER ISSUING CERTIFICATES OF MERIT TO PEOPLE RESPONSIBLE FOR MAKING MODESTO RELAYS A SUCCESSFUL EVENT - 25TH ANNIVERSARY OF MODESTO RELAYS

A list of the persons responsible for the Modesto Relays over the past twenty-five years was entered into the record of the minutes.

RESOLUTION NO. 66-384

A RESOLUTION AUTHORIZING STAFF TO PREPARE CERTIFICATES OF MERIT UPON THE OCCASION OF THE 25TH ANNIVERSARY OF THE MODESTO RELAYS

Introduced by Hughes Seconded by Patton

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

CONSIDER AGREEMENT BETWEEN CITY AND EAST MODESTO INDUSTRIAL WASTE CO. FOR GARBAGE DISPOSAL AREA

The following documents were entered into the record of the minutes: Memorandum from Deputy City Manager dated May 19, 1966 subject, "Lease Agreement - Garbage Disposal Site," with proposed agreement between the City and East Modesto Industrial Waste Company covering the proposed lease of 27 acres of land by the City for use as a garbage disposal area attached.

The City Manager stated that the proposed lease was for a period of five years with option to renew at the end of that time, provided the venture was not creating a nuisance and sufficient disposal area was still available; that it was proposed that the disposal area also be available to county residents.

RESOLUTION NO. 66-385

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND EAST MODESTO INDUSTRIAL WASTE COMPANY FOR GARBAGE DISPOSAL AREA

Introduced by VanderWall Seconded by Patton

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

HEARING ON PROPOSED ANNEXATION OF COFFEE ADDITION

Mayor Johansen announced that the hour of 7:50 P.M. had arrived, the time set for consideration of the proposed annexation of Coffee Addition to the City of Modesto, and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Tribune and Turlock Daily Journal on April 21 and 28, 1966, and notices mailed to all property owners in the area and other interested parties on April 28, 1966. No written protests were filed with the City Clerk.

Planning Commission Resolution No. 66-35 recommends that the area be annexed to the City.

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

RESOLUTION NO. 66-386

A RESOLUTION DECLARING THAT A MAJORITY PROTEST HAS NOT BEEN MADE AGAINST THE ANNEXATION OF CERTAIN UNINHABITED TERRITORY TO THE CITY OF MODESTO KNOWN AS COFFEE ADDITION AND DECLARING THE INTENTION OF THE COUNCIL TO PROCEED WITH THE ANNEXATION OF SAID TERRITORY

Introduced by Shastid Seconded by Smith

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

ORDINANCE NO. 788-C.S. entitled

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

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

Moved by Shastid Seconded by Smith

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

LEGISLATIVE MATTERS - None

REPORT ON COST OF INSTALLATION OF WATER MAINS

The following documents were entered into the record of the minutes: Memorandum from Director of Public Works dated May 18, 1966, subject, "Cost of Installation of Water Line on the West Side of McHenry Avenue between Bowen Avenue and to a Point 180' North of Norwegian Avenue (Work Order 5313)"; memorandum from Director of Public Works dated May 18, 1966, subject, "Cost of Installation of a water line in Orangeburg Avenue, Block 6296, from Evergreen Road Southerly to Prescott Plaza Subdivision (W.O. A5491)"

MOTION

That the reports on cost of installation of water mains of the two projects listed be accepted

Moved by Shastid Seconded by Mitchell Unanimously carried

REPORT ON IMPROVEMENTS SCHEDULED FOR PIERRE PARK

The City Manager reported that plans were now underway to install 675 feet of curbing and a sprinkler system at Pierre Park; that funds for the project would be utilized from the Miscellaneous Park Improvements Account. Estimated cost is $2,050. Director of Parks and Recreation Grogan stated that annual maintenance costs would be about $500.

MOTION

That the improvements scheduled for Pierre Park be approved

Moved by Hughes Seconded by Shastid Unanimously carried

JOINT CITY-COUNTY MEETING - RECREATION PROGRAM WITH STATE FUNDS

Mayor Johansen announced that a joint City-County meeting would be held in the Board of Supervisors' Chambers on May 26, 1966 at 7:30 P.M. to discuss with each city in the County the possibility of a joint recreation program with funds available from the State for this purpose. State funds in the amount of $54,000 are available.

Mayor Johansen stated that he had received a letter from County Administrator Dixon indicating that Supervisors Ruggieri and Fahey have been appointed by the Board of Supervisors to serve on a committee with members of the City Council to study the joint development of the Tuolumne River regional park.

MOTION

That the staff be instructed to inform the County Board of Supervisors of the City's interest in the use of available state funds for the development of the Tuolumne River area park

Moved by VanderWall Seconded by Smith Unanimously carried

HEARING ON PROPOSED ANNEXATION OF THE MORNINGSIDE HEIGHTS ADDITION

Mayor Johansen announced that the hour of 8:00 P.M. had arrived, the time set for consideration of the proposed annexation of Morningside Heights Addition to the City of Modesto, and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Tribune and Turlock Daily Journal on April 21 and April 28, 1966; notices mailed to each property owner in the area and other interested persons on April 28, 1966. No written protests were filed with the City Clerk.

Planning Commission Resolution No. 66-32 recommends that the area be annexed to the City.

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

RESOLUTION NO. 66-387

A RESOLUTION DECLARING THAT A MAJORITY PROTEST HAS NOT BEEN MADE AGAINST THE ANNEXATION OF CERTAIN UNINHABITED TERRITORY TO THE CITY OF MODESTO KNOWN AS MORNINGSIDE HEIGHTS ADDITION AND DECLARING THE INTENTION OF THE COUNCIL TO PROCEED WITH THE ANNEXATION OF SAID TERRITORY

Introduced by VanderWall Seconded by Smith

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

ORDINANCE NO. 789-C.S. entitled

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

was introduced and adopted and ordered printed, as required by the Charter.

Moved by VanderWall Seconded by Smith

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

MATTERS FOR THE GOOD OF THE COMMUNITY

Appointments to Human Rights Commission

RESOLUTION NO. 66-388

A RESOLUTION CONFIRMING APPOINTMENTS TO THE MODESTO HUMAN RIGHTS COMMISSION (Mary L. Walton for a 3-year term ending May 1, 1969; Perry Reel, 2-year term ending May 1, 1968, filling unexpired term of Thomas Ice)

Introduced by Shastid Seconded by Mitchell

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

Appointment to Farm-City Committee

RESOLUTION NO. 66-389

A RESOLUTION CONFIRMING APPOINTMENT OF HENRY KAMPS, JR., TO THE FARM-CITY ADVISORY COMMITTEE (To fill out term of George Gagos, ending May 1, 1967)

Introduced by VanderWall Seconded by Mitchell

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen

Visit of Ross Miller, Former City Manager, to Barranquilla

Councilman Mitchell reported that former City Manager Ross Miller was leaving for South America this week, and planned to visit Modesto's sister city Barranquilla.

MOTION

That the Mayor be authorized to furnish Mr. Miller a letter of introduction to the Mayor of Barranquilla, and also a general letter of introduction for use in other cities

Moved by VanderWall Seconded by Smith Unanimously carried

Discussion of Possible Bond Election for Sewage Treatment Plant Expansion 3-18

The City Manager reported that if the City's application for federal funds for the expansion of the sewage treatment plant was successful, a bond election would have to be held; that the earliest possible date for the bond election was October, 1966. Mr. Keefe said that he had noted in the newspaper that the Schools have scheduled a bond election in the latter part of September, 1966.

The Council discussed the following: The need for proper timing of the two proposed bond elections; whether or not the elections could be combined; the need to work with the Schools on the matter.

MOTION

That the staff be instructed to arrange a meeting between the School Board, City Council, and respective staffs to discuss the pending elections

Moved by VanderWall Seconded by Mitchell Unanimously carried

HEARING BY DIVISION OF HIGHWAYS ON JENNIE STREET ONE-WAY COUPLET 3-90

Mayor Johansen announced that the hour of 8:10 P.M. had arrived, the time set for a hearing to be conducted by the State Division of Highways on a proposed one-way couplet on Jennie and Grand Streets.

Bruno Dentino, Assistant District Engineer, District X, Division of Highways, was introduced by Mayor Johansen, and opened the hearing. Irwin Rosa, District Advance Planning Engineer, Homer Sassenberry, Assistant District Advance Planning Engineer, and Gary Robinson, Maintenance Engineer, District X, were introduced by Mr. Dentino.

Mr. Dentino said that the public hearing was scheduled as a joint meeting with the Council to consider the possible use of Jennie and Grand Streets, between D Street and Las Flores Avenue, as a one-way couplet for State Route 132; that the hearing was being held in accordance with a policy of the State Highway Commission, to obtain the City's reaction to the route studies and to meet requirements of the federal government when federal funds may be involved. Mr. Dentino informed the Council that any written information the Council wished to submit to the Division of Highways could be done within thirty days following the hearing, would become a part of the transcript, and should be sent to Mr. John G. Meyer, Post Office Box 2048, Stockton.

Mr. Irwin Rosa presented the engineering findings to the Council. A typical section map was displayed, showing a length of Route 132, a little less than one-half mile in length, between D Street and Las Flores. Mr. Rosa indicated on the map the proposed one-way couplet, Grand Avenue from D Street, joining Yosemite Boulevard near Las Flores; the existing portion of Jennie Street, just north of Grand Avenue, to be extended across Dry Creek and joining Yosemite Boulevard at Las Flores.

Mr. Rosa said that Grand Street was presently carrying about 18,000 cars a day; that since the financing of the freeway development in this area was years away, it would be desirable to improve the existing highway on an interim basis to handle the increasing traffic volume, to tie in with the proposed widening of Yosemite Boulevard to four lanes, a city-county-state venture. He said that the proposed one-way couplet would provide traffic relief; that the Streets and Highways Code permits the California Highway Commission to adopt any portion of any city street that parallels a state highway as part of the highway system on certain conditions--if traffic conditions can be improved through the use of a pair of streets as a one-way couplet, and provided the City is willing to pass an ordinance establishing such one-way use. It was proposed that Grand Street carry east-bound traffic, and Jennie west-bound traffic. Mr. Rosa outlined two intersection treatments at 14th and 15th Streets which he said would have to be discussed with

the city staff before a final plan is determined. He said that the proposed couplet would also fit a pair of one-way streets on 14th and 15th Streets, if the City so chose; that the proposal called for both Grand and Jennie to be 42 feet between curbs - two traffic lanes 12 feet wide, with nine-foot parking lanes on each side; that the right of way costs were estimated at $44,000; utilities about $81,000; construction costs $339,000; total cost $464,000.

Mr. Rosa and Mr. Dentino were questioned by members of the Council and citizens in the audience on the following: The timing of the proposed project; (about three years to prepare the plans and acquire the rights of way, with actual construction taking about one year); plans for the existing bridge on Grand Street (presently 25 feet wide and proposed to be widened to at least 32 feet, or between 32 and 40 feet); whether or not the proposed one-way couplet could proceed independently of the widening of Yosemite Boulevard (Mr. Dentino stating that it could, being dependent upon the financing available); city participation; whether or not an alternate proposal existed (Mr. Dentino stating that an alternative would be to widen Grand Avenue and leave it two-way, which would be disadvantageous since it will eventually meet a one-way couplet within the City, depending upon the street pattern eventually decided upon within the City; whether or not signalization of the intersections would be part of the couplet project; the number of years the proposed couplet will be adequate to handle traffic (20 years); provisions proposed to permit safe crossing for school children living in the area; type and length of bridge proposed at the Jennie Street extension; effect of the couplet on the Burney Street traffic pattern.

There being no further questions, the hearing was closed.

HEARING ON USE PERMIT APPLICATION FOR CONVALESCENT HOSPITAL

Mayor Johansen announced that the hour of 8:20 P.M. had arrived, the time set for consideration of the application of Inter-Valley Title Company for a convalescent hospital to be located on Lots 1 through 5, Block 6059A, at the southeast corner of Florida and West Coolidge Avenues, and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Tribune on May 12, 1966 and notices posted and distributed in the area on May 12, 1966. No written protests were filed with the City Clerk.

Planning Commission Resolution No. 66-45 recommends that the unclassified use permit be granted to Inter-Valley Title Company for a convalescent hospital.

Louis Zamora, agent for Inter-Valley Title Company, asked that the unclassified use permit be granted on the basis that the use was compatible with the commercial zoning on the east, and Doctors' Hospital on the west side of the property. He assured the Council that the fencing would be maintained, along with the buildings.

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

Condition No. 2 of Planning Commission Resolution No. 66-45, requiring that a 6-foot redwood, view-obscuring fence be constructed along the easterly and southerly property lines, and permanently maintained, was discussed.

Upon questioning as to how this provision could be enforced, the City Attorney stated that this could be done by revoking the use permit, or by requiring a bond or security. Mr. Johnson said that if the permit were revoked, the hospital would be operating in violation of the zoning code, and legal action could be taken to force maintenance of the fence, and penalties imposed.

Condition of the fence on the west side of the alley between Alma and McHenry Avenues, and status of improvements of portions of the fence were discussed.

A suggestion was made that consideration be given to requiring masonry fencing rather than redwood, to eliminate the problem of maintenance. Director of Planning Fey stated that in areas where the fencing is adjacent to property having wood fencing - residential zones and uses of this nature - wood fencing is required rather than masonry.

Upon questioning, Associate Planner Nichols stated that the cost of masonry fencing was about $7.00 per running foot; redwood fencing, about $2.00 per running foot.

RESOLUTION NO. 66-390

A RESOLUTION GRANTING AN UNCLASSIFIED USE PERMIT TO INTER-VALLEY TITLE COMPANY FOR A CONVALESCENT HOSPITAL (Subject to conditions outlined in Planning Commission

Resolution No. 66-45)

Introduced by Mitchell Seconded by VanderWall

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

HEARING ON REQUEST FOR BLACKTOPPING OF SIDEWALK AREA (KIRKPATRICK HOMES, INC.)

Mayor Johansen announced that the hour of 8:25 P.M. had arrived, the time set for consideration of the request of Kirkpatrick Homes, Inc., for a variance to permit the installation of blacktopping in the sidewalk area on property located on Maze Boulevard, approximately 700 feet west of Emerald Avenue, and opened the hearing.

The following documents were entered into the record of the minutes: Letter from Kirkpatrick Homes, Inc., dated May 5, 1966 requesting the variance; memorandum from Director of Public Works dated May 19, 1966, subject, "Request for Variance to Permit Blacktop Driveway on Maze Boulevard Approximately 700' West of Emerald Avenue." The Director of Public Works recommended that a variance be granted subject to certain conditions.

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

RESOLUTION NO. 66-391
A RESOLUTION APPROVING REQUEST OF KIRKPATRICK HOMES, INC., FOR A VARIANCE TO PERMIT CONTINUED USE OF BLACKTOP IN SIDEWALK AND STREET AREA ON MAZE BOULEVARD, APPROXIMATELY 700 FEET WEST OF EMERALD AVENUE

Introduced by Shastid Seconded by Hughes

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

MATTERS FOR THE GOOD OF THE COMMUNITY

Request of Monte Lukov, Representing American Legion Baseball Program, for Funds

Monte Lukov stated that the American Legion Baseball program was experiencing difficulty on the following problems: Increase in the cost of lighting for the use of Del Webb Field, now $35 per night; furnishing of a groundskeeper by the American Legion, which has not been necessary in the past (about $10 per day).

Mr. Lukov itemized costs of the baseball program, stating that total cost was between $3,000 and $3,500. He said that the Legion had been sponsoring a baseball program since 1928, that approximately 60 boys between the ages of 16 and 18 participated in the program.

Upon questioning, Mr. Lukov said that the Legion would appreciate the City paying for the lighting for the use of Del Webb Field (about $630); that he had discussed his problem with the Director of Parks and Recreation and determination made that his request would have to be presented to the Council since no funds were available in the Parks and Recreation budget for this purpose; that this request was in addition to the one submitted several months ago for umpire fees ($240); that the Legion was able to finance its own program last year through the concession rights at Del Webb Field.

The request was discussed by the Council. Mr. Lukov was asked to meet with the Director of Parks and Recreation, and to appear at the budget hearing tomorrow at 4:00 P.M. to further discuss the request.

Lee Hampson spoke briefly in support of the request.

EXECUTIVE SESSION TO FURTHER CONSIDER ACQUISITION OF 9TH AND J STREETS PARKING LOT (LEWIS PROPERTY)

MOTION

That the meeting adjourn to executive session to consider further the acquisition of the 9th and J Streets parking lot

Moved by Smith Seconded by Hughes Unanimously carried

The meeting adjourned at 9:53 P.M.

ATTEST: Rex E. Gailfus
REX E. GAILFUS, City Clerk 5-23-66

The Council of the City of Modesto met in adjourned special session this date at 4:00 P.M. in the Council Chambers, City Hall, 801 11th Street, Modesto, California, Mayor Johansen presiding, to further consider the 1966-67 budget.

Present: Councilmen: Mitchell, Shastid, VanderWall, Mayor Johansen

Absent: Councilmen: Hughes, Patton, Smith

Music and Promotion - 61 (page 50)

The Council discussed Account 448, Convention Promotion, with $2,300 budgeted. It was the consensus of the Council that this item should not be budgeted as a recurring item.

Upon questioning, Chamber of Commerce Manager Joe Good stated that approximately $1,100 was spent from the $2,000 allocated the Chamber for this purpose last year.

MOTION

That Account 448, Convention Promotion, in the amount of $2,300, be deleted from the budget of proposed expenditures; that the remainder of the proposed budget be tentatively approved

Moved by VanderWall Seconded by Mitchell Unanimously carried

Insurance and Retirement - 64 (page 51)

Director of Finance was questioned on the sharp increase in Account 424, O.A.S.D.I. Contribution and Account 426, Group Health.

No action was taken by the Council pending a decision on the cost of catastrophe liability insurance, to be considered at a later council meeting.

Miscellaneous Unclassified - 65 (page 52)

Account 238, Elections, $13,000

Mayor Johansen noted that funds were not included in this account for the bond election for the sewage treatment plant expansion, stating that the election would be necessary whether or not a federal grant was approved. The staff was directed to check if the bond election costs were recoverable from the bond issue.

No action was taken by the Council.

Account 418, Airline Negotiations, $6,000

The City's contract with Howard Boros, attorney representing valley cities in the United Air Lines' withdrawal of service from San Joaquin Valley, was discussed, and the amount budgeted questioned. Director of Finance Bird stated that he would check with the City Attorney on the status of the hearings.

Library - 62 (page 55)

The following accounts were discussed by the Council: The increase in Account 240, Contractual Services, $58,500; Accounts 401, 411, 424, 425, 426, now picked up by the County.

MOTION

That the budget of proposed expenditures for Library, 62, be tentatively approved

Moved by VanderWall Seconded by Mitchell Unanimously carried

BOND REDEMTPION AND INTEREST REQUIREMENTS (page 57)

MOTION

That the Bond Redemption and Interest Requirements budget of proposed expenditures be tentatively approved

Moved by Shastid Seconded by VanderWall Unanimously carried

CONSIDERATION OF SUPPLEMENTAL REQUESTS

City Manager - 8 (page 19)

MOTION

That the supplemental request for Conference Expense, $375, for Advance Management Conference in Chicago for Deputy City Manager be tentatively approved

Moved by VanderWall Seconded by Mitchell Unanimously carried

Finance Department - 15 (page 23)

Supplemental Request - Additional person with general office background to work half-time on business license enforcement collection problems and half-time purchasing - $5,976

Business license enforcement was discussed at length by the Council. Director of Finance outlined the results of a field check by employees which within a few hours revealed 17 businesses operating without a license in the City.

The possibility of Building Inspectors checking on the licensing of contractors and subcontractors on construction jobs was discussed.

Mr. Bird described the present methods employed to enforce licensing, stating that a more thorough job could be done with additional help. He pointed out that the individual would also help in auditing businesses and assist the Purchasing Officer.

Enforcement of licensing trucks making deliveries within the city, and the effectiveness of enforcement by the Police Departments of other cities was discussed.

Also suggested was the hiring of a college student for the summer to check each existing business in the downtown business area as to whether or not a license to operate has been obtained, and if the experience justified, to do the same in the more thinly populated business areas.

Director of Finance Bird also mentioned the importance of auditing businesses to insure proper report of gross receipts.

No action was taken by the Council. The staff was directed to submit a report on what other cities are doing on business license enforcement.

Supplemental Request, Music and Promotion, page 50

Umpire Fees, and sports equipment for Bel Passi Little League

A memorandum from the Director of Parks and Recreation dated May 19, 1966, subject, "Request from Bel Passi Ball Park Association for Assistance with Little League Program," was entered into the record of the minutes. Recommendation was made that the request be granted, and that the $710.75 requested be distributed on a cash basis to eliminate city involvement in bookkeeping, insurance and overhead costs. The recommendation was made on the basis of providing the same services to this section of the city as is now provided the rest of the community. These funds were requested by the Bel Passi Ball Park Association in a letter to the City Council dated March 15, 1966.

Clyde Johnson, 2321 Vickie Drive, stated that about 90% of the boys involved resided in the city, although the park where the games are played is outside the city limits.

Upon questioning, Miss Grogan stated that no afterschool programs were conducted in the five schools in the Sylvan School District; that if the requested funds were budgeted in Parks and Recreation, the umpires would be on the city payroll, would have to be recruited, time sheets would have to be kept, etc., which would increase the City's costs.

The request was discussed by the Council. The staff was directed to provide a more thorough report on which to base its recommendation.

Supplemental Request - Umpire Fees for American Legion ball teams

A memorandum from Director of Parks and Recreation Grogan dated May 18, 1966, subject, "Request from American Legion for Assistance with Legion Baseball," was entered into the record of the minutes. In a letter to the Parks and Recreation Department dated March 17, 1966, Monte Lukov, Chairman, American Legion Baseball, requested that financial assistance be given the American Legion Baseball program to provide at least one umpire for each 24-game home schedule. Miss Grogan recommended that the request be denied on the basis that American Legion Baseball has always been exclusively handled by the American Legion in the various communities; that it did not appear that there should be difficulty is raising necessary funds to continue the program on the same basis that it has been conducted in the past.

Mr. Lukov spoke briefly on the increased cost factors involved, and the difficulties encountered in meeting them.

The Council discussed whether the contribution requested would constitute the proper use of city funds since the team was sponsored by a private organization.

No action was taken by the Council. The staff was directed to bring this to the Council for further consideration.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned to May 26, 1966 at 4:00 P.M.

The meeting adjourned at 5:33 P.M.

ATTEST: _____
REX E. GAILFUS
City Clerk

Modesto City Council
May 26, 1966

The Council of the City of Modesto met in adjourned special session this date at 4:00 P.M. in the Council Chambers, City Hall, 801 11th Street, Modesto, California, to further consider the 1966-67 budget, Mayor Johansen presiding.

Present: Councilmen: Mitchell, Smith, VanderWall, Mayor Johansen
(Councilman Hughes arrived at 4:13 P.M.)
Absent: Councilmen: Patton, Shastid

Business License Enforcement

A memorandum from the Director of Finance dated May 26, 1966, subject, "Business License Enforcement," was entered into the record of the minutes. This memorandum supports the supplemental request for an additional person with general office background to work half time on business license enforcement collection problems and half time purchasing.

MISCELLANEOUS UNCLASSIFIED - 65 (page 52)

Account 418 - Airline Negotiation - $6,000

The City Attorney stated that the $6,000 budgeted in this account covered $1,000 out-of-pocket expenses for Attorney Howard Boros, the attorney representing the City in the United Airlines' case, and other miscellaneous expenses therewith, and $5,000 annual fee for calendar year 1967 in the event his services are further required, dependent upon the decision of the Civil Aeronautics Board. He said that $5,000 could be left in the account, or deleted at this time and, if needed at a later date, taken care of by an appropriation transfer.

The term of the contract with Mr. Boros was discussed by the Council.

MOTION

That Account 418, Airline Negotiation, be reduced from $6,000 to $1,000 to cover Mr. Boros' out-of-pocket and other incidental expenses connected with the United Airlines' proposed withdrawal of service from San Joaquin Valley; that the contract with Mr. Boros be renegotiated if an appeal is filed

Moved by Mitchell Seconded by Smith Unanimously carried

The City Attorney said that he would correspond with Mr. Boros to check the suggestion that county governmental agencies and residents in the community be asked to write to our legislative representatives and other officials in Washington, D.C. asking their support of the opposition to the proposed withdrawal of service; that after hearing from Mr. Boros, this matter would be placed on the June 20th agenda for report to the Council.

Account 238 - Elections

The effect of approval of the school unification proposition at the June 7th primary election upon this account was discussed. The City Attorney stated that if the proposition was approved, this account could be reduced to the estimated cost of a city election only; that in this event, the Council could also consider possible amendment to the City Charter to eliminate the provisions relating to the Board of Education because they would become inoperative.

No action was taken by the Council on this item.

SUPPLEMENTAL REQUEST - FINANCE (page 23)

Additional Person - Business License Enforcement 2-45

Director of Finance Bird reviewed his memorandum dated May 26, 1966, subject, "Business License Enforcement," which tabulated the number of employees in field and office performing business license enforcement, the number of businesses, and revenue of the cities of Modesto, Fresno, Stockton and Sacramento.

The Council discussed the following: The supplemental request for an additional

person for business license enforcement; proposed assignment of duties; enforcement of licensing of trucks making deliveries in the city; adjustment of Finance Department workload to permit time for outside field audits by present personnel.

MOTION

That the supplemental requests submitted by the Finance Department be tentatively approved

Moved by VanderWall Seconded by Smith Unanimously approved

SUPPLEMENTAL REQUEST - PLANNING DEPARTMENT (page 25)

The supplemental request submitted by the Planning Department for redistribution of authorized positions and to fill the position of Senior Planner was discussed by the Council.

Director of Planning Fey was questioned by the Council on the number of authorized persons on the planning staff in comparison to cities of a like size; possible future inhabited annexations; the importance of proper planning; the recommendation on authorized personnel made by Griffenhagen-Kroeger in its Planning Department review in March, 1963; the reasons for recommending that the position of Senior Planner be filled (to provide advancement opportunities within the department); work connected with the downtown plan within the realm of the Planning Department.

MOTION

That the supplemental request of the Planning Department for a redistribution of authorized positions to include filling of the position of Senior Planner be tentatively approved

Moved by Smith Seconded by VanderWall Unanimously carried

SUPPLEMENTAL REQUEST - CITY HALL (page 26)

The need for the exhaust fans requested was outlined by Director of Public Works Campbell.

MOTION

That the supplemental request for exhaust fans for the boiler room and portion of storage area under the sidewalk, and screened louvers be tentatively approved

Moved by Smith Seconded by VanderWall Unanimously carried

SUPPLEMENTAL REQUEST - FIRE (page 27) 5-71

Assistant Fire Chief Bob Gunn was questioned on the supplemental requests for two additional lieutenants and three engineers (to be effective approximately 1-1-67), additional panel truck for the fire prevention bureau, and maintenance and repair, auto equipment; the effect of the additional personnel on the City's fire rating.

Upon questioning, the City Manager said that it would be feasible to hire the five additional personnel effective March 1, 1967 instead of January 1, 1967 as requested if the Council so desired.

MOTION

That the supplemental request of the Fire Department for five additional personnel be approved effective four months before the end of fiscal year 1966-67; that the remaining supplemental requests be approved

Moved by VanderWall Seconded by Mitchell Unanimously carried

ADJOURNMENT

MOTION

That the meeting now in session be adjourned to May 31, 1966 at 4:00 P.M.

Moved by Smith Seconded by Mitchell Unanimously carried

The meeting adjourned at 5:30 P.M.

ATTEST: Rex E. Gailfus
REX E. GAILFUS, City Clerk

Modesto City Council
May 31, 1966

The Council of the City of Modesto met in adjourned special session this date at 4:00 P.M. in the Council Chambers, City Hall, 801 11th Street, Modesto, California, to consider further the preliminary budget for fiscal year 1966-67, Mayor Johansen presiding.

Present: Councilmen: Mitchell Shastid, Smith, VanderWall, Mayor Johansen
(Councilman Patton arrived at 4:10 P.M.)
Absent: Councilmen: Hughes

SUPPLEMENTAL REQUEST - POLICE DEPARTMENT (p. 28)

The supplemental requests submitted by the Police Department were considered by the Council at the May 17th meeting.

Captain McKinsey was questioned by the Council on the various supplemental requests, and as to whether the Police Department was doing anything to prevent crime in the way of public education, etc. Captain McKinsey stated that nothing much was being done in this field except through contacts with youth groups through the schools.

Cooperation of local agencies and service groups with the Police Department was discussed.

MOTION
That the supplemental requests of the Police Department be tentatively approved

Moved by Shastid Seconded by Patton Unanimously carried

SUPPLEMENTAL REQUEST - DISASTER & CIVIL DEFENSE (p. 29)

MOTION
That the supplemental requests of Disaster & Civil Defense be tentatively approved

Moved by Shastid Seconded by Patton Unanimously carried

SUPPLEMENTAL REQUEST - PARKS & RECREATION - RECREATION (p. 31)

Increase in the budget of proposed expenditures, Account 120, Part-time, from $62,882 to $82,494 in two years, was questioned by the Council and explained by the City Manager. The staff was directed to present an explanatory report to the Council in the future, when such sizable increases occur.

MOTION
That the supplemental request submitted by Parks & Recreation - Recreation Division, be tentatively approved

Moved by Shastid Seconded by Patton Unanimously carried

SUPPLEMENTAL REQUEST - PARKS & RECREATION - PARKS (p. 34)

MOTION
That the supplemental request for equipment rental charges be tentatively approved

Moved by Shastid Seconded by Patton Unanimously carried

PARKS & RECREATION - STREET TREES (p. 35) 2-30

MOTION
That the supplemental requests submitted by Parks & Recreation, Street Trees, be tentatively approved

Moved by Shastid Seconded by Patton Unanimously carried

PARKS & RECREATION - 9-HOLE GOLF COURSE (p. 36)

MOTION
That the supplemental requests for Parks & Recreation, 9-Hole Golf Course, be tentatively approved

Moved by Shastid Seconded by Patton Unanimously carried

PARKS & RECREATION - DRYDEN PARK MUNICIPAL GOLF COURSE (p. 37)

Test existing well on driving range for water capacity and quality, $500

Park Superintendent Bill Brown was questioned about the need for this project. He said that, if proven satisfactory for development, the well would alleviate pressure problems which presently affect the Sewage Treatment Plant; that cost of drilling a new well at a more appropriate location would be about $10 per foot for an estimated depth of 50 feet. Director of Public Works Campbell stated that the cost of drilling and developing two wells across the river was between $2,500 - $3,000 for each well; that it might be well to attempt to get by for one more year because of the possibility that expansion of the sewage treatment plant will eliminate the need for chlorination at the existing plant site, and eliminate the problem of reduced pressure.

MOTION

That testing of the existing well on driving range for water capacity ($500) be eliminated from the Dryden Park Municipal Golf Course supplemental requests

Moved by Smith Seconded by Mayor Johansen Unanimously carried

Additional fertilizer for golf course fairways

Use of poultry manure on the golf course fairways was suggested, Mr. Brown stating that poultry manure had not been considered because of objectionable odors. He said that consideration had been given to the use of sludge from the sewage treatment plant, but not pursued for the same reason. He pointed out that poultry fertilizer, sewage sludge, and many other organic fertilizers were quite low in plant nutrients, although high in organic materials, particularly if left in corrals, etc., for a given period of time.

Councilman Smith said it was his understanding, from contacts with poultry producers, that poultry manure was readily obtainable without great expense except for transportation; that he believed, if applied at the right time, the odor problem could be overcome. He said that he would contact several sources as to where the manure could be obtained, the information to be passed to Mr. Brown.

Present cost of fertilizing the two golf courses was discussed.

MOTION

That the supplemental requests submitted by Parks and Recreation, Dryden Park Municipal Golf Course, for rental of new sod cutter and additional fertilizer for the golf course fairways be approved

Moved by VanderWall Seconded by Patton Unanimously carried

MUSIC & PROMOTION (p. 50)

Little League Umpire Fees - Bel Passi

This matter was considered by the Council at the May 24th budget hearing, and the staff directed to provide a more thorough report to substantiate its recommendation.

Director of Parks & Recreation Grogan reported that 233 boys were on the roster of the Bel Passi teams; 128 resided in the city limits (about 55%). She stated that about 1,500 boys were enrolled in the city little league teams (75 teams); that the City spends approximately $3,158, a per capita cost of about $2.11, providing basically umpire fees and balls. In the Babe Ruth League, 285 boys are enrolled (19 teams) for a total cost to the City of $916, for essentially the same services as above, at a per capita cost of $3.21.

Since this was fundamentally community recreation, a suggestion was made by Councilman Mitchell that it would be more logical to place this item in the Recreation budget and handle it by contract. Miss Grogan stated that she did not specifically ask that this item be placed in Music and Promotion, but suggested that the grant be made directly to

Bel Passi Park Association so that the overhead cost of hiring and supervising people could be avoided.

Director of Finance Bird stated that the account could be placed in the Recreation budget; that it would fall under a special category and not be classified as salaries and wages, similar to the manner in which other items under Music and Promotion are handled, where a request is submitted to the Council for review and approval before payment is made.

Upon questioning, Clyde Johnson, representing Bel Passi Park Association, stated that the Association spent over $5,000 last year for the baseball program, which included ball park improvements.

Establishment of a formula for allocation of funds to Bel Passi baseball was discussed. It was the consensus that the formula should be the number of boys involved (140) times the per capita cost for little league baseball ($2.11). Miss Grogan concurred on the basis that it would be consistent with the sum presently provided baseball programs within the city limits.

MOTION

That $295 be budgeted for the Bel Passi Little League in the Parks and Recreation, Recreation Division Budget (Account 449); that the matter be handled by agreement with the City rather than the City providing supervision

Moved by VanderWall Seconded by Patton Unanimously carried

Umpire Fees, American Legion ball teams

This matter was discussed by the Council at the May 24, 1966 budget meeting, with no action taken and the staff was directed to bring the matter back to the Council for further consideration. In a memorandum dated May 18, 1966 Director of Parks and Recreation Grogan recommended that the request be denied on the basis that American Legion Baseball has always been exclusively handled by the American Legion in various communities; that it did not appear that there should be difficulty in raising necessary funds to continue the program on the same basis as conducted in the past. Miss Grogan stated that the per capita cost to the City for the boys enrolled in the Babe Ruth League was $3.21.

Upon questioning, Lee Hampson, representing the American Legion, stated that the 60 boys enrolled in American Legion baseball all attended Modesto City schools.

Lee Hampson briefly reviewed the history of American Legion baseball sponsorship, how funds are raised, etc. He said that this year the baseball club was faced with an increased budget of $2,100 partly caused by the increased cost of lighting at Del Webb Field. He said that it was hoped that amicable arrangements could be made with the Manager of the Modesto Reds Baseball team.

It was suggested that funds be budgeted for the American Legion baseball program on the basis of the formula of 60 boys times the per capita cost of $3.21 presently being expended by the City for Babe Ruth baseball within the City. It was further suggested that all such applications in the future be cleared through the Parks and Recreation Department, and a summary of facts be presented to the Council.

MOTION

That $195 be budgeted for American Legion Baseball in the Parks and Recreation, Recreation budget (Account 450).

Moved by Shastid Seconded by Patton Unanimously carried

Mayor Johansen stated that in his capacity as a Legionaire, he had spoken to Mr. Gagliardi and Mr. Batten, Modesto Reds officials, about the financial problems of the American Legion Baseball program; that they indicated that rather than ask their customers for donations, they would prefer to participate by giving a $10 check for each of the 18 night games scheduled, toward payment of the light bill.

SUPPLEMENTAL REQUESTS - PUBLIC WORKS, ENGINEERING & ADMINISTRATION (p. 38)

Request for Engineering Aide, Mandatory Sidewalk Program; Intermediate Typist Clerk, and office equipment

A memorandum from the Director of Public Works dated May 31, 1966 subject, "Staffing Requirement for Mandatory Sidewalk Program" was entered into the record of the minutes. Request was made that the following items be added to the Engineering and Administration supplemental budget in order to implement and carry forward the mandatory sidewalk program recently approved by the Council: Engineering Aide, $5,976; Equipment Rental, $600; total $6,576; to be added to the Service Division supplemental budget, one 2-door sedan, $2,000.

The need for the two additional personnel was outlined by Public Works Director Campbell.

Upon questioning, Mr. Campbell stated that the sooner the Engineering Aide was hired, the sooner the mandatory sidewalk program could be started.

The requests for additional personnel were discussed by the Council.

MOTION

That the supplemental requests of Public Works, Engineering and Administration, as listed in the preliminary budget and memorandum from Director of Public Works dated May 31, 1966 be tentatively approved

Moved by Smith Seconded by VanderWall Unanimously carried

PUBLIC WORKS - INSPECTION (p. 39)

The Council discussed the following: The request for an additional construction inspector; the possibility of using the services of the Unsafe Structure Code inspector in the Building Inspection Department on a part-time basis; slow-down of building construction due to the tightening of credit, which may result in overstaffing by the end of the year; difficulty experienced by the City in recruiting inspectors.

A suggestion was made that during the preparation of future budgets, justification for requests for increased personnel be indicated in the budget in order to eliminate lengthy council discussions.

MOTION

That the supplemental request for an Intermediate Typist Clerk for two hours per day be approved; that the request for an additional Building Inspector and equipment rental be disapproved, with the understanding that if, at the end of six months, conditions are getting tight, a supplemental request can be made at that time; that services of the Unsafe Structure Code inspector be utilized by the Building Inspection Division at his discretion

Moved by Shastid Seconded by Patton

The motion carried, Councilman VanderWall dissenting.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned to June 2, 1966 at 4:00 P.M.

Moved by Patton Seconded by Mitchell Unanimously carried

The meeting adjourned at 5:50 P.M.

ATTEST: _____
REX E. GAILFUS, City Clerk

The Council of the City of Modesto met in adjourned special session this date at 4:00 P.M. in the Council Chambers, City Hall, 801 11th Street, Modesto, California to further consider the 1966-67 preliminary budget, Vice Mayor VanderWall presiding.

Present: Councilman: Mitchell, Patton, Smith, Vice Mayor VanderWall
Absent: Councilmen: Hughes, Shastid, Mayor Johansen

SUPPLEMENTAL REQUEST - PUBLIC WORKS - ELECTRICAL (p. 40)

Director of Public Works Campbell was questioned by the Council on the supplemental request for new traffic detectors for the Paradise and Franklin intersection at a cost of $1,498.

MOTION

That the supplemental request - new traffic detectors, Paradise and Franklin, in the amount of $1,498, be tentatively approved

Moved by Patton Seconded by Mitchell Unanimously carried

SUPPLEMENTAL REQUEST - PUBLIC WORKS - AIRPORT (p. 41)

Director of Public Works Campbell explained the need for seal treating of the 5,000-foot runway.

MOTION

That the supplemental requests, Public Works, Airport - painting Hangars No. 1 and 2, and seal treating the 5,000-foot runway be tentatively approved

Moved by Patton Seconded by Mitchell Unanimously carried

Courtesy Car - Airport Manager

The Council discussed the suggestion that a courtesy car be furnished the Airport for use of people arriving at the Airport in private aircraft. The City Manager stated that the Airport Manager was presently being paid $40 per month to cover expenses for the use of his private car in the performance of his duties as airport manager. Several alternatives were suggested.

Director of Finance Bird stated that the total cost per month for use of a city car, including gas, was $50.00 per month.

Liability for the operation of a courtesy car, and whether or not the city would be involved was discussed.

Director of Finance Bird stated that a check had been made on the insurance liability on a courtesy car; that it depended on how the person was permitted to use the car. He said that there was a possibility that the City could be held liable; that he planned to check with the City Attorney to obtain his opinion, and also to check with the City's insurance broker; that the City was not paying the Airport Manager's insurance on his private car presently being used for this purpose, but that the Airport Manager was covered under the City's liability insurance policy while performing city business; that the question to be answered was whether the insurance coverage would extend to courtesy car operation by private individuals, or the City held liable even though the coverage did not extend to those individuals.

With the unanimous consent of the Council, this matter was held over, and the Director of Finance directed to obtain an opinion from the City Attorney.

SUPPLEMENTAL REQUEST - PUBLIC WORKS - WATER (p. 42)

Director of Public Works Campbell stated that the supplemental request for Salaries & Wages, Regular, to provide extra help for three months during transition of Bumgardner Water System to City of Modesto, should be changed from $1,500 to $2,060 to cover a four-month period instead of the three-month period budgeted.

MOTION

That the supplemental request for Salaries & Wages, Regular, for extra help for four

months during transition of Bumgardner Water System to City of Modesto in the amount of $2,060 be approved; that the remaining supplemental requests be approved

Moved by Mitchell | Seconded by Patton | Unanimously carried

SUPPLEMENTAL REQUEST - PUBLIC WORKS - STREETS (p. 44)

MOTION

That the supplemental request for 24 2-foot barricades and flashers in the amount of $461 be tentatively approved

Moved by Patton | Seconded by Mitchell | Unanimously carried

SUPPLEMENTAL REQUESTS - PUBLIC WORKS - SEWERS - (p. 45)

MOTION

That the supplemental requests of Public Works - Sewers, to repair storm water pump at North 9th Street and Lateral No. 3 ($614) and pump replacement at same location ($1,162) be tentatively approved

Moved by Patton | Seconded by Mitchell | Unanimously carried

SUPPLEMENTAL REQUEST - PUBLIC WORKS - GARDEN REFUSE (p. 47)

Director of Public Works Campbell was questioned by the Council in connection with the supplemental requests.

MOTION

That the supplemental requests for Public Works - Garden Refuse, for additional maintenance man and laborer, starting June, 1967 ($845) and equipment rental charges ($3,685) be tentatively approved

Moved by Patton | Seconded by Mitchell | Unanimously carried

ADDITIONAL SUPPLEMENTAL REQUEST - PUBLIC WORKS - ENGINEERING AND ADMINISTRATION - THREE TYPEWRITER REPLACEMENTS (P. 38)

Director of Finance Bird stated that a supplemental request for replacement typewriters for the Engineering and Administration Division of the Public Works Department at a cost of $1,433 was inadvertently overlooked in preparation of the budget.

MOTION

That the supplemental request for three replacement typewriters for Public Works, Engineering and Administration, in the amount of $1,433 be tentatively approved

Moved by Patton | Seconded by Mitchell | Unanimously carried

Lesser cost of maintenance of the "Selectric" IBM typewriter versus the standard make was discussed.

SUPPLEMENTAL REQUESTS, PARKING & TRAFFIC (p. 48)

Director of Parking and Traffic Carmody was questioned in connection with the supplemental request for two men for three months to supplement the paint crew. He said that justification for the request was primarily because of the increase in streets from 160 miles to 203 miles, with markings going up 50% and paint usage 30%.

MOTION

That the supplemental requests, Parking and Traffic (General Fund) be tentatively approved

Moved by Patton | Seconded by Mitchell | Unanimously carried

SUPPLEMENTAL REQUEST - PARKING & TRAFFIC (PARKING FUND) (p. 56)

The City Manager stated that due to the fact that the salaries of parking lot attendants were being increased from $1.00 to $1.25 per hour, it would be necessary to increase the Salaries & Wages, Part-time, Account 120 by $5,000 to take care of this increase.

The Council discussed the following: The possibility of converting validated lots back to metered lots, Mr. Carmody saying that this might be possible on the North Tenth Street lot at a savings to the City of about $2,000 per year; providing a uniform for the parking meter collector.

MOTION

That a uniform allowance be provided for the parking meter collector (rental and cleaning) up to $2.00 per week (Account 226 increased $104)

Moved by Mitchell | Seconded by Smith | Unanimously carried

MOTION

That Account 411, Compensation Insurance, be increased by $126; that Account 120, Part-time Salaries & Wages, be increased $5,000 (Increase of salaries, parking attendants)

Moved by Mitchell | Seconded by Patton | Unanimously carried

MOTION

That the supplemental requests, Parking & Traffic (Parking Fund) be tentatively approved

Moved by Patton | Seconded by Mitchell | Unanimously carried

SUPPLEMENTAL REQUEST, LIBRARY (p. 55)

Upon questioning, Librarian Erlich stated that the full cost of the part-time custodian would be borne by the City; that the County would pay 3/4 and the City 1/4 of the cost of the proposed one-half librarian. Mr. Erlich was also questioned on the proposed placement of the five bicycle racks. He said that the air conditioner was a replacement in an upstairs circulation room and would be salvageable in the event a new library is constructed.

MOTION

That the supplemental requests for the Library be tentatively approved

Moved by Patton | Seconded by Mitchell | Unanimously carried

ADJOURNMENT

MOTION

That the meeting now in session be adjourned to June 7, 1966 at 4:00 P.M.

Moved by Mitchell | Seconded by Smith | Unanimously carried

The meeting adjourned at 5:32 P.M.

ATTEST: _____
REX E. GAILFUS, City Clerk

The Council of the City of Modesto met in regular session this date at 4:00 P.M. in the Council Chambers, City Hall, 801 11th Street, Modesto, California, Acting Mayor VanderWall presiding.

Present: Councilmen: Mitchell, Shastid, Smith, Vice Mayor VanderWall (Councilman Hughes arrived at 4:01 P.M.) (Councilman Patton arrived at 4:08 P.M.)

Absent: Councilmen: Mayor Johansen

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

Reverend R. F. Richter gave the invocation.

APPROVAL OF MINUTES

The minutes of the regular meetings of May 9 and May 16, 1966, and special adjourned meeting of May 17, 1966, were approved.

LETTER FROM DR. ROBERT S. WESTPHAL, HEALTH OFFICER, RESIGNING FROM BOARD OF PLUMBING EXAMINERS AND SUGGESTING CLARENCE WEAVER OF THE STANISLAUS COUNTY HEALTH DEPARTMENT AS REPLACEMENT

A letter from R. A. Canfield, for Robert S. Westphal, M. D., Health Officer, tendering Dr. Westpahl's resignation from the Board of Plumbing Examiners, and recommending the appointment of Clarence Weaver, Stanislaus County Health Department, to fill the vacancy, was entered into the record of the minutes.

RESOLUTION NO. 66-392

A RESOLUTION ACCEPTING RESIGNATION OF DR. ROBERT S. WESTPHAL FROM BOARD OF PLUMBING EXAMINERS

Introduced by Hughes Seconded by Mitchell
Ayes: Hughes, Mitchell, Shastid, Smith, Acting Mayor VanderWall
Noes: None Absent: Patton, Mayor Johansen

PETITION STATING "WE THE UNDERSIGNED ARE INTERESTED IN ANNEXATION," SIGNED BY 196 PERSONS LIVING IN THE EAST LA LOMA AREA

A petition from 196 residents of East La Loma area indicating an interest in annexing to the City of Modesto, was entered into the record of the minutes.

Associate Planning Director Nichols indicated the area expressing interest for annexation - bounded on the East by Riverside Drive; on the North by Edgebrook Drive; on the West by El Vista, with a few signatures from the opposite side of El Vista; on the South by Yosemite Boulevard. Mr. Nichols said that there were about 615 lots in the area, of which 141 were accounted for by the signatures.

By order of the Chair, the petition was referred to the staff to proceed with a study of the area as to interest in annexation.

LETTER FROM J. P. HURST, 1223 SUNRISE AVENUE, MODESTO, IN REGARD TO SEWER IMPROVEMENT AND ANNEXATION IN THE AREA - NELSON EAST TO SARAH; ROSEBURG NORTH TO DAWN

A letter from J. P. Hurst, dated May 28, 1966, stating that many persons in the area - Nelson east to Sarah, and Roseburg north to Dawn, were interested in a sewer improvement district and annexation to the City, was entered into the record of the minutes. Mr. Hurst stated that there were enough people in favor to form a committee to obtain petitions for annexation and indicated that tentative arrangements had been made to meet with members of the staff on June 14, 1966, at John Sutter School.

By order of the Chair, the letter was referred to the staff.

Councilman Patton arrived at 4:08 P.M.

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR THE INSTALLATION OF WATER LINE EXTENSION ON CARPENTER ROAD TO MODESTO CATHOLIC HIGH SCHOOL

RESOLUTION NO. 66-393

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR INSTALLATION OF WATER LINE EXTENSION ON CARPENTER ROAD TO MODESTO CATHOLIC HIGH SCHOOL

Introduced by Smith Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, Acting Mayor VanderWall
Noes: None Absent: Mayor Johansen

June 21, 1966, at 10:40 A.M. in the City Clerk's Office was set as the time and place for opening of bids.

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR THE IMPROVEMENT OF ORANGEBURG AVENUE FROM TULLY ROAD TO MARTIN AVENUE

RESOLUTION NO. 66-394

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR IMPROVEMENT OF ORANGEBURG AVENUE FROM TULLY ROAD TO MARTIN AVENUE

Introduced by Smith Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, Acting Mayor VanderWall
Noes: None Absent: Mayor Johansen

June 21, 1966, at 10:10 A.M. in the City Clerk's office was set as the time and place for opening of bids.

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR INSTALLATION OF WATER LINE EXTENSION IN ORANGEBURG AVENUE, CARVER ROAD TO PRESCOTT PLAZA

RESOLUTION NO. 66-395

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR INSTALLATION OF WATER LINE EXTENSION IN ORANGEBURG AVENUE, CARVER ROAD TO PRESCOTT PLAZA

Introduced by Smith Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, Acting Mayor VanderWall
Noes: None Absent: Mayor Johansen

June 21, 1966, at 10:35 A.M. in the City Clerk's Office was set as the time and place for opening of bids.

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR THE INSTALLATION OF WATER LINE EXTENSION IN ELMWOOD ESTATES NO. 2 SUBDIVISION

RESOLUTION NO. 66-396

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR INSTALLATION OF WATER LINE EXTENSION IN ELMWOOD ESTATES NO. 2 SUBDIVISION

Introduced by Smith Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, Acting Mayor VanderWall
Noes: None Absent: Mayor Johansen

June 21, 1966, at 10:30 A.M. in the City Clerk's office was set as the time and place for opening of bids.

CONSIDER AWARD OF BID FOR IMPROVEMENT OF CARVER ROAD FROM NORTH NINTH STREET TO BRIGGSMORE AVENUE

RESOLUTION NO. 66-397

A RESOLUTION ACCEPTING THE BID OF GEORGE REED, INC. FOR IMPROVEMENT OF CARVER ROAD FROM NORTH NINTH STREET TO BRIGGSMORE AVENUE

Introduced by Smith Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, Acting Mayor VanderWall
Noes: None Absent: Mayor Johansen

CONSIDER DETERMINING TOPS CHEMICAL COMPANY, RICHMOND, TO BE THE LOW BIDDER FOR SHIPPING AN ESTIMATED 275 TONS OF LIQUID CHLORINE FOR SEWAGE TREATMENT AND AUTHORIZE PURCHASING OFFICER TO PURCHASE AS NEEDED FOR ONE-YEAR PERIOD COMMENCING JUNE 15, 1966

RESOLUTION NO. 66-398

A RESOLUTION ACCEPTING THE BID OF TOPS CHEMICAL COMPANY FOR ANNUAL REQUIREMENTS OF LIQUID CHLORINE (Estimated 275 tons, one-year period, commencing June 15, 1966)

Introduced by Smith Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, Acting Mayor VanderWall
Noes: None Absent: Mayor Johansen

CONSIDER DETERMINING CHEMICAL FERTILIZER COMPANY TO BE LOW BIDDER FOR AN ESTIMATED 100 TONS LIQUID ANHYDROUS AMMONIA FOR SEWAGE TREATMENT AND AUTHORIZ PURCHASING OFFICER TO PURCHASE AS NEEDED FOR A ONE-YEAR PERIOD COMMENCING JUNE 15, 1966

RESOLUTION NO. 66-399

A RESOLUTION ACCEPTING THE BID OF CHEMICAL FERTILIZER COMPANY FOR ANNUAL REQUIREMENTS OF LIQUID ANHYDROUS AMMONIA (One-year period, commencing June 15, 1966)

Introduced by Smith Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, Acting Mayor VanderWall
Noes: None Absent: Mayor Johansen

CONSIDER AWARD TO LOW BIDDER, J. M. LIFT TRUCKS, INC., FOR FURNISHING ONE NEW 3-WHEEL PARKING ENFORCEMENT VEHICLE

RESOLUTION NO. 66-400

A RESOLUTION ACCEPTING THE BID OF J. M. LIFT TRUCKS, INC. FOR FURNISHING ONE NEW 3-WHEEL PARKING ENFORCEMENT VHEICLE ($1,662)

Introduced by Smith Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, Acting Mayor VanderWall
Noes: None Absent: Mayor Johansen

CONSIDER AWARD TO LOW BIDDER, NANCE FORD TRACTOR, MODESTO, FOR ONE NEW GENERAL PURPOSE TRACTOR

RESOLUTION NO. 66-401

A RESOLUTION ACCEPTING THE BID OF NANCE FORD TRACTOR FOR ONE NEW GENERAL PURPOSE TRACTOR

Introduced by Smith Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, Acting Mayor VanderWall
Noes: None Absent: Mayor Johansen

APPROVE REVISED AGREEMENTS FOR SEARS AND SEELY LOT OPERATION

RESOLUTION NO. 66-402

A RESOLUTION APPROVING REVISED AGREEMENT BETWEEN THE CITY OF MODESTO AND SEARS, ROEBUCK AND COMPANY REGARDING OPERATION OF SEARS PARKING LOT

Introduced by Smith Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, Acting Mayor VanderWall
Noes: None Absent: Mayor Johansen

RESOLUTION NO. 66-403

A RESOLUTION APPROVING REVISED AGREEMENT BETWEEN THE CITY OF MODESTO AND FRED A. SEELY, INC. REGARDING OPERATION OF PARKING LOT AT 12TH & J STREETS

Introduced by Smith Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, Acting Mayor VanderWall
Noes: None Absent: Mayor Johansen

AGREEMENT BETWEEN CITY OF MODESTO AND COMMUNITY FULL GOSPEL CHURCH FOR USE OF CITY-OWNED PUMP SITE FOR PARKING BY CHURCH

RESOLUTION NO. 66-404

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND THE COMMUNITY FULL GOSPEL CHURCH FOR USE OF CITY-OWNED PUMP SITE FOR PARKING BY THE CHURCH (NEAR PEARL AND TULLY)

Introduced by Smith Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, Acting Mayor VanderWall
Noes: None Absent: Mayor Johansen

ACCEPT AS COMPLETE WESTERN PIPELINE COMPANY'S CONTRACT FOR CONSTRUCTION OF SEWER LINE IN MARTIN AVENUE AND ORANGEBURG AVENUE TO PRESCOTT PLAZA SUBDIVISION

RESOLUTION NO. 66-405

A RESOLUTION ACCEPTING THE CONSTRUCTION OF SEWER LINE IN MARTIN AVENUE AND ORANGEBURG AVENUE TO PRESCOTT PLAZA SUBDIVISION

Introduced by Smith Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, Acting Mayor VanderWall
Noes: None Absent: Mayor Johansen

ACCEPT WORK AND APPROVE FINAL PAYMENT TO M. J. RUDDY AND SON FOR CONSTRUCTION OF NEW 10TH STREET PARKING LOT (BETWEEN G AND H STREETS, BRACK-GRIFFIN)

RESOLUTION NO. 66-406

A RESOLUTION ACCEPTING THE CONSTRUCTION OF 10TH STREET PARKING LOT BETWEEN G AND H STREETS (BRACK-GRIFFIN), FROM M. J. RUDDY & SON

Introduced by Smith Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, Acting Mayor VanderWall
Noes: None Absent: Mayor Johansen

CONSIDER RIGHT OF WAY CONTRACTS AND GRANT DEEDS RELATING TO DEDICATION OF PROPERTY FOR WIDENING OF ORANGEBURG AVENUE

F. G. AND ADA E. PATTERSON - PARCEL 6082-13

RESOLUTION NO. 66-407

A RESOLUTION APPROVING RIGHT OF WAY AGREEMENT BETWEEN THE CITY OF MODESTO AND F. G. AND ADA E. PATTERSON RELATING TO THE DEDICATION OF PROPERTY TO THE CITY OF MODESTO FOR WIDENING OF ORANGEBURG AVENUE

Introduced by Smith Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, Acting Mayor VanderWall
Noes: None Absent: Mayor Johansen

MATTIE CLINTON - PARCEL 6082-15

RESOLUTION NO. 66-408

A RESOLUTION APPROVING RIGHT OF WAY AGREEMENT BETWEEN THE CITY OF MODESTO AND MATTIE CLINTON, RELATING TO THE DEDICATION OF PROPERTY TO THE CITY OF MODESTO FOR WIDENING OF ORANGEBURG AVENUE

Introduced by Smith Seconded byMitchell
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, Acting Mayor VanderWall
Noes: None Absent: Mayor Johansen

IRA O. AND NELLIE GUINN - PARCEL 6082-4

RESOLUTION NO. 66-409

A RESOLUTION APPROVING RIGHT OF WAY AGREEMENT BETWEEN THE CITY OF MODESTO AND IRA O. AND NELLIE GUINN, RELATING TO THE DEDICATION OF PROPERTY TO THE CITY OF MODESTO FOR WIDENING OF ORANGEBURG AVENUE

Introduced by Smith Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, Acting Mayor VanderWall
Noes: None Absent: Mayor Johansen

KEVIN P. AND THELMA C. PARNELL - PARCEL 6082-16

RESOLUTION NO. 66-410

A RESOLUTION APPROVING RIGHT OF WAY AGREEMENT BETWEEN THE CITY OF MODESTO AND KEVIN P. AND THELMA C. PARNELL RELATING TO THE DEDICATION OF PROPERTY TO THE CITY OF MODESTO FOR WIDENING OF ORANGEBURG AVENUE.

Introduced by Smith Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, Acting Mayor VanderWall
Noes: None Absent: Mayor Johansen

CONSIDER RIGHT OF WAY CONTRACTS FOR DEDICATION OF PROPERTY FOR WIDENING YOSEMITE BOULEVARD

JAMES C. AND DOROTHY E. DUNN, PARCEL #3

RESOLUTION NO. 66-411

A RESOLUTION APPROVING RIGHT OF WAY AGREEMENT BETWEEN THE CITY OF MODESTO AND JAMES C. DUNN AND DOROTHY E. DUNN, RELATING TO THE DEDICATION OF PROPERTY FOR WIDENING OF YOSEMITE BOULEVARD

Introduced by Smith Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, Acting Mayor VanderWall
Noes: None Absent: Mayor Johansen

MARY FRANCES, AKA MARY FRANGES, JOHN M. AND HARRIETTE FRANCES, PARCEL #87

RESOLUTION NO. 66-412

A RESOLUTION APPROVING RIGHT OF WAY AGREEMENT BETWEEN THE CITY OF MODESTO AND MARY FRANCES, AKA MARY FRANGES, JOHN M. FRANCES, AND HARRIETTE FRANCES, RELATING TO DEDICATION OF PROPERTY FOR WIDENING OF YOSEMITE BOULEVARD

Introduced by Smith Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, Acting Mayor VanderWall
Noes: None Absent: Mayor Johansen

LIGHTING MODERNIZATION

TRANSFER OF $50,000 FROM THE GENERAL FUND (FUND NO. 101) TO THE SPECIAL FUND FOR CAPITAL OUTLAYS (FUND NO. 321)

RESOLUTION NO. 66-413

A RESOLUTION AUTHORIZING THE TRANSFER OF FIFTY THOUSAND AND NO/100THS ($50,000) DOLLARS FROM THE GENERAL FUND (FUND NO. 101) OF THE CITY OF MODESTO TO THE SPECIAL FUND FOR CAPITAL OUTLAYS (FUND NO. 321)

Introduced by Smith Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, Acting Mayor VanderWall
Noes: None Absent: Mayor Johansen

CON

CONSIDER AWARD OF BID FOR LIGHTING FIXTURES AND APPURTENANCES FOR MAJOR INTERSECTIONS, RAILROAD CROSSINGS, AND ALLEY LIGHTS

RESOLUTION NO. 66-414

A RESOLUTION ACCEPTING THE BID OF WESTINGHOUSE ELECTRIC SUPPLY FOR LIGHTING FIXTURES AND APPURTENANCES FOR MAJOR INTERSECTIONS, RAILROAD CROSSINGS (Items 1 through 7)

Introduced by Smith Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, Acting Mayor VanderWall
Noes: None Absent: Mayor Johansen

CONSIDER AWARD OF BID FOR LIGHTING STANDARDS AND MAST ARMS FOR MAJOR INTERSECTIONS AND RAILROAD CROSSINGS TO WESTINGHOUSE ELECTRIC SUPPLY, SACRAMENTO

RESOLUTION NO. 66-415

A RESOLUTION ACCEPTING THE BID OF WESTINGHOUSE ELECTRIC SUPPLY, SACRAMENTO, CALIFORNIA, FOR LIGHTING STANDARDS AND MAST ARMS FOR MAJOR INTERSECTIONS AND RAILROAD CROSSINGS

Introduced by Smith Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, Acting Mayor VanderWall
Noes: None Absent: Mayor Johansen

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR INSTALLATION OF STREET LIGHTING MATERIALS AT VARIOUS STREET INTERSECTIONS AND RAILROAD CROSSINGS

RESOLUTION NO. 66-416

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR INSTALLATION OF STREET LIGHTING MATERIALS AT VARIOUS STREET INTERSECTIONS AND RAILROAD CROSSINGS

Introduced by Smith Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, Acting Mayor VanderWall
Noes: None Absent: Mayor Johansen

June 21, 1966, at 10:20 A.M. in the City Clerk's office was set as the time and place for opening of bids.

REPORT OF SUPERINTENDENT OF STREETS ON COSTS OF REPAIR OF SIDEWALK AT BLOCK 33 ON 7TH STREET

RESOLUTION NO. 66-417

A RESOLUTION SETTING TIME AND PLACE FOR HEARING REPORT OF THE SUPERINTENDENT OF STREETS ON COST OF REPAIR OF SIDEWALK AT BLOCK 33 ON 7TH STREET

Introduced by Smith Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, Acting Mayor VanderWall
Noes: None Absent: Mayor Johansen

June 20, 1966, at 4:30 P.M. in the Council Chambers, City Hall, was set as the time and place for hearing.

AUTHORIZING DIAGONAL PARKING ALONG THE JEFFERSON AND CHESTNUT STREETS FRONTAGE OF THE NEW CITY CORPORATION YARD

RESOLUTION NO. 66-418

A RESOLUTION AMENDING SECTION 2 OF RESOLUTION NO. 62-29 ENTITLED, "A RESOLUTION ESTABLISHING ONE-WAY STREETS AND ALLEYS AND ANGLE PARKING IN THE CITY OF MODESTO AND RESCINDING RESOLUTION NO. 59-191, ENTITLED 'A RESOLUTION ESTABLISHING PARKING METER ZONES, ONE-WAY STREETS AND ALLEYS AND ANGLE PARKING IN THE CITY OF MODESTO AND RESCINDING ALL PRIOR RESOLUTIONS AND REGULATIONS RELATING THERETO,' AND RESCINDING RESOLUTION NO. 64-470

Introduced by Smith Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, Acting Mayor VanderWall
Noes: None Absent: Mayor Johansen

CONSIDER AGREEMENT BETWEEN THE CITY OF MODESTO AND THE ROMAN CATHOLIC WELFARE CORPORATION OF STOCKTON FOR WATER AND SEWER SERVICE TO THE NEW MODESTO CATHOLIC HIGH SCHOOL

RESOLUTION NO. 66-419

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND THE ROMAN CATHOLIC WELFARE CORPORATION OF STOCKTON FOR WATER AND SEWER SERVICE TO THE NEW MODESTO CATHOLIC HIGH SCHOOL

Introduced by Smith Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, Acting Mayor VanderWall
Noes: None Absent: Mayor Johansen

CONSIDER LEASE AGREEMENT BETWEEN CITY OF MODESTO AND McHENRY-DRY CREEK FIRE PROTECTION DISTRICT FOR FIRE STATION LOCATED ON SCENIC DRIVE

RESOLUTION NO. 66-420

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND McHENRY-DRY CREEK FIRE PROTECTION DISTRICT FOR FIRE STATION LOCATED ON SCENIC DRIVE

Introduced by Smith Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, Acting Mayor VanderWall
Noes: None Absent: Mayor Johansen

APPROPRIATION TRANSFER FOR LEGAL ADVERTISING AND REQUESTING INCREASE IN LEGAL ADVERTISING ACCOUNT IN BUDGET FOR 1966-67

RESOLUTION NO. 66-421

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $1,200 ADDITIONAL FUNDS FOR LEGAL ADVERTISING, CITY CLERK, AND AUTHORIZING INCREASE OF ACCOUNT 14-230 TO $7,500, 1966-67 BUDGET

Introduced by Smith Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, Acting Mayor VanderWall
Noes: None Absent: Mayor Johansen

RENEWAL OF CATASTROPHE LIABILITY (UMBRELLA) INSURANCE AND RENEWAL OF AIRPORT COMPREHENSIVE LIABILITY INSURANCE 1-58

The following documents were entered into the record of the minutes: Memorandum from Director of Finance Bird, dated May 11, 1966, subject, "Insurance Policy Renewals"; memorandum from Director of Finance, dated June 1, 1966, subject, "Further Consideration of Airport and Catastrophe Liability Insurance Policies"; letter from Warren Giddings, dated May 25, 1966, indicating that acceptance of Great American Insurance Company's quotation of $8,750 for a three-year term for the catastrophe insurance would reflect a savings to the City of Modesto of $1,050 over a three-year period, and the airport liability policy written in the Great American Insurance Company for one year for $1,345 would provide the City with the best arrangement because the coverage would all be with one company.

Mr. Giddings spoke briefly to the Council in support of his recommendation.

RESOLUTION NO. 66-422

A RESOLUTION AUTHORIZING RENEWAL OF CATASTROPHE LIABILITY INSURANCE AND RENEWAL OF AIRPORT COMPREHENSIVE LIABILITY INSURANCE WITH GREAT AMERICAN INSURANCE COMPANY

Introduced by Smith Seconded by Shastid
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, Acting Mayor VanderWall
Noes: None Absent: Mayor Johansen

HEARING ON PROPOSED ANNEXATION OF THE NORTH 99 ADDITION

Acting Mayor VanderWall announced that the hour of 4:15 P.M. had arrived, the time set for consideration of the proposed annexation of the North 99 Addition, a 79.598 acre parcel located north of Modesto, and opened the hearing.

The City Clerk reported that notice of the proposed annexation was published in the Modesto Tribune and Turlock Daily Journal on May 5 and 12, 1966, and notices mailed to all property owners in the area and other interested parties, on May 12, 1966. One written protest was filed by Mrs. Lucy Dilkian, 824 R Street, Fresno, California. Mrs. Dilkian's letter was read into the record by the City Clerk.

Planning Commission Resolution No. 66-46 recommends that the area be annexed to the City.

Associate Planner Bill Nichols pointed out that Mrs. Dilkian's property represented $4,800 out of a total assessed value of $123,950, about 4%.

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

RESOLUTION NO. 66-423

A RESOLUTION DECLARING THAT A MAJORITY PROTEST HAS NOT BEEN MADE AGAINST THE ANNEXATION OF CERTAIN UNINHABITED TERRITORY TO THE CITY OF MODESTO KNOWN AS NORTH 99 ADDITION AND DECLARING THE INTENTION OF THE COUNCIL TO PROCEED WITH THE ANNEXATION OF SAID TERRITORY

Introduced by Hughes Seconded by Smith
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, Acting Mayor VanderWall
Noes: None Absent: Mayor Johansen

The City Attorney recommended that adoption of the ordinance annexing this area to the City be withheld until such time as the prezoning approved earlier by the Council becomes effective.

CONSIDERATION OF A NEIGHBORHOOD YOUTH CORPS PROJECT FOR MODESTO

A memorandum from the Director of Parking and Traffic, dated May 27, 1966, subject, "Possible Program - Neighborhood Youth Corps," was entered into the record of the minutes. The memorandum outlined the background and program of the Neighborhood Youth Corps Project, and indicated that about $154,000 was still available to Stanislaus County through the N.Y.C., enough to hire 80 out-of-school youths.

The City Manager stated that the matter was presented to the Council for discussion and authorization to proceed with the filing of an application.

Norvin Spence, Modesto City Schools, stated that the project was for six months duration; that re-application would have to be made at the end of that time. He said that the purpose of the program was to teach youth good work habits, develop skills, etc. He pointed out that anyone eligible for the Youth Corps Program would have to be unemployed and from a low income family; the work supplied for the youth must not be make-believe, but must be productive; the project must provide training in occupations where there is not a substantial surplus of qualified available workers; the employment of enrollees must not result in the displacement of employed workers or impair existing contracts for services; the large number of youth in need of the job training.

Mr. Spence was questioned by the Council on the following: The effect of the program on welfare payments; available city employment which will meet the requirements of the program (Mr. Spence mentioned weed problems at the Airport and parking area at Del Webb Field, helping in garden refuse collection); why the youths were not taken into the armed forces rather than being furnished employment with federal funds; deadline for the application (middle of July); firing for cause; whether the youths are covered by Social Security; the City's liability in case of personal injury.

Upon questioning, the City Manager stated it was the belief of the staff that the City could take a limited number of students, possibly 40; that more definite information would be available after further study.

Pros and cons of the proposed program were discussed by the Council.

Director of Parking and Trafic Carmody stated that the application for program participation would provide all of the information needed by the Council for proper analysis in making a decision. It was suggested that the staff prepare descriptions of the jobs which will be available under the program, so that determination could be made as to whether benefits would be derived from the money expended.

Mr. Carmody stated that the youth would be paid $1.30 per hour, instead of the $1.25 indicated in his memorandum, dated May 27, 1966.

Doubt was expressed that adequate City supervision was available for completely untrained individuals. The City Manager said he thought this could be worked out if the program was approved.

MOTION

That the staff be directed to furnish specific details along the line of Council discussion; that the Council indicates it is not unwilling, but needs to be shown what productive work can be obtained from the program before an application is submitted

Moved by Shastid Seconded by Smith Unanimously carried

HEARING ON PROPOSED ANNEXATION OF THE EAST GRANGER ADDITION 4-103

Acting Mayor VanderWall announced that the hour of 4:30 P.M. had arrived, the time set for consideration of the proposed annexation of East Granger Addition, a 6.492-acre parcel located in northeast Modesto, and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Tribune and Turlock Daily Journal on May 5 and 12, 1966, and notices mailed to all property owners in the area, and to other interested parties on May 12, 1966. No written protests were filed with the City Clerk.

Planning Commission Resolution No. 66-34 recommends that the area be annexed to the City.

Attorney Ed Taylor, Jr., in behalf of Dr. Grant Bare and several other property owners involved in the annexation, presented a written protest to the annexation, pursuant to Government Code Section 35313. The letter of protest signed by Dr. Grant E. Bare, Mrs. L. R. Poss, Marian A. Lancaster, Dick Ebbers, Mrs. Donnie Ebbers, and Max Kleinknecht, was filed with the City Clerk.

The hearing was continued until later in the meeting to give the staff an opportunity to check whether the property of the protestants constituted more than 50% of the assessed value of the land.

HEARING ON PROPOSED ANNEXATION OF RAMONA NO. 1 ADDITION

Acting Mayor VanderWall announced that the hour of 4:35 P.M. had arrived, the time set for consideration of the proposed annexation of Ramona No. 1 Addition to the City of Modesto, a 2.676 acre parcel, and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Tribune and Turlock Daily Journal on May 5 and 12, 1966, and notices mailed to all property owners in the area, and other interested parties, on May 12, 1966. No written protests were filed with the City Clerk.

Planning Commission Resolution No. 66-30 recommends that the area be annexed to the City.

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

The City Attorney stated that a prezoning procedure was pending in connection with this annexation, and that if the annexation was approved by the Council, adoption of the ordinance should be withheld until such time as the prezoning becomes effective.

RESOLUTION NO. 66-424

A RESOLUTION DECLARING THAT A MAJORITY PROTEST HAS NOT BEEN MADE AGAINST THE ANNEXATION OF CERTAIN UNINHABITED TERRITORY TO THE CITY OF MODESTO KNOWN AS RAMONA NO. 1 ADDITION AND DECLARING THE INTENTION OF THE COUNCIL TO PROCEED WITH THE ANNEXATION OF SAID TERRITORY

Introduced by Shastid Seconded by Smith
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, Acting Mayor VanderWall
Noes: None Absent: Mayor Johansen

HEARING ON PROPOSED ANNEXATION OF RAMONA NO. 2 ADDITION

Acting Mayor VanderWall announced that the hour of 4:40 P.M. had arrived, the time set for consideration of the proposed annexation of Ramona No. 2 Addition, a 1.740 acre parcel, and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Tribune and Turlock Daily Journal on May 5 and 12, 1966, and notices mailed to all property owners in the area, and other interested parties, on May 12, 1966. No written protests were filed with the City Clerk.

Planning Commission Resolution No. 66-31 recommends that the area be annexed to the City

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

RESOLUTION NO. 66-425

A RESOLUTION DECLARING THAT A MAJORITY PROTEST HAS NOT BEEN MADE AGAINST THE ANNEXATION OF CERTAIN UNINHABITED TERRITORY TO THE CITY OF MODESTO KNOWN AS RAMONA NO. 2 ADDITION AND DECLARING THE INTENTION OF THE COUNCIL TO PROCEED WITH THE ANNEXATION OF SAID TERRITORY

Introduced by Shastid Seconded by Smith
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, Acting Mayor VanderWall
Noes: None Absent: Mayor Johansen

ORDINANCE NO. 790-C.S. entitled "AN ORDINANCE ANNEXING UNINHABITED TERRITORY KNOWN AS THE RAMONA NO. 2 ADDITION TO THE CITY OF MODESTO"

was introduced and adopted, and ordered published as required.

Moved by Shastid Seconded by Smith
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, Acting Mayor VanderWall
Noes: None Absent: Mayor Johansen

CONTINUATION OF HEARING ON PROPOSED ANNEXATION OF THE EAST GRANGER ADDITION

This hearing continued from earlier in the meeting to give the staff an opportunity to determine whether the letter of protest filed by Attorney Taylor constituted a majority protest of property owners in the area, was reopened by Acting Mayor VanderWall.

Associate Planner Nichols stated that the protests, in land and improvements, amounted to $27,500; the total value of property included in the annexation was $60,850; that the protests constituted less than 50% of the assessed valuation. He pointed out that Dick Ebbers, one of the protestants, was being furnished city sewer service which was provided in about 1952, before sewer service agreements were required.

Mr. Taylor said it was his understanding that Dr. Fred Baer was originally agreeable to signing the protest letter; that Dr. Grant Bare, the prime mover among the protestants, was not able to contact him recently; that it was also his understanding that Mr. Barringer, who did not sign the protesting letter, was not in favor of the annexation but did not understand whether he had the legal right to sign in view of the fact that his predecessors in ownership indicated an intention to sign when and if an annexation proceeding was presented. Mr. Taylor stated that with these two signatures, the property owners protesting would be over 50%.

Dr. Fred Baer, owner of two parcels proposed for annexation, stated that he would like to protest the annexation pending further study of his neighbors reasons for not wishing to annex to the City, and asked that his name be added to the protestors.

Upon questioning, Dr. Baer stated that he would withhold his protest if the hearing was continued to a later date.

MOTION

That the hearing be continued to June 27, 1966, at 7:45 P.M.

Moved by Shastid Seconded by Mitchell Unanimously carried

HEARING ON AMENDMENT TO SECTION 27-3-9 OF THE ZONING MAP (CASKEY)

Acting Mayor VanderWall announced that the hour of 4:50 P.M. had arrived, the time set for consideration of the proposed amendment of Section Map 27-3-9, the rezoning of property located on the north side of Dry Creek, east of Coffee Road extended, from R-1 to Planned Development Zone, P-D, and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Tribune on May 19, 1966, and notices posted and distributed in the area on May 20, 1966. No written protests were filed with the City Clerk.

Planning Commission Resolution No. 66-41 recommending that the proposed rezoning be approved, was entered into the record of the minutes.

Mr. Herbert Ramont displayed a model of the proposed planned development, and discussed the philosophy behind the planning. He stated that the density of the proposed development was less than if it were zoned R-1.

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

RESOLUTION NO. 66-426
A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED-DEVELOPMENT ZONE, P-D(26)

Introduced by Shastid Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, Acting Mayor VanderWall
Noes: None Absent: Mayor Johansen

ORDINANCE NO. 791-C.S. entitled "AN ORDINANCE AMENDING SECTION MAP 27-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (CASKEY)"

was introduced and ordered published as required by the Charter.

Moved by Shastid Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, Acting Mayor VanderWall
Noes: None Absent: Mayor Johansen

HEARING ON AMENDMENT TO SECTION 15-3-9 OF THE ZONING MAP (SOELLING) 6-89

Acting Mayor VanderWall announced that the hour of 5:30 P.M. had arrived, the time set for consideration of the proposed rezoning of property located on the east side of Coffee Road, North of Athens Avenue extended, from R-1 to Planned Development Zone, P-D, and opened the hearing.

The City Clerk reported that notice of the hearing was published, posted and distributed in the area on May 19, 1966. No written protests were filed with the City Clerk.

Planning Commission Resolution No. 66-42 recommending that the proposed rezoning be approved, was entered into the record of the minutes.

Douglas Sutter, attorney representing Dr. Soelling, asked that objections to the proposed rezoning be presented first, and the proponents be permitted to respond.

The following spoke in objection to the proposed rezoning: Robert Bomberger, representing the owners adjacent to the parcel proposed for rezoning (to the north, east and south), who stated that the residents objected on the basis that the application for rezoning submitted by Dr. Soelling did not set forth the activities which will be carried on in the behaviorial center, and felt that the applicant should submit a detailed statement to the Council and planning commission stating exactly what a behaviorial center constituted, the activities to be carried on in such a center, and citing examples of activities being carried on in various behavioral centers now in existence throughout the country. Mr. Bomberger stated that the statement of intent of uses in the application was too general for a planned development zone; that the Planning Commission was in error in approving the application without more knowledge as to the proposed uses; that the property was sold to Dr. Soelling in the belief that it would be used for medical offices; that the application as submitted would allow Dr. Soelling to do anything that was lawful, which in Mr. Bomberger's opinion, would permit taking in-patients.

Upon questioning, the City Attorney listed the uses permitted for the proposed planned development, stating that in-patient care was not included as a use, and approval for such care would require further Planning Commission and Council action.

Mr. Bomberger also objected to the wording contained in Section 2 of the proposed ordinance, setting forth the uses to be permitted in the proposed planned development: "A behavioral center, including staff offices for psychiatrists, psychologists, ..." He asked if this wording would not permit additional uses to those uses specifically mentioned in the proposed ordinance. The City Attorney stated that in his opinion the planned development as recommended by the Planning Commission would limit Dr. Soelling to those uses specifically listed.

Mr. Bomberger stated that he would like to have inserted into the record, to substantiate the opinion of the City Attorney, that if the applicant went beyond the uses specifically set forth in the ordinance, the City would take necessary action to either require proper permits, or take whatever action is appropriate when conditions of a planned development are violated.

Upon questioning, Mr. Sutter stated that his client would have no objections to the above being incorporated into the resolution.

Councilman Shastid said that it would be his intention, after the hearing is closed, to introduce a resolution approving the planned development zoning and stating in the resolutiin that it was the understanding and intent of the Council in passing the resolution, that no overnight hospital treatment be permitted.

Mr. Bomberger also noted that the planned development sketch approved by the Planning Commission at the time of its hearing was not the same as the sketch shown to the Council. The differences in the sketches were described by Associate Planner Fey. Mr. Bomberger expressed his objections to a change in the plot plan without being notified.

Mr. Bomberger objected to the term "behavioral center," stating that it meant many things, some of which are known and many which may come up in the future. The objection was discussed by the Council.

Mr. Sutter stated that his client had no objection to the proposed facilities being called a medical center, rather than a behavioral center.

John Fazzino, 2105 Rosetta Lane, representing people living in Brookdale Park, located west and southwest of the property proposed for rezoning, reviewed Dr. Soelling's application as originally presented and finally accepted by the Planning Commission. A statement by Mr. Fazzino was read into the record of the minutes. He stated that it was now up to the Council to decide whether this was the best location for a mental facility, and the right type of facility for the community.

Dorothy Burke, 3137 McHenry Avenue, spoke in favor of the proposed planning development, stating that there had to be help for a three year old child who could not speak, a fourteen year old boy weighting 250 pounds and not physically ill, and the over-wrought mother of five small children.

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

The City Attorney pointed out that the plot plan being approved in principle by the Council was the plan originally considered and approved by the Planning Commission and that any modifications to this plan by the applicant would have to be approved by the Planning Director before a permit is issued. In introducing the ordinance approving the rezoning, Councilman Hughes said it was his intent that "behavioral center" be changed to "medical center," and intent expressed in the ordinance that approval of the planned development zone did not include a hospital.

ORDINANCE NO. 792-C.S., entitled "AN ORDINANCE AMENDING SECTION MAP 15-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (SOELLING)"

was introduced and ordered published as required by the Charter.

Moved by Hughes Seconded by Shastid
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, Acting Mayor VanderWall
Noes: None Absent: Mayor Johansen

RESOLUTION NO. 66-427
A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D (27) (SOELLING)

Introduced by Hughes Seconded by Shastid
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, Acting Mayor VanderWall
Noes: None Absent: Mayor Johansen

HEARING ON REQUEST FROM STANISLAUS FOOD PRODUCTS FOR ENCROACHMENT PERMIT

Acting Mayor VanderWall stated that the hour of 5:00 P.M. had arrived, the time set for consideration of the request of Stanislaus Food Products for a permit to encroach on the public right-of-way with the installation of a waste hopper on the east side of 12th Street, between B and D Streets, and opened the hearing.

The following documents were entered into the record of the minutes: Letter from Stanislaus Food Products Company, dated May 18, 1966, requesting the encroachment permit; memorandum from the Director of Public Works, dated June 2, 1966, subject, "Proposed Waste Hopper at Stanislaus Food Products," recommending that the request be granted subject to certain conditions.

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

RESOLUTION NO. 66-428
A RESOLUTION GRANTING A REVOCABLE ENCROACHMENT PERMIT TO STANISLAUS FOOD PRODUCTS TO PERMIT CONSTRUCTION OF A WASTE HOPPER IN THE PUBLIC RIGHT OF WAY ON PROPERTY LOCATED ON 12TH STREET BETWEEN B AND D STREETS

Introduced by Shastid Seconded by Smith
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, Acting Mayor VanderWall
Noes: None Absent: Mayor Johansen

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR IMPROVEMENT OF EMERALD AVENUE FROM MAZE BOULEVARD TO CALIFORNIA AVENUE

RESOLUTION NO. 66-429
A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR IMPROVEMENT OF EMERALD AVENUE FROM MAZE BOULEVARD TO CALIFORNIA AVENUE

Introduced by Shastid Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, Acting Mayor VanderWall
Noes: None Absent: Mayor Johansen

June 21, 1966, at 10:00 A.M., in the City Clerk's office was set as the time and place for opening of bids.

MATTERS FOR THE GOOD OF THE COMMUNITY 10-105

Report of Barranquilla Visit by Modesto Residents

Councilman Mitchell stated that Messrs. Robert Nickerson, Robert Corby, and Jack Herron returned last week from their visit to Modesto's sister city, Barranquilla; that he had invited Mr. Nickerson to make films of their visit available to the Council and to appear before the Council with a firsthand report of the trip.

PRESENTATION OF FINANCIAL STATEMENT FOR MONTH ENDING MAY 31, 1966

MOTION

That the financial statement for month of May, 1966, be accepted

Moved by Patton Seconded by Smith Unanimously carried

REPORT ON PROPOSED NEIGHBORHOOD CENTER ON WEST SIDE

A memorandum from the Director of Parks and Recreation, dated June 3, 1966, subject, "Proposed West Side Opportunity Center," was entered into the record of the mintues. The memorandum contained the following information regarding the proposed Center: Summary of proposal; staff review of proposal; proposed location; financing; operations; and recommendation that if the program is approved by the City Council in principle, to the extent of a city cost of approximately $55,000, that the staff be authorized to prepare an application for submission to the federal government for a federal grant of three-fourths the project cost. (Estimated total cost, from $200,000 to $210,000).

The City Manager stated that if an appraisal was necessary, an appropriation transfer would be required.

Director of Parks and Recreation Grogan was questioned about the operations of the Center, particularly the responsibility of the City for the continuation of the program in the event that O.E.O. funds become unavailable. She said that in this event, the annual cost to the City would be dependent on the type of program in existence. The Council suggested that this be more accurately defined before the City commits itself.

MOTION

That the staff be directed to secure information from the federal government on the limits of the City's responsibility in the event that O.E.O. funds are no longer available for operation of the proposed center

Moved by Shastid Seconded by Smith Unanimously carried

The City Manager stated that the information requested would be available at the next Council meeting.

ORAL REPORT BY CITY ATTORNEY ON UNITED AIRLINES - PACIFIC AIR LINES TRANSFER CASE 10-75

Acting Mayor VanderWall reported that the City planned an all-out effort to solicit aid for the retention of United Air Lines service in San Joaquin Valley.

City Attorney Johnson said that a hearing was being held in Washington, D.C. on June 29, by the full Board; that a copy of a letter from Attorney Howard Boros, outlining the present status of the case had been furnished each councilman. Mr. Boros indicated that it would be worthwhile to have representatives from each of the affected communities present at the oral argument and so recommended. Mr. Johnson also pointed out the importance of making the Board aware of community interest through letters from city officials and residents to our elected representatives --- Senators Murphy and Kuchel, Congressman McFall, Governor Brown, asking them to take a public position on the matter.

MOTION

That the Council indicatesits intent to have a representative at the June 29th air lines hearing in Washington, D.C.

Moved by Mitchell Seconded by Patton Unanimously carried

EXECUTIVE SESSION TO FURTHER CONSIDER ACQUISITION OF 9TH AND J STREETS PARKING LOT (LEWIS PROPERTY)

MOTION

That the meeting now in session adjourn to executive session to consider acquisition of the 9th and J Streets parking lot

Moved by Hughes Seconded by Patton Unanimously carried

The meeting adjourned at 6:53 P.M.

ATTEST: REX E. GAILFUS, City Clerk

Modesto City Council
June 7, 1966

Due to the lack of a quorum, the meeting scheduled this date at 4:00 P.M. was adjourned by the City Clerk to June 9, 1966 at 4:00 P.M. in the Council Chambers, City Hall, 801 11th Street, Modesto, California.

ATTEST: _____
REX E. GAILFUS, City Clerk

Modesto City Council
June 9, 1966

The Council of the City of Modesto met in adjourned special session this date at 4:00 P.M. in the Council Chambers, City Hall, 801 11th Street, Modesto, California, to further consider the 1966-67 preliminary budget and capital improvement program for the year 1966-67 through 1971-72, Mayor Johansen presiding.

Present: Councilmen: Patton, Smith, VanderWall, Mayor Johansen
Absent: Councilmen: Hughes, Mitchell, Shastid

MUSIC & PROMOTION - 61 (page 50)

Christmas Decorations - Supplemental Request

Sketches of proposed decorations for the city hall, police-communications building, main fire station and branch fire stations were displayed to the Council and described by Director of Parking and Traffic Carmody. He said that the decorations as shown on the sketches represented a cost of about $5,000, and suggested that $2,700 be budgeted for the next fiscal year with the idea of working up by stages to the full decorations. He proposed that $1,200 be spent on the city hall, $300 on the police station, $400 on the main fire station, and $800 on the four combined outlying fire stations.

The Council discussed the following: Whether or not it would be more feasible to complete the decoration of one building rather than all of the buildings by stages; the life of the fixtures (approximately 5 years); funds contributed to merchants' associations for Christmas decorations the past three years; the possibility of firemen supplying manpower and ideas for decoration of the fire stations; a suggestion that the city hall be completely decorated as sketched.

Fire Chief Everett said that he believed the firemen would cooperate to their utmost in supplying manpower and ideas in decorating the fire stations.

MOTION

That $3,500 be budgeted for fiscal year 1966-67 in Account 446, Christmas Decorations, Music and Promotions budget; that the decorations be handled by Parking and Traffic Director Carmody and staff; that with these funds the city hall be fully decorated; that the balance of the $3,500 be used to decorate the other two downtown city buildings in the best manner possible

Moved by Smith Seconded by Patton Unanimously carried

The staff was directed to report back to the Council before any purchases are made. The City Manager said he hoped that the staff could work closely with the Council Public Relations Committee in keeping the Council aware of the staff's progress; that he would contact the County for possible cooperation in the Christmas decorating program.

INSURANCE & RETIREMENT 2-0 (page 51)

Director of Finance Bird stated that in line with Council action taken at the regular meeting of June 6th in approving the City's catastrophe liability insurance for a three-year period for a total premium of $8,750, Account 409, Catastrophe Liability, should be changed from $12,000 to $8,750.

MOTION

That Account 409, Catastrophe Liability, be changed from $12,000 to $8,750.

Moved by Patton Seconded by VanderWall Unanimously carried

PUBLIC WORKS - SERVICE DIVISION - 48, SUPPLEMENTAL REQUEST

Chief Everett stated that a year ago the Council authorized the hiring of a second full time inspector for the Fire Prevention Bureau; that the Econoline Window Van was needed to keep the inspector in the field in order to get the full utilization of his services; that the equipment could be used to transport additional personnel and equipment to fires when needed, and in conducting training programs for schools and organizations. The need and intended uses of the other vehicles requested were discussed.

MOTION

That the supplemental requests of the Public Works Service Division, 48, be tentatively approved

Moved by Smith Seconded by VanderWall Unanimously carried

MUSIC AND PROMOTION - 61 (page 50)

Camellia Show - Supplemental Request

The staff was directed by the Council at the February 21st meeting to bring this item to the attention of the Council at the appropriate budget hearing to consider whether it could more appropriately be handled by the Chamber of Commerce.

The Council discussed the following: Whether or not the contribution to the Camellia show should be administered by the Chamber of Commerce; the benefits derived by the City through publicity involved by the regional aspects of the show; problems which might arise if numerous similar requests were received from sponsors of other shows; uses of the convention fund allocated to the Chamber of Commerce.

The City Manager stated that the trophy contributed by the City in the past has been paid for from existing funds.

No action was taken by the Council.

CITY ATTORNEY - 13 (page 21)

The City Manager recommended that the City Attorney's budget be amended to include $1,215 for the employment of summer help to make a study on annexation interest in various neighborhoods, this amount to be added to Account 120, Salaries & Wages, Part-time. This would increase Account 120 from $300 to $1,390 and Account 218, Car Rental, from $25 to $150.

MOTION

That Accounts 120 and 218 in the City Attorney's budget of proposed expenditures be increased as recommended by the City Manager

Moved by Smith Seconded by Patton Unanimously carried

CITY CLERK AND AUDITOR - 14 (page 22)

Director of Finance Bird requested that Account 230, Advertising and Legal, be increased from $6,000 to $7,500 to incorporate into this account the increase approved by the Council at the June 6th meeting by Resolution No. 66-421.

MOTION

That Account 230, Advertising and Legal, be increased from $6,000 to $7,500

Moved by VanderWall Seconded by Smith Unanimously carried

PUBLIC WORKS - AIRPORT - 46 (page 41)

Car Expenses - Airport Manager

The City Manager reported that the City Attorney and Finance Director had been working on the matter of the Airport Manager's car expenses, and that a report was being prepared for submission to the Council. He recommended that action on this item be withheld until such time as the report is submitted. No action was taken by the Council.

PUBLIC WORKS - GARDEN REFUSE - 54 (page 47)

The City Manager said that Account 215, Rental of Real Property, in the amount of $1,760 should be added to the Garden Refuse budget of proposed expenditures to take care of the rental of a new garbage disposal site from Beard Land and Investment Company.

MOTION

That Account 215, Rental of Real Property, in the amount of $1,760 be added to the Garden Refuse budget of proposed expenditures

Moved by Patton Seconded by Smith Unanimously carried

AB103 BUSINESS IMPROVEMENT DISTRICT - Report by Mr. Bird

Director of Finance Bird reported that the AB-103 Committee will meet next Monday, and that a budget would be presented to the Council before the end of June, 1966 for incorporation into the final budget.

NEIGHBORHOOD YOUTH CORPS PROJECT - Report by City Manager

The City Manager stated that additional information on the Neighborhood Youth Corps Project would be submitted to the Council at the June 13th meeting and if approved would be incorporated into the budget.

SEWAGE TREATMENT PLANT EXPANSION

Mayor Johansen mentioned the fact that no funds have been budgeted for the employment of an engineer for the expansion of the sewage treatment plant. The City Manager stated that $550,000 has been set aside for this program, and that funds could be made available from this fund for that purpose.

CONSIDERATION OF CAPITAL IMPROVEMENT PROGRAM - 1966-67 to 1971-72

FIRE DEPARTMENT

The Council discussed the following: Possible sites for the relocation of Downey Avenue Station No. 3 Fire Station; possible priority in the relocation of the Coldwell and Virginia station in the event of continued annexation experience north and east of the City with a more commercially oriented development; the timing of acquisition, construction, and purchase of equipment for a fire station unit.

The following changes were proposed by the staff: Reschedule Account 101, Drill Tower and Training Center to 1967-68 from 1966-67; increase Account 104, Acquisition of Equipment, Station No. 5, Aerial Boom Truck with 65-foot snorkel, from $65,000 to $75,000 due to increased costs.

MOTION

That the drill tower and training center, Account 101, be moved from 1966-67 to 1967-68; that Account 104, Aerial boom truck with snorkel, Station No. 5, be increased from $65,000 to $75,000

Moved by Patton Seconded by VanderWall Unanimously carried

LIBRARY

Director of Finance Bird stated that the approximately $9,000 in the Library Contingency Fund budgeted for an auditorium-cultural center-library study, would be carried over to fiscal year 1966-67.

Mayor Johansen stated that he had received word from the Library and Culture Commission that members of the Commission had been appointed to serve on the City-County Library Committee. Mayor Johansen said that perhaps this could be considered under Matters for the Good of the Community at the next meeting, or perhaps on the following week's agenda.

PARKING AND TRAFFIC

Councilman Smith asked why precedence in the Capital Improvement Program was given to modernization of traffic signals rather than installation of new signals. He expressed disappointment in the amount of money budgeted for traffic signals, and questioned whether the City was adequately signalized and was budgeting sufficient funds for this purpose. He said that he also believed that a substantial sum should be budgeted for possible changes in the downtown traffic patterns when the Downtown Plan is approved.

The City Manager stated that it was anticipated that there would be about $300,000 in the Capital Improvement reserve for additional projects which may come up during the fiscal year--$100,000 for emergencies; the neighborhood center on the West Side, $50,000; $149,000 for traffic improvements in the downtown area.

Upon questioning, Director of Parking and Traffic Carmody stated that practically all of the signals scheduled in the capital improvement program during the next six years

were justified right now, with some of them having to wait to phase in with street construction; for example, the signals at McHenry and Floyd.

Councilman Smith suggested that perhaps other improvements could be deferred, with the funds used for installation of additional traffic signals, which would contribute to the welfare and safety of citizens. He urged priority for this program.

Mr. Carmody stated an additional expense was pending that was not yet budgeted - modification of signals at Needham and Morris at a cost of about $4,000. State approval has not yet been obtained.

Councilman Smith's suggestion was discussed by the Council. Mayor Johansen suggested that the Council was in agreement that it would like to see additional signals installed. The staff was directed to furnish the Council a report on additional funds which could be provided for stepping up the signalization, and to submit recommendations to the Council.

In discussing the availability and amount of funds needed for a speeded-up program, Councilman Smith said that he had in mind budgeting the projects scheduled for 1967-68 in the 1966-67 program--in effect, moving the entire schedule up one year, if feasible.

Director of Parking and Traffic Carmody stated that since the following projects were included in the approved $50,000 lighting program, the following accounts should be eliminated from the program: Account 200, Safety Lights, TSRR at College, Stoddard and Coldwell, $3,000; Account 177, RR Signals, College and TSRR, $3,000; Account 202, Safety Lights, TSRR at Griswold and Roseburg, $2,000.

MOTION

That the traffic signalizations proposed for fiscal year 1967-68--Accounts 187 and 203, be advanced to fiscal year 1966-67; that Account 204, Modernization of 11th/L, 10th/G, 7th/G, scheduled for 1967-68 be advanced to 1966-67; (total cost, above projects, $29,000); that as the year progresses, priority position of installations be determined by the Director of Parking and Traffic

Moved by Smith Seconded by Patton

The motion carried, Councilman VanderWall dissenting.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by Patton Seconded by Smith Unanimously carried

The meeting adjourned at 5:32 P.M.

ATTEST: _____
REX E. GAILFUS, City Clerk

Modesto City Council
June 13, 1966

The Council of the City of Modesto met in regular session this date at 7:30 P.M. in the Council Chambers, City Hall, 801 11th Street, Modesto, California, Acting Mayor VanderWall presiding.

Present: Councilmen: Mitchell, Shastid, Smith, Vice Mayor VanderWall
Absent: Councilmen: Hughes, Patton, Johansen

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

Reverend Norman Van Walterop gave the invocation.

APPROVAL OF MINUTES

The minutes of the regular meeting of May 23, 1966 were approved.

PETITION REQUESTING CHANGE OF SCHEDULE AT GRACE DAVIS HIGH SCHOOL SWIMMING POOL

A petition signed by 155 residents living in the area of Davis High School requesting that the Davis High School swimming pool be open for recreational swimming during the afternoons of the summer season, was entered into the record of the minutes. The residents protested the instructional swimming schedule set by the City Parks and Recreation Department which would permit recreational swimming on Saturdays from 1:00 to 5:00 P.M. only.

Upon questioning, Director of Parks and Recreation Grogan stated that it was the staff's decision to prepare the schedule so as to serve the greatest number of people in each given area; that the staff felt that since both the M.J.C. pool and Davis High pool were somewhat on the perimeter of the areas being served, it could not justify the operation of both of the pools, and it was decided that the M.J.C. pool would be used for recreational swimming, and the Davis pool would be used for instructional swimming because it was six inches shallower than the M.J.C. pool and would lend itself to the instructional program for the greatest number of participants. Miss Grogan also pointed out that there were three neighborhood type pools in this area which serve pre-junior high school students for recreational purposes. She said that the instructional swimming program was scheduled to begin Monday, June 20th. Miss Grogan recommended that if changes were made in the schedules, they be made effective at the end of the first two-week instructional classes.

Councilman Smith suggested that the afternoon instructional classes be divided among the three high school pools, with Davis and Downey High being scheduled with two each, and Modesto High School one. It was his opinion that this would be fair and equitable to all of the neighborhoods.

The Council discussed the following: The possibility of holding the last swimming sessions in the morning after summer school sessions are over.

Mrs. Lyle Hymes, 1020 Annapolis, filed with the record of the minutes a memorandum entitled "Revenue Derived from the Swimming Pools - 1965" which indicated that the demand for swimming lessons in 1965 was greatest in the Downey area; the highest revenue for recreational swimming came from the M.J.C. pool, indicating a need in that area for additional recreational swimming.

By order of the Chair, the staff was directed to proceed with the first two-week instructional class as scheduled, and to report back to the Council in about two weeks to see how it is progressing.

The City Clerk was directed to place this matter on the agenda of the June 27th meeting.

CONSIDER SALARY RECOMMENDATION SUBMITTED BY THE MODESTO CITY PERSONNEL COMMISSION

At the request of Vice Mayor VanderWall, and with the unanimous consent of the Council and John Tatoyan, Chairman, City Personnel Commission, this matter was held over for one week for the presence of a full council.

HEARING - APPEAL OF W. J. GENTRY - PLANNING COMMISSION REZONING DENIAL

Vice Mayor VanderWall announced that the hour of 7:45 P.M. had arrived, the time set for consideration of the appeal of W. J. Gentry to the denial by the Planning Commission of his application for an amendment to Section 21-3-9 of the Zoning Map to reclassify from R-1 to R-2, property located on the west side of Coffee Road and the north side of Chehalem Drive, and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Tribune on May 26, 1966 and notices posted and distributed in the area on May 25, 1966. One written protest to the appeal was filed with the City Clerk by Mr. and Mrs. Laurence E. Duckart, 1226 Chehalem Drive. A complete transcript of the Planning Commission hearing was furnished the Council prior to the meeting.

Planning Commission Resolution No. 66-38 adopted April 19, 1966 denying the application for the rezoning was entered into the record of the minutes.

The letter of protest to the appeal filed by Mr. and Mrs. Duckart was read into the record of the minutes by the City Clerk.

Charles Hughes, 1230 Chehalem Drive, stated that the property under discussion was surrounded on three sides by R-1 zoning, that this was the last parcel of property in the original subdivision to be developed. He asked that the decision of the Planning Commission be upheld.

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

RESOLUTION NO. 66-430

A RESOLUTION AFFIRMING THE DECISION OF THE PLANNING COMMISSION DENYING THE REQUEST OF W. JACK GENTRY TO AMEND SECTION 21 OF THE ZONING MAP AS DESCRIBED IN RESOLUTION NO. 66-38 ADOPTED BY THE COMMISSION ON THE BASIS OF THE FINDINGS SET FORTH IN THIS RESOLUTION

Introduced by Shastid Seconded by Smith

Ayes: Mitchell, Shastid, Smith, Acting Mayor VanderWall
Noes: None Absent: Hughes, Patton, Mayor Johansen

HEARING ON PROPOSED ZONE CHANGE, SECTION 18-3-9 OF THE ZONING MAP (NUNES)

Vice Mayor VanderWall announced that the hour of 7:50 P.M. had arrived, the time set for consideration of the application of Joe Nunes, Jr., to reclassify from R-1 to P-D, property located on the south side of Northern Boulevard, west of Tully Road, and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Tribune on June 2, 1966 and notices posted and distributed in the area on the same date. No written protests to the proposed zone change were filed with the City Clerk.

Planning Commission Resolution No. 66-40 recommending the rezoning of a portion of the parcel from R-1 to P-D, and denying the rezoning from R-1 to R-3 the portion of the parcel fronting on Tully Road to a depth of 173 feet, was entered into the record of the minutes.

Associate Planner Bill Nichols stated that land would be dedicated for a street running parallel with Northern Boulevard; that no access was provided to Northern Boulevard other than an emergency gate in a required masonry wall.

Mrs. Fleeta Raines, 316 Needham, questioned a sketch of the property indicating the proposed rezoning before the council for consideration, stating that it was the applicant's understanding that a portion of the property for which R-3 zoning was requested, was approved for R-2 zoning and would not be included in the planned development. She asked that this point be clarified, and that this portion be excluded from the planned development. She suggested that council action be withheld and the matter referred back to the Planning Commission.

The City Attorney stated that the matter could be referred back to the Planning Commission; that the Planning Commission could affirm the action already taken, or fragmentize it; that any consideration to rezone the portion of the parcel questioned by

the applicant to a higher density than R-1 would require an entirely new application.

Harold Simidian, 1317 Madrone, stated that the planned development, when approved by the Planning Commission, was perfectly clear to the Planning Commission, applicant, and residents south of the proposed planned development. He said that the applicant's R-3 property facing Tully would be more valuable if it was deeper, but, if deeper, would encroach on R-1 property and create a traffic problem in the alley.

The planned development requirement of a masonry wall along Northern Boulevard was discussed. Mr. Simidian stated that all of the existing walls on Northern Boulevard were constructed of wood.

Mrs. Raines showed the Council a document which she stated was in the handwriting of Planning Director Fey, indicating that the applicant could ask the Council for an R-2 zoning for the portion of the parcel which she had asked be withdrawn from the planned development. She also indicated that the conditions imposed for the planned development--cost of construction of the masonry wall, the fire truck entrance from Northern Boulevard, development of curbs and gutters and sidewalks, did not make the development financially feasible.

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

A resolution referring the matter back to the Planning Commission was introduced by Councilman Shastid. He said it was not the intent of the Council to have the Planning Commission change its action, but the matter was referred back as a technical necessity since the developer did not wish the planned development zone granted.

RESOLUTION NO. 66-431

A RESOLUTION REFERRING THE PROPOSED AMENDMENT TO SECTION 18-3-9 OF THE ZONING MAP BACK TO THE PLANNING COMMISSION FOR FURTHER STUDY (NUNES)

Introduced by Shastid Seconded by Mitchell

Ayes: Mitchell, Shastid, Smith, Acting Mayor VanderWall
Noes: None Absent: Hughes, Patton, Mayor Johansen

HEARING ON PROPOSED ABANDONMENT OF PORTION OF SOUTH MORTON BOULEVARD

Vice Mayor VanderWall announced that the hour of 8:00 P.M. had arrived, the time set for consideration of the proposed abandonment of a portion of South Morton Boulevard at B Street, and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Tribune on May 26, 1966 and notices posted in the area the same day. A written protest to the proposed abandonment signed by Mabel A. Arata, L. L. Podesto, Maria Podesto, Janice Patton, and W. R. Patton, was filed with the City Clerk.

Planning Commission Resolution No. 66-49 recommending abandonment of the triangular portion of South Morton Boulevard at B Street, was entered into the record of the minutes.

The letter of protest was read into the record by the City Clerk. The following objections to the abandonment were listed: Objections were made on the basis that the closing would affect future farming operations to the south and west of the proposed closing, owned by the Podesto-Arata farming interests, and also affect future plans for commercial development to the south of Morton Avenue.

Associate Planner Nichols stated that the area proposed for abandonment was presently being used by Northern California Company, with a portion of a warehouse encroaching on the right of way, and the remainder covered by a concrete slab and used for storage through an encroachment permit approved by the City.

Mrs. Mabel A. Arata spoke briefly in opposition to the proposed abandonment. She stated that Northern California Company's present use of the right of way did not hamper farming operations, but use of the entire triangular parcel would do so.

No one else in the audience asked to be heard, and Acting Mayor VanderWall ordered the hearing closed.

RESOLUTION NO. 1029 S.P.

A RESOLUTION DENYING THE REQUEST TO VACATE AND ABANDON THE TRIANGULAR PORTION OF SOUTH MORTON BOULEVARD AT B STREET, ADJACENT TO BLOCK U IN THE CITY OF MODESTO

Introduced by Smith Seconded by Mitchell

Ayes: Mitchell, Shastid, Smith, Acting Mayor VanderWall
Noes: None Absent: Hughes, Patton, Mayor Johansen

HEARING ON 1966-67 BUDGET

Vice Mayor VanderWall announced that the hour of 8:30 P.M. had arrived, the time set for consideration of the 1966-67 city budget, and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Tribune on June 2, 1966.

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

No action was taken by the Council, the matter being continued until such time as the preliminary budget is presented to the Council for final adoption.

MATTERS FOR THE GOOD OF THE COMMUNITY

Progress Report on Application of Federal Funds for Expansion of Sewage Treatment Plant

The City Manager stated that he had received word from Mayor Johansen that the City's application for federal funds for expansion of the sewage treatment plant has been approved by the Washington staff and was now in the hands of the Secretary of Commerce for signature.

United Air Lines hearing

City Manager Keefe again announced the importance of submitting letters to our senators and congressman in Washington, D.C., asking them to support the City's opposition to the proposed withdrawal of United Air Lines service from San Joaquin Valley.

Vice Mayor VanderWall stated that he, City Attorney Johnson and Airport Manager Sham had met recently with officials of the cities of Bakersfield, Visalia, Merced and Kern County; that they were cooperating in writing letters to Washington officials.

LETTER FROM FRANK ANDREWS REGARDING IRRIGATION DISTRICT MANAGEMENT 6-40

A letter from Frank Andrews dated June 9, 1966, subject, "Is This Another S.-F. City Slicker Deal," was entered into the record of the minutes and ordered filed.

LETTER FROM FOURTH OF JULY COMMITTEE RELATIVE TO ANNUAL CELEBRATION SUBMITTING PARADE ROUTE, ETC., AND REQUESTING CITY COOPERATION

A letter from Cal Purviance, Parade Chairman, Stanislaus Fourth of July Committee, dated June 8, 1966 submitting a parade route and requesting city cooperation, was entered into the record of the minutes.

RESOLUTION NO. 66-432

A RESOLUTION APPROVING REQUESTS OF THE STANISLAUS COUNTY FOURTH OF JULY COMMITTEE FOR THE CELEBRATION BEING HELD IN THE CITY OF MODESTO JULY 4, 1966

Introduced by Smith Seconded by Shastid

Ayes: Mitchell, Shastid, Smith, Acting Mayor VanderWall
Noes: None Absent: Hughes, Patton, Mayor Johansen

LETTER FROM CARL LEWIS REQUESTING VARIANCE TO PERMIT CURB CUT ON PROPERTY LOCATED IN BLOCK 56

At the request of the City Manager, and with the unanimous consent of the Council, this item was removed from the agenda.

CONSIDER AWARD OF BID FOR THE CONSTRUCTION OF IMPROVEMENTS AT PIKE PARK AND WHITMORE PARK

RESOLUTION NO. 66-433

A RESOLUTION ACCEPTING THE BID OF A. C. CONSTRUCTION COMPANY FOR CONSTRUCTION OF IMPROVEMENTS AT PIKE PARK AND WHITMORE PARK

Introduced by Shastid Seconded by Mitchell

Ayes: Mitchell, Shastid, Smith, Acting Mayor VanderWall
Noes: None Absent: Hughes, Patton, Mayor Johansen

CONSIDER AWARD OF BID FOR THE CONSTRUCTION OF SLURRY SEAL ON VARIOUS CITY STREETS

RESOLUTION NO. 66-434

A RESOLUTION ACCEPTING THE BID OF HIGHWAY SAFETY SUPPLY OF SACRAMENTO FOR CONSTRUCTION OF SLURRY SEAL ON VARIOUS CITY STREETS

Introduced by Shastid Seconded by Mitchell

Ayes: Mitchell, Shastid, Smith, Acting Mayor VanderWall
Noes: None Absent: Hughes, Patton, Mayor Johansen

CONSIDER AWARD OF BID FOR THE FURNISHING OF ONE DEEP WELL PUMP AND ELECTRICAL EQUIPMENT FOR PUMP STATION NO. 25 LOCATED ON THE NORTH SIDE OF WOODROW AVENUE APPROXIMATELY 500 FEET EAST OF TWSRR

RESOLUTION NO. 66-435

A RESOLUTION ACCEPTING THE BID OF JOHNSTON PUMP COMPANY FOR FURNISHING ONE DEEP WELL PUMP AND ELECTRICAL EQUIPMENT FOR PUMP STATION NO. 25 ON WOODROW AVENUE

Introduced by Shastid Seconded by Mitchell

Ayes: Mitchell, Shastid, Smith, Acting Mayor VanderWall
Noes: None Absent: Hughes, Patton, Mayor Johansen

CONSIDER AWARD OF BID FOR ASPHALT CONCRETE RESURFACING OF VARIOUS CITY STREETS

RESOLUTION NO. 66-436

A RESOLUTION ACCEPTING THE BID OF M. J. RUDDY AND SON FOR ASPHALT CONCRETE RESURFACING OF VARIOUS CITY STREETS

Introduced by Shastid Seconded by Mitchell

Ayes: Mitchell, Shastid, Smith, Acting Mayor VanderWall
Noes: None Absent: Hughes, Patton, Mayor Johansen

CONSIDER AWARD OF BID FOR THE DRILLING, CASING, TESTING AND DEVELOPING ONE DEEP WELL FOR THE CITY OF MODESTO - WELL NO. 33

RESOLUTION NO. 66-437

A RESOLUTION ACCEPTING THE BID OF OSTERBERG AND STEWART FOR THE DRILLING, CASING, TESTING AND DEVELOPMENT OF ONE DEEP WELL FOR THE CITY - WELL NO. 33, ON PRESCOTT ROAD

Introduced by Shastid Seconded by Mitchell

Ayes: Mitchell, Shastid, Smith, Acting Mayor VanderWall
Noes: None Absent: Hughes, Patton, Mayor Johansen

CONSIDER AWARD OF BID FOR THE CONSTRUCTION OF TENNIS COURT LIGHTS AT GRACEADA PARK

RESOLUTION NO. 66-438

A RESOLUTION ACCEPTING THE BID OF FERRERO ELECTRIC, INC. FOR INSTALLATION OF TENNIS COURT LIGHTS AT GRACEADA PARK

Introduced by Shastid Seconded by Mitchell

Ayes: Mitchell, Shastid, Smith, Acting Mayor VanderWall
Noes: None Absent: Hughes, Patton, Mayor Johansen

Introduced by Shastid Seconded by Mitchell
Ayes: Mitchell, Shastid, Smith, Acting Mayor VanderWall
Noes: None Absent: Hughes, Patton, Mayor Johansen

CONSIDER AWARD TO LOW BIDDER, JOSLYN-PACIFIC, SAN FRANCISCO, FOR FURNISHING ALLEY LIGHTS

RESOLUTION NO. 66-439

A RESOLUTION ACCEPTING THE BID OF JOSLYN-PACIFIC FOR FURNISHING ALLEY LIGHTS (Items 8 and 9 of lighting fixture bids opened May 17, 1966)

Introduced by Shastid Seconded by Mitchell

Ayes: Mitchell, Shastid, Smith, Acting Mayor VanderWall
Noes: None Absent: Hughes, Patton, Mayor Johansen

WITHDRAWAL OF REQUEST BY DR. WESTPHAL TO RESIGN FROM THE PLUMBING BOARD

RESOLUTION NO. 66-440

A RESOLUTION RESCINDING RESOLUTION NO. 66-392 (RESIGNATION OF DR. ROBERT S. WESTPHAL FROM BOARD OF PLUMBING EXAMINERS)

Introduced by Shastid Seconded by Mitchell

Ayes: Mitchell, Shastid, Smith, Acting Mayor VanderWall
Noes: None Absent: Hughes, Patton, Mayor Johansen

ACCEPT AS COMPLETE VISTAVIEW, INC.'S CONTRACT FOR INSTALLATION OF SPRINKLER SYSTEM IN WEST SIDE PARK

RESOLUTION NO. 66-441

A RESOLUTION ACCEPTING THE INSTALLATION OF SPRINKLER SYSTEM IN WEST SIDE PARK BY VISTAVIEW, INC.

Introduced by Shastid Seconded by Mitchell

Ayes: Mitchell, Shastid, Smith, Acting Mayor VanderWall
Noes: None Absent: Hughes, Patton, Mayor Johansen

REQUEST FOR RESOLUTION PROCLAIMING JUNE 19 TO JUNE 25, 1966 AS BURGLARY PREVENTION WEEK

RESOLUTION NO. 66-442

A RESOLUTION PROCLAIMING JUNE 19 TO JUNE 25, 1966, AS BURGLARY PREVENTION WEEK IN THE CITY OF MODESTO

Introduced by Shastid Seconded by Mitchell

Ayes: Mitchell, Shastid, Smith, Acting Mayor VanderWall
Noes: None Absent: Hughes, Patton, Mayor Johansen

CONSIDER EXERCISING OPTION FOR PURCHASE OF LAND FROM AMERICAN SECURITIES COMPANY FOR FOURTH HIGH SCHOOL PARK SITE

RESOLUTION NO. 66-443

A RESOLUTION AUTHORIZING EXERCISING OPTION TO PURCHASE PROPERTY FROM AMERICAN SECURITIES COMPANY FOR THE FOURTH HIGH SCHOOL PARK SITE AND AUTHORIZING EXECUTION OF ALL NECESSARY DOCUMENTS REQUIRED TO CONSUMMATE SAID PURCHASE

Introduced by Shastid Seconded by Mitchell

Ayes: Mitchell, Shastid, Smith, Acting Mayor VanderWall
Noes: None Absent: Hughes, Patton, Mayor Johansen

SALE OF SURPLUS TREES TO COUNTY OF STANISLAUS

RESOLUTION NO. 66-444

A RESOLUTION AUTHORIZING THE SALE OF SURPLUS TREES TO THE COUNTY OF STANISLAUS (Deodar and Pine Trees)

Introduced by Shastid Seconded by Mitchell

Ayes: Mitchell, Shastid, Smith, Acting Mayor VanderWall
Noes: None Absent: Hughes, Patton, Mayor Johansen

AUTHORIZE APPLICATION FOR LAND USE PERMIT, GARBAGE DISPOSAL

RESOLUTION NO. 66-445

A RESOLUTION AUTHORIZING SUBMISSION OF AN APPLICATION TO THE COUNTY PLANNING COMMISSION FOR A LAND USE PERMIT FOR GARBAGE DISPOSAL FACILITY ON MITCHELL ROAD

Introduced by Shastid Seconded by Mitchell

Ayes: Mitchell, Shastid, Smith, Acting Mayor VanderWall
Noes: None Absent: Hughes, Patton, Mayor Johansen

CONSIDER REQUEST FOR SEWER SERVICE EXTENSION TO PROPERTY LOCATED AT 2226 GLENDALE AVE.

RESOLUTION NO. 66-446

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND RICHARD C. SMITH AND OPAL I. SMITH FOR SEWER SERVICE EXTENSION TO PROPERTY LOCATED AT 2226 GLENDALE AVENUE

Introduced by Shastid Seconded by Mitchell

Ayes: Mitchell, Shastid, Smith, Acting Mayor VanderWall
Noes: None Absent: Hughes, Patton, Mayor Johansen

CONSIDER MAKING ALLEY BEHIND JLJ APARTMENTS CONNECTING HUDSON LANE TO PARADISE ROAD ONE-WAY NORTHBOUND

RESOLUTION NO. 66-447

A RESOLUTION AMENDING SECTION 1(b) OF RESOLUTION NO. 62-29 ENTITLED "A RESOLUTION ESTABLISHING ONE-WAY STREETS AND ALLEYS AND ANGLE PARKING IN THE CITY OF MODESTO AND RESCINDING RESOLUTION NO. 59-191 ENTITLED 'A RESOLUTION ESTABLISHING PARKING METER ZONES, ONE-WAY STREETS AND ALLEYS AND ANGLE PARKING IN THE CITY OF MODESTO AND RESCINDING ALL PRIOR RESOLUTIONS AND REGULATIONS RELATING THERETO,' AND RESCINDING ALL SUBSEQUENT RESOLUTIONS AND REGULATIONS RELATING THERETO," AND RESCINDING RESOLUTION NO. 65-405

Introduced by Shastid Seconded by Mitchell

Ayes: Mitchell, Shastid, Smith, Acting Mayor VanderWall
Noes: None Absent: Hughes, Patton, Mayor Johansen

ADOPTION OF ORDINANCE ANNEXING RAMONA NO. 1 ADDITION TO THE CITY OF MODESTO

ORDINANCE NO. 793-C.S. entitled
"AN ORDINANCE ANNEXING UNINHABITED TERRITORY KNOWN AS THE RAMONA NO. 1 ADDITION TO THE CITY OF MODESTO"

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

Moved by Smith Seconded by Mitchell

Ayes: Mitchell, Shastid, Smith, Acting Mayor VanderWall
Noes: None Absent: Hughes, Patton, Mayor Johansen

CONSIDER OFFER OF CARL LEWIS TO SELL 75' x 140' PORTION OF 9TH AND J STREETS PARKING LOT

A letter from Carl W. Lewis, 1937 River Road, Modesto, dated June 7, 1966 offering to sell to the City a 75-ft x 140-ft parcel of land now being used by the City for parking purposes, in the amount of $55,000 was entered into the record of the minutes.

RESOLUTION NO. 66-448

A RESOLUTION ACCEPTING THE OFFER OF CARL W. LEWIS TO SELL CERTAIN REAL PROPERTY TO THE CITY OF MODESTO, AND AUTHORIZING THE PURCHASE OF SAID REAL PROPERTY LOCATED ON NINTH STREET NEAR J STREET FOR AN OFF-STREET PARKING LOT ($55,000)

Introduced by Smith Seconded by Mitchell

Ayes: Mitchell, Shastid, Smith, Acting Mayor VanderWall
Noes: None Absent: Hughes, Patton, Mayor Johansen

RESOLUTION NO. 66-449

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $55,000 FOR PURCHASE OF REAL PROPERTY FROM CARL W. LEWIS

Introduced by Smith Seconded by Mitchell

Ayes: Mitchell, Shastid, Smith, Acting Mayor VanderWall
Noes: None Absent: Hughes, Patton, Mayor Johansen

PROPOSED AGREEMENT WITH SAN FRANCISCO STATE COLLEGE FOR WORK STUDY PROGRAM

The following document was entered into the record of the minutes: Memorandum from Director of Parks and Recreation dated June 10, 1966 subject, "Proposed Work Study Program Agreement with San Francisco State College."

RESOLUTION NO. 66-451

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND SAN FRANCISCO STATE COLLEGE FOR WORK STUDY PROGRAM

Introduced by Mitchell Seconded by Smith

Ayes: Mitchell, Shastid, Smith, Acting Mayor VanderWall
Noes: None Absent: Hughes, Patton, Mayor Johansen

APPROPRIATION TRANSFER TO PROVIDE PART TIME HELP FOR REMAINDER OF 1965-66 FISCAL YEAR FOR SUMMER WORK REGARDING ANNEXATIONS

RESOLUTION NO. 66-450

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $291 FOR PART-TIME HELP FOR REMAINDER OF 1965-66 FISCAL YEAR FOR SUMMER WORK REGARDING ANNEXATIONS

Introduced by Shastid Seconded by Smith

Ayes: Mitchell, Shastid, Smith, Acting Mayor VanderWall

Noes: None Absent: Hughes, Patton, Mayor Johansen

CONSIDER APPOINTMENT OF LEAGUE OF WOMEN VOTERS OF MODESTO TO TAKE CHARGE OF UNITED NATIONS DAY PROGRAM AGAIN THIS YEAR

MOTION

That the League of Women Voters of Modesto be appointed to take charge of United Nations Day Program (October 24, 1966)

Moved by Shastid Seconded by Mitchell Unanimously carried

REPORT THAT DEPARTMENT OF HOUSING & URBAN DEVELOPMENT HAS RETURNED APPLICATION TO CITY FOR OPEN SPACE LAND FUNDS PENDING FORMATION OF COMPREHENSIVE PLANNING PROGRAM FOR MODESTO-CERES-EMPIRE AREA

City Manager Keefe reported that the City's applications for open space land funds have been returned by the Housing & Urban Development; that if federal funds are to be obtained in the future for sewer and water facilities or transit funds, under the Housing & Urban Development, a governmental unit for urban planning comprising the cities of Modesto, Ceres, and County of Stanislaus, must be established. Mr. Keefe said he believed such a body might be created without additional expense to the City. He asked for council authorization to proceed with conversations with city, county and federal representatives with the idea of creating a metropolitan planning agency which would make the City eligible for federal grants. Mr. Keefe said that so far the response has been good; that in his talks with federal government representatives, he believed that either the city, county, or Ceres planning staff could be appointed the agency for the body; that there did not appear to be much planning to be done, since this has already been accomplished by an advanced planning staff.

MOTION

That the City Manager be authorized to proceed with the preparation of working details for the creation of a metropolitan planning agency

Moved by Shastid Seconded by Mitchell Unanimously carried

FURTHER REPORT ON PROPOSED NEIGHBORHOOD CENTER ON WEST SIDE

City Manager Keefe stated that at the June 6th meeting the staff was directed to secure information from the federal government as to the limits of the City's responsibility in the event that O.E.O. funds are no longer available for operation of the proposed neighborhood center; that he had contacted a representative of O.E.O., who said that so long as the building was used for the purpose for which it was built, there were no regulations as to how much money the City would have to spend; therefore, the City could maintain a minimum staff.

MOTION

That the staff be authorized to prepare an application for federal funds for the proposed neighborhood center in West Modesto

Moved by Shastid | Seconded by Smith | Unanimously carried

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by Mitchell | Seconded by Smith | Unanimously carried

The meeting adjourned at 9:10 P.M.

ATTEST: Rex E. Gailfus

REX E. GAILFUS, City Clerk

Modesto City Council
June 20, 1966

The Council of the City of Modesto met in regular session this date at 4:00 P.M. in the Council Chambers, City Hall, 801 11th Street, Modesto, California, Mayor Johansen presiding.

Present: Councilmen: Hughes, Mitchell, Smith, VanderWall, Mayor Johansen
(Councilman Shastid arrived at 4:06 P.M.)
Absent: Councilmen: Patton

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

Reverend H. B. Christian gave the invocation.

APPROVAL OF MINUTES

The minutes of the adjourned special meeting of May 19, 1966 were approved.

Councilman Shastid arrived at 4:06 P.M.

ORAL PRESENTATION OF BUDGET FOR DOWNTOWN IMPROVEMENT DISTRICT AREA FOR 1966-67 FISCAL YEAR

A letter from John Hoge, Chairman, AB-103 Advisory Board, dated June 16, 1966, submitting a budget of proposed expenditures in the amount of $45,000 for Downtown Improvement District Area A - 218, for fiscal year 1966-67, was entered into the record of the minutes.

Mr. Hoge stated that the provisions of Resolution No. 66-73 were carried out, with 40% budgeted for beautification, and 60% for promotion.

Upon questioning, Director of Finance Bird stated that the $45,000 was a conservative estimate; that the $600 reserve was rather small; that a report would be made to the Council at a later date as to the actual level of revenues received; that any savings during the fiscal year will be incorporated into next year's budget.

Mr. Hoge explained to the Council that the $2,500 budgeted for office supplies covered postage, a $400 printing bill for calendars to be distributed to all members of the Improvement District, office supplies, etc. He said that it was anticipated that an individual would be hired within the next two weeks to perform the secretarial functions for the District.

MOTION

That the budget of proposed expenditures for the Downtown Improvement District Area A for fiscal year 1966-67 be tentatively approved and the staff directed to include it in the final budget

Moved by Shastid Seconded by Smith Unanimously carried

LETTER FROM NORTON COLEMAN, CHAIRMAN, McHENRY-DRY CREEK FIRE PROTECTION DISTRICT, REGARDING FIRE HYDRANT CHARGE IN THE DISTRICT

A letter from Norton Coleman dated June 11, 1966 requesting a reduction in the rate charged per hydrant or in the number of hydrants charged for, was entered into the record of the minutes.

By order of the Chair, the letter was referred to the staff for report back to the Council. The staff was directed to notify Mr. Coleman of the council action taken, and of the date when the matter will again be presented to the Council.

LETTER FROM JOHN J. MCFALL, MEMBER OF CONGRESS, REGARDING CURBSIDE MAIL BOXES

A letter from Congressman McFall dated June 7, 1966 enclosing a comprehensive report from Deputy Assistant Postmaster General A. C. Hahn concerning the Post Office Department's policy with respect to curbside mail delivery service was entered into the record of the minutes.

The letter was ordered filed.

LETTER FROM FRANK ANDREWS REGARDING COUNTY HUMANE SOCIETY

A letter from Frank Andrews dated June 16, 1966 subject, "Asking the Mayor to Appoint a Committee on this Vital Matter," (Modesto and Stanislaus County Humane Society) was entered into the record of the minutes. By order of the Chair, the letter was ordered filed.

CONSIDER AWARD OF BID FOR LEGAL ADVERTISING, FISCAL YEAR 1966-67

RESOLUTION NO. 66-453

A RESOLUTION ACCEPTING THE BID OF THE MODESTO BEE FOR LEGAL ADVERTISING FOR FISCAL YEAR 1966-67

Introduced by VanderWall Seconded by Smith

Ayes: Hughes, Mitchell, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Patton

ACCEPT AS COMPLETE INDUSTRIAL ELECTRICAL CO.'S CONTRACT FOR CONSTRUCTION OF BEACON WITH TOWER AND REMOTE CONTROL CIRCUIT FOR THE MODESTO CITY-COUNTY AIRPORT

RESOLUTION NO. 66-454

A RESOLUTION ACCEPTING THE CONSTRUCTION OF BEACON WITH TOWER AND REMOTE CONTROL CIRCUIT FOR THE MODESTO CITY-COUNTY AIRPORT

Introduced by VanderWall Seconded by Smith

Ayes: Hughes, Mitchell, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Patton

CONSIDER AGREEMENT FOR ESTABLISHING NEW PAY STATION FOR COLLECTION OF WATER AND SEWER BILLS

RESOLUTION NO. 66-455

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND COLBURN'S DEPARTMENT STORE FOR COLLECTION OF WATER AND SEWER BILLS

Introduced by VanderWall Seconded by Smith

Ayes: Hughes, Mitchell, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Patton

APPROVE SUBDIVISION AGREEMENT AND FINAL MAP OF SHERWOOD MANOR NO. 3 SUBDIVISION

RESOLUTION NO. 66-456

A RESOLUTION APPROVING THE FINAL MAP OF THE SHERWOOD MANOR NO. 3 SUBDIVISION OF THE CITY OF MODESTO

Introduced by VanderWall Seconded by Smith

Ayes: Hughes, Mitchell, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Patton

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR INSTALLATION OF WATER LINES IN SHERWOOD MANOR NO. 3 SUBDIVISION

RESOLUTION NO. 66-457

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR INSTALLATION OF WATER LINES IN SHERWOOD MANOR NO. 3 SUBDIVISION

Introduced by VanderWall Seconded by Smith
Ayes: Hughes, Mitchell, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Patton

July 5, 1966 at 10:00 A.M. in the City Clerk's office was set as the time and place for opening of bids.

ADOPTION OF ORDINANCE NO. 791-C.S. AMENDING SECTION 27-3-9 OF THE ZONING REGULATIONS (CASKEY)

ORDINANCE NO. 791-C.S. entitled
"AN ORDINANCE AMENDING SECTION MAP 27-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (CASKEY)"

introduced June 6, 1966 and having been published as required, was moved and adopted

Introduced by Smith Seconded by Hughes

Ayes: Hughes, Mitchell, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Patton

ADOPTION OF ORDINANCE NO. 792-C.S. AMENDING SECTION MAP 15-3-9 OF THE ZONING REGULATIONS (SOELLING)

ORDINANCE NO. 792-C.S. entitled
"AN ORDINANCE AMENDING SECTION MAP 15-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (SOELLING)"

introduced June 6, 1966 and having been published as required, was moved and adopted.

Moved by Smith Seconded by Hughes

Ayes: Hughes, Mitchell, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Patton

FURTHER CONSIDERATION OF THE 1966-67 CITY BUDGET 1-100

CAPITAL IMPROVEMENT PROGRAM

Parking and Traffic

Mayor Johansen said that at the June 9, 1966 adjourned special meeting, the Council voted 2 to 1 to move up one year, from fiscal year 1967-68 to 1966-67, Account 187, Traffic Signal Construction, College and Stoddard; Account 203, Traffic Signals, College and Roseburg, and Account 204, Modernize 11th/L, 10th/G and 7th/G signals. He said that upon further consideration, he felt that since the Planning Commission had prepared the Capital Improvement Program, Planning Commission concurrence should be obtained before the program was changed by the Council. He pointed out that he did not necessarily disagree with the intent of the motion.

Director of Parking and Traffic Carmody explained to the Council the manner in which studies were evaluated to establish traffic signal priorities. He pointed out that moving the 1967-68 traffic signal projects ahead to 1966-67 provided signalization of three intersections on College Avenue which were needed, but did not provide geographical distribution. He said that it was not possible to push ahead the railroad signals at College TSRR crossing, and suggested as a priority substitution the signalization of Briggsmore-Tully.

The higher-than-average incidence of traffic accidents at the Stoddard-College intersection was discussed.

Mr. Carmody again pointed out the need to budget $4,000 for signalization which will allow and prohibit left turns at various times of the day at the Morris-McHenry Avenue intersection and will allow a left turn, third phase, at the Needham-McHenry intersection. He said that these two projects have been approved by the Division of Highways, District X, at Stockton, and await final approval of the State.

Councilman Smith spoke in support of a stepped-up program for installation of traffic signals, stating that he believed this program more important than perhaps some other projects for which much larger sums of money have been budgeted; that it had not yet been proven to him why the other projects were more important than traffic flow and elimination of accidents.

As an alternate to signalization projects which he proposed be stepped up in fiscal year 1966-67 at the June 9th meeting, Councilman Smith proposed that either signalization of College and Stoddard or College and Roseburg, modernization of signals at 11th/L, 10th/G, and 7th/G, and Briggsmore and Tully be moved up to fiscal year 1966-67. Mr. Carmody, upon questioning said that he would choose signals at Roseburg and College

rather than Stoddard and College, if the College-Coldwell signals were installed in 1966-67.

Councilman Smith's alternate proposal was discussed by the Council.

City Manager Keefe stated that if the downtown plan were changed, it was anticipated that about $146,000 would be needed for signalization next year; that this sum was set up in the reserve for this purpose.

A motion introduced by Councilman Smith that $74,000 be budgeted for signalization in fiscal year 1966-67 to include all of the items listed in the 1966-67 Capital Improvement Program, less the $3,000 for safety lights, TSRR at College; plus $4,000 for signalization allowing and prohibiting left turns at various times of the day at Morris-McHenry and allowing a left turn, third phase at Needham-McHenry; College and Roseburg signalization; modernization of 11th/L, 10th/G and 7th/G; Briggsmore and Tully signalization, died for lack of a second.

MOTION

That $3,000 for safety lights, TSRR at College, be dropped from the 1966-67 Parking and Traffic Capital Improvement Program; that $4,000 be added for signalization pertaining to left-hand turns at Morris-McHenry and Needham-McHenry

Moved by Hughes Seconded by Mitchell

The motion carried, Councilman Smith dissenting.

Councilman Mitchell suggested that the Council review later on during the fiscal year to see if there were savings in other departments which could be used to accelerate the traffic signal program. The City Manager stated that a report would be made to the Public Relations Committee in about six months.

A suggestion that perhaps the installation of automatic sprinklers at Graceada, John Muir and Whitmore Parks ($41,000) in fiscal year 1966-67 could be deferred and an equivalent amount budgeted for traffic signals, was discussed, with no action taken.

The staff was directed to place the further discussion on the Capital Improvement Program on the June 27th agenda.

HEARING ON REPORT OF COST OF REPAIR OF SIDEWALK, BLOCK 33, 7TH STREET

Mayor Johansen announced that the hour of 4:30 P.M. had arrived, the time set for consideration of the report of cost of repair of sidewalk in Block 33, 7th Street, and opened the hearing.

A certification from the Director of Public Works indicating that the repair of the sidewalk and driveway in front of the property had been completed on May 31, 1966 at a total cost of $267, the amount to be assessed against the property, was entered into the record of the minutes.

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

RESOLUTION NO. 66-458

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF REPAIR OF SIDEWALK AND DRIVEWAY IN FRONT OF PROPERTY LOCATED AT LOTS 14, 15 and 16 OF BLOCK 33 ON 7TH STREET IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY, AND DIRECTING THE METHOD OF COLLECTION OF THE AMOUNT OF SAID LIEN

Introduced by Shastid Seconded by Hughes

Ayes: Hughes, Mitchell, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Patton

MATTERS FOR THE GOOD OF THE COMMUNITY

Chamber of Commerce Support of Sewage Expansion Project

Ray Whitgrove, President, Chamber of Commerce, offered the services of the Chamber in organizing a voluntary citizens' committee to assure the passage of the proposed bond

issue for expansion of the sewage treatment facilities.

The appreciation of the Council was expressed for the offer.

Report of Sewage Expansion Project - Mayor Johansen

Mayor Johansen stated that council members were meeting with the School Board later in the evening to discuss the possibility of the Schools postponing its bond election scheduled sometime in September; that he had authorized the City Attorney to have preliminary discussions with the bond consultants, and the City Manager to have preliminary discussions with financial consultants, Bartle Wells.

The City Manager reviewed a sketch indicating the proposed boundary of the sewage district, the areas within and outside the city limits. He stated that the first phase of the proposed expansion will cost about $14,250,000, of which a federal grant has been approved in the amount of $7,200,000. He pointed out that a resolution accepting the grant was needed before June 30th.

Mayor Johansen announced that October 4, 1966 has been selected as the date for the bond election.

Acceptance of Federal Grant

RESOLUTION NO. 66-459

A RESOLUTION ACCEPTING A GRANT OFFER FROM THE U. S. DEPARTMENT OF COMMERCE, ECONOMIC DEVELOPMENT ADMINISTRATION OF THE FEDERAL GOVERNMENT OF THE UNITED STATES, TO AID IN THE CONSTRUCTION OR EQUIPPING OF SEWER TREATMENT FACILITIES, AND AUTHORIZING THE CITY MANAGER TO SIGN THE ACCEPTANCE OF SAID OFFER

Introduced by Smith Seconded by Shastid

Ayes: Hughes, Mitchell, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Patton

MOTION

That the staff be authorized to negotiate with the firm of Bartle Wells as financial consultants for the sewage expansion project

Moved by VanderWall Seconded by Shastid Unanimously carried

MOTION

That the City Attorney be authorized to negotiate with the firm of Orrick, Dalquist, Herrington & Sutcliff for services as bond counsel for the sewage expansion project

Moved by VanderWall Seconded by Smtih Unanimously carried

The City Manager stated that agreements would be presented to the Council for approval at the June 27th meeting; that an agreement between the City and Jenks and Adamson has been negotiated and will possibly be ready for council approval at the same meeting.

Mr. Keefe reported briefly on a recent meeting with the Water Pollution Control Board; that the Control Board agreed to issue a cease and desist order effective July 1, 1966 if the federal grant was not approved.

Mayor Johansen stated that the City would be glad to offer any information needed to assist the volunteer citizens' committee working for the bond issue.

DISCUSSION BY SCHOOL BOARD AT ITS JUNE 20TH MEETING ON CONFLICT OF CITY SEWER BOND ELECTION - HIGH SCHOOL BOND ELECTION 4-110

The conflict of dates for the High School bond election proposed for September, 1966 and the city sewer bond election proposed for October 4, 1966, the legal problems involved, and the importance of the success of the proposed elections were discussed.

Mayor Johansen stated that council direction was needed for the council and staff members who were attending a school board meeting later in the evening to discuss this matter.

MOTION

That the City's representatives at the School Board meeting be instructed to discuss the City's problems with the School Board, and to officially request that the School Board consider postponement of its school bond election presently scheduled for September 1966

Moved by Hughes Seconded by Mitchell Unanimously carried

Councilman Mitchell pointed out that the two bond elections were mutually dependent; that he and Councilman VanderWall would indicate to the Board of Education that it could count on the Council to support its bond issue, as he hoped the Board would support the City's sewer bond issue.

Introduction of New Associate Planner - John Doxey

City Manager Keefe introduced John Doxey, new Associate Planner. Mr. Doxey will replace Bill Nichols, who has resigned effective June 24, 1966 to accept the position of Principal Planner in Madison, Wisconsin.

Report of Absence from Council Meetings - Councilman Smith

Councilman Smith announced that he would be on vacation from June 25 to August 1.

United Air Lines' Proposed Withdrawal from San Joaquin Valley

City Attorney Johnson reported briefly on the status of United Air Lines' proposed withdrawal of service from San Joaquin Valley, stating that a full hearing would be held in Washington, D. C. on June 29th, and that oral arguments would be made before the Board based on the record developed at the hearings before the Hearing Examiner. Mr. Johnson said that he had received word from the other valley cities involved, and all will have representatives present at the hearing.

MOTION

That Airport Manager Sham and either Mayor Johansen or Vice Mayor VanderWall be authorized to represent the City of Modesto at the Washington, D.C. air lines hearing to be held June 29th

Moved by Hughes Seconded by Mitchell Unanimously carried

Report on West Side Community Center

Director of Parks and Recreation Grogan stated that since she last reported to the Council, she had met with planners and the Director of Parking and Traffic in an attempt to determine the best way to provide off-street parking for the West Side Community Center; that after looking at the proposed site, it was decided that the parking should be on the south side of Vine Street and somewhat adjacent to the Center; that this presented some problems because of existing land uses. Miss Grogan said that consideration was being given to placing the building on the existing park site, obtaining more property, and with the combination of the two, develop the building and the necessary parking. She pointed out that normally a neighborhood park should be ten acres, if not located adjacent to a school; however, the Mark Twain school and adjacent park were much closer than might be normally expected. She stated it was the opinion of the staff, after review, that this was the best solution for the development of the plan for the opportunity center with necessary parking; that because of the involvement of park land, Council direction was needed; that any city-owned land used for the center could be used as a credit for matching funds to be provided by the City.

MOTION

That the staff be authorized to prepare an application for federal funds on the basis outlined by Miss Grogan

Moved by VanderWall Seconded by Smith Unanimously carried

CONSIDER SALARY RECOMMENDATION SUBMITTED BY MODESTO CITY PERSONNEL COMMISSION 6-90

The following documents were entered into the record of the minutes: Letter from Personnel Commission dated June 7, 1966 submitting recommendations for salary increases for full-time classified city employees; letter from Modesto City Employees' Association, Inc., dated June 8, 1966 submitting a request for an overall 7½% increase.

James Morgensen, representing the Personnel Commission in behalf of Chairman John Tatoyan, read the letter from the Personnel Commission dated June 7, 1966 into the record of the minutes. The following recommendations were made: That a general salary increase of 5% be approved for all city employees; that an additional 3% increase be granted to classifications in the fire series; that funds be budgeted for and authorization be given for the conduct of a classification plan resurvey and salary survey by an outside agency during the first half of 1966-67 fiscal year; that action on any other adjustments of salary relationships or classifications be deferred until such time as a general classification and salary survey is made by an outside consulting agency; that action which would amend the present provisions for merit incentive pay for patrolmen be deferred until a new chief of police is appointed and has had an opportunity to review and make a recommendation on this matter.

Mr. Floyd Pierson, Executive Secretary, Modesto City Employees' Association, spoke briefly to the Council in support of the Association's request for salary increases and classification and salary survey to be conducted by an outside agency. He said that in studying 23 classifications reported in the League of California Cities' survey for the thirteen cities with which Modesto salaries are compared, it was found that Modesto was approximately seven percent below the average of the thirteen cities; that some of the classifications indicated a 16% differential; that Modesto employees were also below the average compared to local private and governmental agencies; that the salaries of intermediate clerk-typists in 70 cities in Northern California out of a total of 90, were above those paid by the City of Modesto; that those paying below Modesto were cities with populations under 20,000. He said that a similar situation applied to intermediate stenographer-clerks and heavy equipment operators. Mr. Pierson summarized his presentation by stating that the salaries of City of Modesto employees should be compared with those cities of comparable size and capacity to pay; that the employees felt that a classification and salary survey by an outside agency would adjust the existing differentials and eliminate the dissatisfaction of some of the employees.

Mr. Ernest La Coste, attorney representing the Fire Fighters' Association, said that the Association was pleased over the extra 3% over the general 5% increase recommended the Fire Fighters by the Personnel Commission; that this was a step in the proper direction; that in comparison with the thirteen cities, the Modesto firemen were at the bottom of the list with the City of Merced. (13 to 15% below the average). He asked that the recommendation of the Personnel Commission be approved. He concurred in the Commission recommendation that an outside firm be hired for a salary and classification study.

Upon questioning, the City Manager stated that the last classification study by an outside firm was held in 1961; the last salary study in 1964.

Mr. Morgensen was questioned on the following subjects: whether or not the 3.2% salary increase guideline recommended by the President was considered in recommending the 5% increase; external-internal relationships; scope of the recommended classification and salary survey by an outside agency; the recommendation that action which would amend the present provision for merit incentive pay for patrolmen be deferred until a new police chief is appointed.

Mr. Morgensen stated that he did not believe the Personnel Commission would be as proficient as an outside agency in making the salary and classification study, since an outside agency doing this type of work as a full-time profession would have the ability to make an objective study; that there was some doubt on the part of the Commission as to what figures the Commission should use in order to properly set the range for professional employees--whether they should be statewide, local, etc.; that an outside agency might be able to offer advice as to what the recruiting area should be, with whom the City was competing, and the proper salary.

Personnel Assistant Cheatham was questioned on firemen classification comparisons between Modesto and other California cities.

Chief Everett described the staffing and duties of the individuals manning the fire stations.

MOTION

That a general salary increase of 5% effective July 1, 1966 be approved for all city employees except department heads, council appointees and hourly salaried employees in

unclassified part-time positions; that recommendations III and IV, that funds be budgeted for a classification plan resurvey and salary survey by an outside agency, and that action on other adjustments of salary relationships or classifications be deferred until such time as a general classification and salary survey is made by an outside consulting agency, be disapproved; that recommendation V, that action which would amend the present provision for merit incentive pay for patrolmen be deferred until a new chief of police is appointed and has had an opportunity to review and make a recommendation on this matter be approved; that as the fiscal year progresses, any variations presented to the Personnel Commission be brought to the attention of the Council

Moved by Shastid Seconded by Smith (No Vote)

Personnel Assistant Cheatham gave a breakdown on the estimated total cost of the proposed salary increases, ($161,972).

MOTION

That the original motion be amended to consider the recommendations of the Personnel Commission relative to employees' salaries separately

Moved by Mitchell Seconded by Hughes

The motion carried, Councilman Shastid dissenting.

MOTION

That a general salary increase of 5% be approved for all city employees (excluding department heads, council appointees, and hourly salaried employees in unclassified part-time positions)

Moved by Shastid Seconded by Smith Unanimously carried

The Council discussed the following: cost of the recommended classification and salary survey; changes in classifications which would warrant a resurvey. The staff was directed to work with the Personnel Commission to develop a report for the Council as to the reasons for the recommendation for the surveys. Councilman Smith stated that if it were indicated that the surveys were needed, funds could be appropriated at a later date.

MOTION

That recommendations III and IV of the Personnel Commission, that funds be budgeted for and authorization given for the conduct of a classification plan resurvey and salary survey by an outside agency during the first half of 1966-67 fiscal year, and that action on any other adjustment of salary relationships or classifications be deferred until such time as a general classification and salary survey is made by an outside consulting agency, be deleted

Moved by Shastid Seconded by Smith Unanimously carried

MOTION

That recommendation No. V of the Personnel Commission, that action which would amend the present provision for merit incentive pay for patrolmen be deferred until a new police chief is appointed, be approved

Moved by Shastid Seconded by Smith Unanimously carried

The differential between police and fire personnel salaries was discussed.

MOTION

That a salary increase of 5% be approved for all department heads

Moved by Shastid Seconded by Hughes Unanimously carried

MOTION

The original motion was voted on and carried unanimously.

EXECUTIVE SESSION

MOTION

That the Council adjourn to executive session to consider salary increases for council appointees

Moved by VanderWall Seconded by Hughes Unanimously carried

The Council went into executive session at 6:45 P.M., returning to regular session at 7:14 P.M.

Mayor Johansen stated the Council wished to gather further statistics before reaching a decision on salary increases for the council appointees--the City Manager, City Attorney and City Clerk.

RESOLUTION NO. 66-460

A RESOLUTION ESTABLISHING SALARY SCHEDULES AND FIXING THE COMPENSATION FOR POSITIONS IN THE CITY SERVICE (Effective July 1, 1966)

Moved by VanderWall Seconded by Smith

Ayes: Hughes, Mitchell, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Patton

APPROPRIATION TRANSFERS - None

REPORT BY MAYOR JOHANSEN AND COUNCILMAN HUGHES - U. S. CONFERENCE OF MAYORS

Mayor Johansen reported briefly on the recent U. S. Conference of Mayors held in Dallas, Texas last week. Papers pertaining to the meeting were handed the City Manager for distribution to interested department heads and commissioners.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by VanderWall Seconded by Smith Unanimously carried

The meeting adjourned at 7:17 P.M.

ATTEST: Rex E. Gailfus
REX E. GAILFUS, City Clerk

Modesto City Council
June 27, 1966

The Council of the City of Modesto met in regular session this date at 7:30 P.M. in the Council Chambers, City Hall, 801 11th Street, Modesto, California, acting Mayor VanderWall presiding.

Present: Councilmen: Hughes, Mitchell, Patton, Shastid, Acting Mayor VanderWall
Absent: Councilmen: Smith, Mayor Johansen

The pledge of allegiance to the Flag was given by all present.
A moment of silent prayer was observed.

APPROVAL OF MINUTES

The minutes of the regular meetings of June 6 and 13, 1966 were approved as posted and distributed.

LETTER FROM C. E. DIXON, CHIEF ADMINISTRATIVE OFFICER, STANISLAUS COUNTY, REGARDING REVENUE DISTRIBUTION, MODESTO MUNICIPAL COURT

A letter from C. E. Dixon dated June 17, 1966 relative to the division of revenue taken in by the Modesto Municipal Court, indicating that the County was operating the Court at a deficit, and requesting that the Council consider the adoption of a new formula, was entered into the record of the minutes.

By order of the Chair, the letter was referred to the Public Relations Committee for study.

LETTER FROM J. FRANK PENDERGAST, DIRECTOR, FEDERAL HOUSING ADMINISTRATION, REGARDING INDIVIDUAL SEWAGE DISPOSAL SYSTEM - RESIDENTIAL PROPERTIES IN MODESTO

A letter from J. Frank Pendergast, Director, Federal Housing Administration, dated June 16, 1966 enclosing copies of letter sent to the Homebuilders Association of Central California outlining the conditions on which FHA is willing to continue acceptance of small lots with individual sewage disposal systems, was entered into the record of the minutes. Recommendation was made that a joint procedure be adopted of not approving a tentative subdivision map until the City, County and FHA have made a preliminary analysis in accordance with listed procedures, and agreement reached on specific requirements for the tract.

By order of the Chair, the letter was referred to the staff for report to the Council at a later date.

CONSIDER AWARD OF BID FOR THE IMPROVEMENT OF EMERALD AVENUE FROM MAZE BOULEVARD TO CALIFORNIA AVENUE

RESOLUTION NO. 66-461

A RESOLUTION ACCEPTING THE BID OF M. J. RUDDY AND SON FOR IMPROVEMENT OF EMERALD AVENUE FROM MAZE BOULEVARD TO CALIFORNIA AVENUE

Introduced by Shastid Seconded by Mitchell

Ayes: Hughes, Mitchell, Patton, Shastid, Acting Mayor VanderWall
Noes: None Absent: Smith, Mayor Johansen

CONSIDER AWARD OF BID FOR IMPROVEMENT OF ORANGEBURG AVENUE FROM TULLY ROAD TO MARTIN AVENUE

RESOLUTION NO. 66-462

A RESOLUTION ACCEPTING BID OF M. J. RUDDY AND SON FOR IMPROVEMENT OF ORANGEBURG AVENUE FROM TULLY ROAD TO MARTIN AVENUE

Introduced by Shastid Seconded by Mitchell

Ayes: Hughes, Mitchell, Patton, Shastid, Acting Mayor VanderWall
Noes: None Absent: Smith, Mayor Johansen

CONSIDER AWARD OF BID FOR INSTALLATION OF STREET LIGHTING MATERIALS AT VARIOUS INTERSECTIONS AND RAILROAD CROSSINGS

RESOLUTION NO. 66-463

A RESOLUTION ACCEPTING THE BID OF FERRERO ELECTRIC, INC., FOR INSTALLATION OF STREET LIGHTING MATERIALS AT VARIOUS STREET INTERSECTIONS AND RAILROAD CROSSINGS

Introduced by Shastid Seconded by Mitchell

Ayes: Hughes, Mitchell, Patton, Shastid, Acting Mayor VanderWall
Noes: None Absent: Smith, Mayor Johansen

CONSIDER AWARDING GASOLINE SUPPLY CONTRACT TO LOW BIDDER, TEXACO, INC., FOR ONE-YEAR PERIOD COMMENCING JULY 1, 1966

RESOLUTION NO. 66-464

A RESOLUTION ACCEPTING THE BID OF TEXACO, INC., FOR GASOLINE FOR THE FISCAL YEAR 1966-67

Introduced by Shastid Seconded by Mitchell

Ayes: Hughes, Mitchell, Patton, Shastid, Acting Mayor VanderWall
Noes: None Absent: Smith, Mayor Johansen

ACCEPT AS COMPLETE MANUAL SMITH, INC.'S CONTRACT FOR INSTALLATION OF SUBTRUNK SEWER ON COFFEE ROAD BETWEEN MULTNOMAH DRIVE AND GLORIA WAY

RESOLUTION NO. 66-465

A RESOLUTION ACCEPTING THE INSTALLATION OF SUBTRUNK SEWER ON COFFEE ROAD BETWEEN MULTNOMAH DRIVE AND GLORIA WAY

Introduced by Shastid Seconded by Mitchell

Ayes: Hughes, Mitchell, Patton, Shastid, Acting Mayor VanderWall
Noes: None Absent: Smith, Mayor Johansen

ACCEPT AS COMPLETE PASCOE STEEL CORPORATION'S CONTRACT FOR CONSTRUCTION OF ONE 10-UNIT T-HANGAR AT MODESTO CITY-COUNTY AIRPORT

RESOLUTION NO. 66-466

A RESOLUTION ACCEPTING THE CONSTRUCTION OF ONE 10-UNIT T-HANGAR AT MODESTO CITY-COUNTY AIRPORT BY PASCOE STEEL CORPORATION

Introduced by Shastid Seconded by Mitchell

Ayes: Hughes, Mitchell, Patton, Shastid, Acting Mayor VanderWall
Noes: None Absent: Smith, Mayor Johansen

RESOLUTION APPROVING LETTER AGREEMENT WITH THE LAW FIRM OF ORRICK, DAHLQUIST, HERRINGTON AND SUTCLIFFE TO SERVE AS LEGAL COUNSEL FOR THE FORMATION OF THE MODESTO MUNICIPAL SEWER DISTRICT AND THE BOND ELECTION ON OCTOBER 4

RESOLUTION NO. 66-467

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND LAW FIRM OF ORRICK, DAHLQUIST, HERRINGTON AND SUTCLIFFE TO SERVE AS LEGAL COUNSEL FOR FORMATION OF MODESTO MUNICIPAL SEWER DISTRICT AND BOND ELECTION ON OCTOBER 4, 1966

Introduced by Shastid Seconded by Mitchell

Ayes: Hughes, Mitchell, Patton, Shastid, Acting Mayor VanderWall
Noes: None Absent: Smith, Mayor Johansen

RESOLUTION NO. 66-468

A RESOLUTION APPROVING APPROPRIATION TRANSFER - $10,800 FOR LEGAL COUNSEL (ORRICK, DAHLQUIST, HERRINGTON, AND SUTCLIFFE) FOR FORMATION OF MODESTO MUNICIPAL SEWER DISTRICT AND BOND ELECTION ON OCTOBER 4, 1966

Introduced by Shastid Seconded by Mitchell

Ayes: Hughes, Mitchell, Patton, Shastid, Acting Mayor VanderWall
Noes: None Absent: Smith, Mayor Johansen

AUTHORIZE LEASING AND OPERATION OF SMALL PARKING AREA AT 9TH & J STREETS (CARL LEWIS)

RESOLUTION NO. 66-469

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND CARL LEWIS FOR PARKING LOT AT 9TH AND J STREETS

Introduced by Shastid Seconded by Mitchell

Ayes: Hughes, Mitchell, Patton, Shastid, Acting Mayor VanderWall
Noes: None Absent: Smith, Mayor Johansen

ORDINANCE NO. 794-C.S. entitled
"AN ORDINANCE AMENDING SECTION 3-2.1601 OF ARTICLE 16 OF CHAPTER 2 OF TITLE III OF THE MODESTO MUNICIPAL CODE, RELATING TO OFF-STREET PARKING"

was introduced and ordered published as required by the Charter.

Moved by Shastid Seconded by Mitchell

Ayes: Hughes, Mitchell, Patton, Shastid, Acting Mayor VanderWall
Noes: None Absent: Smith, Mayor Johansen

ORDINANCE NO. 795-C.S. entitled
"AN ORDINANCE AMENDING THE PARKING METER ZONING MAP OF THE CITY OF MODESTO"

was introduced and ordered published as required by the Charter.

Moved by Shastid Seconded by Mitchell

Ayes: Hughes, Mitchell, Patton, Shastid, Acting Mayor VanderWall
Noes: None Absent: Smith, Mayor Johansen

CONSIDER RIGHT OF WAY CONTRACT AND GRANT DEED FROM ALTON LEE AND KATHERYN LEE RELATING TO DEDICATION OF PROPERTY FOR ORANGEBURG AVENUE WIDENING

RESOLUTION NO. 66-470
A RESOLUTION APPROVING RIGHT OF WAY AGREEMENT BETWEEN THE CITY OF MODESTO AND ALTON LEE AND KATHERYN LEE RELATING TO DEDICATION OF PROPERTY TO THE CITY OF MODESTO FOR WIDENING OF ORANGEBURG AVENUE (PROJECT NO. 58-5-6082-7)

Introduced by Shastid Seconded by Mitchell

Ayes: Hughes, Mitchell, Patton, Shastid, Acting Mayor VanderWall
Noes: None Absent: Smith, Mayor Johansen

RECOMMEND AMENDMENT TO "STANDARD SPECIFICATIONS FOR SUBDIVISIONS IMPROVEMENTS"

RESOLUTION NO. 66-471
A RESOLUTION SETTING TIME AND PLACE FOR HEARING REQUEST OF PLANNING COMMISSION FOR ADOPTION OF AMENDMENT TO THE STANDARD SPECIFICATIONS FOR SUBDIVISION IMPROVEMENTS TO PROVIDE FOR 3/4" MAXIMUM AGGREGATE BASE MATERIALS ON SUBDIVISION STREETS

Introduced by Shastid Seconded by Mitchell

Ayes: Hughes, Mitchell, Patton, Shastid, Acting Mayor VanderWall
Noes: None Absent: Smith, Mayor Johansen

July 11, 1966 at 8:00 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

RECOMMEND PREZONING OF AREA EAST OF NORTH 9TH STREET

RESOLUTION NO. 66-472
A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO SECTIONS 13-3-8, 24-3-8, 18-3-9, AND 19-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO (PREZONING AREA EAST OF NORTH 9TH STREET)

Introduced by Shastid Seconded by Mitchell

Ayes: Hughes, Mitchell, Patton, Shastid, Acting Mayor VanderWall
Noes: None Absent: Smith, Mayor Johansen

July 25, 1966 at 8:05 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

RECOMMENDATION FOR MODIFICATIONS TO PLAN AND SCHEDULE FOR P-D (24) BETWEEN GRANGER AVE. AND M.I.D. LATERAL #3, EAST OF TIDEWATER SOUTHERN RAILROAD RIGHT OF WAY

RESOLUTION NO. 66-473

A RESOLUTION SETTING TIME AND PLACE FOR PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON PROPOSED MODIFICATIONS TO PLAN AND SCHEDULE FOR P-D (24) BETWEEN GRANGER AVENUE AND M.I.D. LATERAL 3 EAST OF TIDEWATER SOUTHERN RIGHT OF WAY

Introduced by Shastid Seconded by Mitchell

Ayes: Hughes, Mitchell, Patton, Shastid, Acting Mayor VanderWall
Noes: None Absent: Smith, Mayor Johansen

July 25, 1966 at 8:00 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

RECOMMENDATION THAT INSTALLATION OF WATER LINE EXTENSION IN ELMWOOD ESTATES NO. 2 SUBDIVISION BE PERFORMED BY CITY FORCES

RESOLUTION NO. 66-474

A RESOLUTION AUTHORIZING WORK TO BE PERFORMED BY CITY FORCES FOR INSTALLATION OF WATER LINE EXTENSION IN ELMWOOD ESTATES NO. 2 SUBDIVISION (No bids received)

Introduced by Mitchell Seconded by Shastid

Ayes: Hughes, Mitchell, Patton, Shastid, Acting Mayor VanderWall
Noes: None Absent: Smith, Mayor Johansen

RECOMMENDATION THAT INSTALLATION OF WATER LINE EXTENSION IN ORANGEBURG AVENUE, CARVER ROAD TO PRESCOTT PLAZA, BE PERFORMED BY CITY FORCES

RESOLUTION NO. 66-475

A RESOLUTION AUTHORIZING WORK TO BE PERFORMED BY CITY FORCES FOR INSTALLATION OF WATER LINE EXTENSION IN ORANGEBURG AVENUE, CARVER ROAD TO PRESCOTT PLAZA (No bids received)

Introduced by Mitchell Seconded by Shastid

Ayes: Hughes, Mitchell, Patton, Shastid, Acting Mayor VanderWall
Noes: None Absent: Smith, Mayor Johansen

RECOMMENDATION THAT INSTALLATION OF WATER LINE EXTENSION ON CARPENTER ROAD TO MODESTO CATHOLIC HIGH SCHOOL BE PERFORMED BY CITY FORCES

RESOLUTION NO. 66-476

A RESOLUTION AUTHORIZING WORK TO BE PERFORMED BY CITY FORCES FOR INSTALLATION OF WATER LINE EXTENSION ON CARPENTER ROAD TO MODESTO CATHOLIC HIGH SCHOOL (No bids received)

Introduced by Mitchell Seconded by Shastid

Ayes: Hughes, Mitchell, Patton, Shastid, Acting Mayor VanderWall
Noes: None Absent: Smith, Mayor Johansen

INTRODUCTION AND ADOPTION OF ORDINANCE ANNEXING THE NORTH 99 ADDITION

The annexation of the North 99 Addition was considered by the Council at the June 6th meeting, Resolution No. 66-423 adopted declaring the Council's intent to proceed with the annexation, and adoption of the ordinance annexing the area withheld until such time as the prezoning, approved earlier by the Council, became effective. The prezoning of the area was effective June 22, 1966

ORDINANCE NO. 796-C.S. entitled

"AN ORDINANCE ANNEXING UNINHABITED TERRITORY KNOWN AS THE NORTH 99 ADDITION TO THE CITY OF MODESTO"

was introduced and adopted, and ordered published as required by the Charter.

Moved by Mitchell Seconded by Patton

Ayes: Hughes, Mitchell, Patton, Shastid, Acting Mayor VanderWall
Noes: None Absent: Smith, Mayor Johansen

FURTHER INFORMATION ON INSURANCE FOR A COURTESY CAR AT THE AIRPORT 1-30

The following documents were entered into the record of the minutes: Letter from Giddings, Corby, Hynes & Lyng, Inc. dated June 13, 1966 outlining terms for insurance coverage for the courtesy car; memorandum from Director of Finance Bird dated June 20, 1966, subject, "Courtesy Car at the Airport," pointing out that the practice of providing a courtesy car is considered a high risk by insurance companies, with premiums set accordingly; that the Insurance Association representative for the City has indicated that insurance can be provided for a city courtesy car on the same basis as our present fleet coverage, but on a separate policy.

The Council discussed the following: Whether or not this was a field the City should enter; the need for establishment of policy and ground rules; degree of liability to the City.

By order of the Chair, the matter was referred to the Public Relations Committee for further study.

CONTINUATION OF HEARING ON PROPOSED ANNEXATION OF THE EAST GRANGER ADDITION 2-19

Acting Mayor VanderWall announced that the hour of 7:45 P.M. had arrived, the time set for continuation of the hearing of the proposed annexation of the East Granger Addition, and opened the hearing.

The hearing was continued at the request of Dr. Frederick Baer to enable him to study further the reasons why his neighbors did not wish to annex to the City.

A letter from Dr. Baer dated June 23, 1966 indicating that he did not oppose the annexation proceedings was entered into the record of the meeting.

Director of Planning Fey stated that with receipt of the letter from Dr. Baer, the protests submitted by Attorney Ed Taylor at the June 6th hearing did not constitute a majority protest of the assessed value of the area; that the annexation could therefore proceed.

Dr. Baer's letter was read into the record of the minutes.

Mr. Taylor, representing Dr. Grant Bare, stated that Dr. Bare's assessed value of improvements on his property had recently been raised by the County Assessor from $9,000 to $15,000; that the added assment to Dr. Bare's property increased the majority protest to over 50%. The City Attorney pointed out that Section 35313 of the Government Code provides that value given property for protest purposes shall be that shown in the last equalized assessment roll.

RESOLUTION NO. 66-477

A RESOLUTION DECLARING THAT A MAJORITY PROTEST HAS NOT BEEN MADE AGAINST THE ANNEXATION OF CERTAIN UNINHABITED TERRITORY TO THE CITY OF MODESTO KNOWN AS EAST GRANGER ADDITION AND DECLARING THE INTENTION OF THE COUNCIL TO PROCEED WITH THE ANNEXATION OF SAID TERRITORY

Introduced by Mitchell Seconded by Hughes

Ayes: Hughes, Mitchell, Patton, Shastid, Acting Mayor VanderWall
Noes: None Absent: Smith, Mayor Johansen

ORDINANCE NO. 797-C.S. entitled

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

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

Moved by Mitchell Seconded by Patton

Ayes: Hughes, Mitchell, Patton, Shastid, Acting Mayor VanderWall
Noes: None Absent: Smith, Mayor Johansen

CONSIDER INCLUDING FUNDS FOR DRAINAGE, LANDSCAPING AND ROOF DRAINS IN NEXT YEAR'S AIRPORT BUDGET 2-70

A memorandum from the Director of Public Works dated June 22, 1966 subject, "Airport

Development - Administration Building Area," outlining problems pertaining to drainage adjacent to the Airport Administration Building, roof drainage problems due to lack of roof drains, and development of a landscaping plan for the area, was entered into the record of the minutes. Recommendation was made that the following amounts be budgeted in fiscal year 1966-67: Drainage, $600; landscaping, $1,600; roof drainage, $450.

The Council discussed the following: Possible recourse from the architect in the event of improper design of the building. The City Attorney stated that the plans for the administration building did not provide for drainage; that it was proposed to install down drains to take care of the problem. Director of Public Works Campbell stated that the cost of installing the drains at the present time was greater than if installed at the time the building was constructed.

MOTION

That $600 be budgeted in the 1966-67 budget for improvement of drainage adjacent to the Airport Administration Building; that $1,600 be budgeted for landscaping and area adjacent to the administration building

Moved by Patton Seconded by Mitchell Unanimously carried

By order of the Chair, the staff was directed to determine cost of installation of the drains at the time the building was constructed, the present cost of installation, with a view to the City paying the equivalent of the original cost and the architect paying the difference.

MATTERS FOR THE GOOD OF THE COMMUNITY 3-10

Introduction of John Kidd

Acting Mayor VanderWall introduced John Kidd, member of the Farm-City Advisory Committee.

Approve Filing of Application for West Side Community Center 3-12

The City Manager stated that the Council had approved the preparation of an application for federal funds for the West Side Community Center at an earlier meeting; that a federal representative planned to be in Modesto on Wednesday, and was willing to personally accept the application if ready for submission at that time.

Director of Parks and Recreation Grogan reviewed the various sections of the application for federal funds.

Lee Davies stated that according to the by-laws which have been drawn up for the corporation, the directors will be chosen from a steering committee of 30 men and women; that when the corporation is formed and the building completed, the corporation will negotiate a lease with the City. He said that the project had his complete and whole-hearted endorsement.

Councilman Hughes questioned the haste in considering approval of the project because of its cost; the timing, since the President has asked all governmental agencies curtail capital expenditures because of inflationary problems; why the proposed Center had not been projected in the capital improvement program if so badly needed.

The proposed application was discussed by the Council. The desirability and need for the Center were discussed by Councilmen Mitchell, Shastid, and VanderWall.

Miss Grogan stated that notification of approval or disapproval of Part 1 of the application would be received in about ninety days; if approved, Part 2 would require more specific and detailed plans for the building, the corporation would have to be filed with the State, and detailed information would have to be furnished.

RESOLUTION NO. 66-478

Ayes: Mitchell, Patton, Shastid, VanderWall
Noes: Hughes Absent: Smith, Mayor Johansen

Public Informational Meeting - Proposed Municipal Sewer District

The City Manager stated that a public informational meeting would be held in the

Council Chambers on Thursday evening, June 30, 1966 at 8:00 P.M. for a thorough discussion of the proposed municipal sewer district.

Council Attendance, July and August

The City Manager stated that during the months of July and August some meetings would require the presence of at least five councilmen;

Appropriation of $300, Part-Time Help, City Clerk, for Sewer Bond Election

RESOLUTION NO. 66-479
A RESOLUTION APPROVING APPROPRIATION TRANSFER - $300 TO COVER EXPENDITURES FOR THE PROPOSED MODESTO MUNICIPAL SEWER DISTRICT (Salaries and Supplies)

Introduced by Shastid Seconded by Hughes

Ayes: Hughes, Mitchell, Patton, Shastid, Acting Mayor VanderWall
Noes: None Absent: Smith, Mayor Johansen

Request for Assistance, Humane Society, by Frank Andrews

Mr. Andrews asked for city assistance for the Humane Society. He also suggested that city funds be spent locally, particularly funds for the hiring of engineers in connection with the proposed sewage treatment plant expansion, and attorney fees for the proposed withdrawal of United Air Lines from San Joaquin Valley.

FURTHER CONSIDERATION OF 1966-67 CITY BUDGET

The following documents were entered into the record of the minutes: Memorandum from Director of Finance dated June 24, 1966, subject, "Summary Report of Budget Hearings"; Report I, "Summary of 1966-67 Preliminary Budget Adjustments"; Report, "Detail of Adjustments to Appropriations 1966-67 Budget," listing all of the changes made to the preliminary budget by the Council; Report No. II, "Capital Funds Analysis as of June 20, 1966."

Director of Finance Bird said that in preparing the report, "Detail of Adjustments to Appropriations," it was necessary to anticipate some of the Council's actions, and that other changes also occurred. He listed them as follows: City Council, additional item, 207 Conference Expense, increased $400 for a councilman's trip to Washington, D.C., International Municipal Cooperation Conference; Public Works - Airport, 5301 and 5302 approved by the Council; 5201, Roof Drains, Administration Building, not approved, therefore the summary sheet should be amended to delete $450; Public Works - Water, 6803 and 6805, balances of $17,000 and $2,500 respectively carried over from Fiscal Year 1965-66. Parking Fund, 5301, $700; 5302, $8,055; 5304, $3,000, carryover projects from 1965-66. Working Capital Fund, Accounts 5406, 5407, 5408, 5409, and 5410, additional equipment for vehicles now in process of delivery to the City, carryover from fiscal year 1965-66. The "Summary of 1966-67 Preliminary Budget Adjustments," dated June 21, 1966 was changed as follows: GENERAL FUND, Adjustments, Expenditure Appropriations changed from $335,097 to $334,647; Reserve Appropriations, changed from $785,097 to $785,547; Adjusted Preliminary Budget Totals 6-20-66, Expenditure Appropriations changed from $4,550,978 to $4,550,528; Reserve Appropriations, changed from $453,252 to $453,702; grand total, changed from $523,092 to $523,542.

Mr. Bird indicated the following error to be corrected on Page 3 of Summary dated June 21, 1966: Airport Development Funds, Under "Adjustments," delete $20,800 under "Revenue Other Than Current Property Taxes"; Total Appropriations, changed from $40,800 to $20,000; Reserve Appropriations, changed from $40,800 to $20,000. Under Park Fund, Page 3, an adjustment constituting a re-estimated carryover of $5,000 to the Estimated Available Balance, making an adjusted total of $8,000. Mr. Bird stated that these constituted the changes made to the preliminary budget and were incorporated in Report No. I; that Report No. II was a report of the seven Capital Funds; that the monies estimated in the seven funds would be shown in the budget as a Reserve; after review of the Capital Improvement Program, transfers would be proposed placing the funds into expenditure appropriations.

ORDINANCE NO. 798-C.S. entitled
"AN ORDINANCE ADOPTING THE BUDGET FOR THE CITY OF MODESTO FOR THE FISCAL YEAR ENDING JUNE 30, 1967"

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

Moved by Shastid Seconded by Hughes

Ayes: Hughes, Mitchell, Patton, Shastid, Acting Mayor VanderWall
Noes: None Absent: Smith, Mayor Johansen

There were no objections by the Council to the recommendation of the Director of Finance contained in memorandum dated June 24, 1966 that printing of the final budget be delayed until the Capital Improvement Program has been approved by the Council.

FURTHER CONSIDERATION OF POSSIBLE NEIGHBORHOOD YOUTH CORPS PROGRAM

A memorandum from the Director of Parking and Traffic dated June 23, 1966, subject, "Possible Program, Neighborhood Youth Corps," was entered into the record of the minutes. Request was made that the Council either approve the preparation of an application or drop the proposed program.

The Council discussed the following: The benefits of the program if properly supervised; whether or not the program would merely serve to lighten the work load of permanent employees; flexibility of the program, which would permit the City to cut back or drop the program; the amount of supervision needed to make the program successful, and the harm which would be done to youth if inadequately supervised; the intent of the program--to permit children to attend continuation high school and also work.

MOTION

That the staff be authorized to prepare an application for the Neighborhood Youth Corps Program

Moved by Shastid Seconded by Mitchell

The motion failed to carry a majority vote of the entire Council, Councilmen Patton and Hughes dissenting.

By order of the Chair, the staff was directed to place this item on the agenda of the July 5th meeting.

LETTER FROM THE CHAIRMAN OF THE COMMITTEE TO STUDY CRIME REGARDING INTERIM REPORT

A letter from Jack Schall, Chairman, Committee to Study Crime, dated June 23, 1966, indicating that the interim report of the Committee was in draft stage and would be submitted to the Council in about mid-July, was entered into the record of the minutes.

The letter was ordered filed.

CONSIDER DESIGNATION OF 25-MILE SPEED LIMIT ON ROAD IN LEGION PARK

ORDINANCE 799-C.S. entitled
"AN ORDINANCE AMENDING SECTION 3-2.1401 OF ARTICLE 14 OF CHAPTER 2 OF TITLE III OF THE MODESTO MUNICIPAL CODE RELATING TO SPEED LIMITS IN THE CITY OF MODESTO"

was introduced and ordered published as required by the Charter

Moved by Hughes Seconded by Mitchell

Ayes: Hughes, Mitchell, Patton, Shastid, Acting Mayor VanderWall
Noes: None Absent: Smith, Mayor Johansen

CONSIDER ADOPTING A RESOLUTION CONCERNING SPRINKLER SYSTEMS IN THE SIDEWALK-PLANTING STRIP AREA

A memorandum from the Director of Public Works dated June 23, 1966 subject, "Encroachments in the Sidewalk-Planting Strip Area," was entered into the record of the minutes. Recommendation was made that the Council adopt a resolution incorporating certain conditions concerning sprinkler systems in the sidewalk-planting strip.

RESOLUTION NO. 66-480

A RESOLUTION RELATING TO THE GRANTING OF PERMITS FOR SPRINKLER SYSTEMS IN THE SIDEWALK-PLANTING AREAS OF THE CITY OF MODESTO (As recommended in memorandum dated June 23, 1966)

Introduced by Shastid Seconded by Hughes

Ayes: Hughes, Mitchell, Patton, Shastid, Acting Mayor VanderWall
Noes: None Absent: Smith, Mayor Johansen

RESOLUTION APPROVING AGREEMENT WITH BARTLE WELLS TO PROVIDE FINANCIAL CONSULTING SERVICE ON SEWER BOND ELECTION 7-35

Terms of the proposed agreement were reviewed by Deputy Manager Ray.

RESOLUTION NO. 66-481

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND BARTLE WELLS TO PROVIDE FINANCIAL CONSULTING SERVICE ON SEWER BOND ELECTION

Introduced by Hughes Seconded by Mitchell

Ayes: Hughes, Mitchell, Patton, Shastid, Acting Mayor VanderWall
Noes: None Absent: Smith, Mayor Johansen

The importance of meeting the time schedule in connection with the October 4th special bond election was discussed.

RESOLUTION NO. 66-482

A RESOLUTION APPROVING APPROPRIATION TRANSFER - $23,000 TO PROVIDE FUNDS FOR FINANCIAL CONSULTANT (BARTLE WELLS) FOR FORMATION OF NEW SEWER DISTRICT

Introduced by Hughes Seconded by Mitchell

Ayes: Hughes, Mitchell, Patton, Shastid, Acting Mayor VanderWall
Noes: None Absent: Smith, Mayor Johansen

CONSIDER AGREEMENT WITH JENKS AND ADAMSON TO PROVIDE ENGINEERING SERVICE ON SEWER PROJECT (Letter from Local Professional Engineers)

A letter from Paul V. Birmingham, Roy E. Fredricksen, H. W. Jorgensen, W. W. Brookey, Fred M. Johnson, and Robert B. Welty, Professional Civil Engineers maintaining offices in Modesto, requesting that consideration be given to awarding portions of the professional engineering of the 14.4 million dollar sewer project to local engineers, was entered into the record of the minutes. Request was also made that no contract for professional engineering services be awarded until the local engineers had an opportunity to submit proposals.

Attorney Douglas Sutter, representing the engineers, spoke to the Council in support of the requests submitted. He proposed that action on the agreement with Jenks and Adamson be withheld for two weeks (July 11th meeting), and that the staff be instructed to negotiate with representatives of the local engineers joining in a joint venture, to the end, if feasible, they be employed to perform some of the engineering work related to the trunk lines and outfall, as distinguished from the treatment plant facilities.

The City Manager stated it was the belief of the staff that the treatment plant and the outfall were an integral unit, and should be treated as a part of the treatment plant construction. Director of Public Works Campbell concurred.

Paul Birmingham stated that he was never interviewed as to interest in performing the engineering work; that to his knowledge, four of the other local engineers were not interviewed nor an offer made by the City. He said that they were given to understand that at the proper time the local engineers would be considered for the trunk lines.

The proposal of the local engineers was discussed by the Council.

Fred Johnson pointed out the advantages to the City of having local engineers do the trunk line engineering.

MOTION

That the staff be authorized to negotiate with the local engineers on the trunk lines, and to report back to the Council at the next council meeting

Moved by Hughes Seconded by Patton Unanimously carried

Mr. Birmingham pointed out that the local engineering force available to perform the work on the trunk sewers was much larger than the forces of the Palo Alto firm proposed to do the work; that less than one-third of the work of the proposed sewer project required the services of a specialist in sewage disposal.

Upon questioning, Mr. Birmingham stated that the reason for the proposed joint venture was to enable all of the local engineers to be considered, and not because one single local engineering firm could not handle the project; that because of the urgency, it could best be done as a joint venture; that three engineers have been appointed to negotiate the contract.

REPORT ON DAVIS HIGH SCHOOL SWIMMING POOL

A memorandum from the Director of Parks and Recreation dated June 27, 1966, subject, "Report of Davis High School Swimming Pool," was entered into the record of the minutes. The memorandum contained revised plans for the operation of the Davis High School swimming pool which permits recreational swimming daily from 3:00 P.M. to 5:00 P.M., in respect to the wishes of area residents.

The report was ordered filed.

CONSIDER APPOINTMENT TO CITY-COUNTY LIBRARY COMMITTEE

MOTION

That Councilman Mitchell, with Mayor Johansen as alternate, be appointed members of the City-County Library Committee

Moved by Shastid Seconded by Patton Unanimously carried

Vice Mayor VanderWall said that he believed the library committee should complete its study as rapidly as possible, and recommend that a library consultant be hired at an early date.

Letter from Library-Cultural Commission re Appointments to Library Committee

A letter from the Library and Cultural Commission indicating that John Hynes, David W. McAuley and William Warner have been appointed to serve on the City-County Library Committee, was entered into the record of the minutes.

CONSIDER APPOINTMENT TO CITY-COUNTY TUOLUMNE RIVER PARK COMMITTEE

MOTION

That Councilman VanderWall and Hughes be appointed to the City-County Tuolumne River Park Committee

Moved by Mitchell Seconded by Shastid Unanimously carried

The staff was directed to set up a meeting of the City-County Tuolumne River Park Committee

Moved by Mitchell Seconded by Shastid Unanimously carried

The staff was directed to set up a meeting of the City-County Tuolumne River Park Committee during the 4th of July week.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by VanderWall Seconded by Shastid Unanimously carried

The meeting adjourned at 10:07 P.M.

ATTEST: _____
REX E. GAILFUS, City Clerk

Modesto City Council
July 5, 1966

The Council of the City of Modesto met in regular session this date at 4:00 P.M. in the Council Chambers, City Hall, 801 11th Street, Modesto, California, Mayor Johansen presiding.

Present: Councilmen: Mitchell, Patton, Shastid, VanderWall, Mayor Johansen
Absent: Councilmen: Hughes, Smith

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

A moment of silent prayer was observed.

SUGGESTION AWARD

A suggestion award of $10 was given to Emma Himes for suggesting a revision to the procedure of issuing dog licenses. The award was presented to Director of Finance Bird for transmittal to Mrs. Himes, who is vacationing in New York.

LETTER FROM DWIGHT WAIT, MODESTO JUNIOR COLLEGE, REGARDING ORNAMENTAL HORTICULTURAL PROGRAM AT THE COLLEGE

A letter from Dwight Wait, Ag Instructor, Modesto Junior College, dated June 16, 1966 requesting city cooperation in establishing an arboretum to aid college students in the study of street and shade tree species adapted to the greater Modesto area, was entered into the record of the minutes. A memorandum from the Director of Parks and Recreation dated June 27, indicated that the staff believed the proposed project would be worthwhile and would cost approximately $200 to provide the trees needed for the project.

MOTION

That the request of Mr. Wait for city cooperation in the proposed ornamental horticulture program at Modesto Junior College be approved as requested

Moved by Mitchell Seconded by Shastid Unanimously carried

LETTER FROM J. G. MEYER, DISTRICT ENGINEER, DIVISION OF HIGHWAYS, REGARDING ROADSIDE PARK AND FOUNTAIN SITE ON ROUTE 99 AT MODESTO

A letter from J. G. Meyer dated June 21, 1966 in reference to Modesto's proposal for a roadside park and fountain site on state excess land in the Prescott Road area on Route 99, was entered into the record of the minutes.

The City Manager stated that the letter indicated the State did not approve the proposed site for the rest stop.

By order of the Chair, the matter was referred to the staff for further negotiation with the State.

LETTER FROM TERRY McGRATH, MODESTO JUNIOR CHAMBER OF COMMERCE, NOTIFYING THE COUNCIL OF POSTPONEMENT OF "CHICKEN BAR-B-Q"

A letter from Terry McGrath dated June 22, 1966 indicating that the Chicken Bar-B-Q event has been postponed to a later date, was entered into the record of the minutes. Director of Parks and Recreation stated that re-application would be made for use of the park when a new date is set.

The letter was ordered filed.

LETTER FROM THOMAS R. WILSON, SILVAIR AVIATION, REGARDING EXPANSION OF SERVICES AT MODESTO CITY-COUNTY AIRPORT

A letter from Thomas R. Wilson dated June 21, 1966 stating that Silvair Aviation, Inc., proposed to expand their services to the Modesto flying public was filed with the record of the minutes. An appointment with the City Council was requested in the near future to discuss the possibilities of a new building and location.

By order of the Chair, the letter was referred to the staff for review. Mayor Johansen said that Mr. Wilson had been personally advised that he would have an oppor-

tunity to present his plans to the Council after review by the staff.

LETTER FROM BARTLE WELLS RE ENGINEERING SERVICES, SEWAGE TREATMENT PLANT EXPANSION

A letter from Bartle Wells dated June 29, 1966 recommending that the request for employment of six local civil engineering firms for the design of the City's sewerage facilities in place of the firm of Jenks and Adamson, be denied, was entered into the record of the minutes.

This letter was considered later in the meeting with Item 11 of the agenda.

CONSIDER APPROVAL OF SPECIFICATIONS AND AUTHORIZE BID CALL FOR FURNITURE

RESOLUTION NO. 66-483

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR FURNITURE - NEW CORPORATION YARD

Introduced by Shastid Seconded by VanderWall

Ayes: Mitchell, Patton, Shastid, VanderWall, Mayor Johansen
Noes: None Absent: Hughes, Smith

July 20, 1966 at 2:00 P.M. in the City Clerk's office was set as the time and place for opening of bids.

ACCEPT AS COMPLETE DANVILLE PIPELINE, INC.'S CONTRACT FOR THE INSTALLATION OF SANITARY SEWAGE LIFT STATION ON ROSE AVENUE AND ON MARTIN AVENUE

RESOLUTION NO. 66-484

A RESOLUTION ACCEPTING THE CONSTRUCTION OF SANITARY SEWAGE LIFT STATION ON ROSE AVENUE AND ON MARTIN AVENUE

Introduced by Shastid Seconded by Patton

Ayes: Mitchell, Patton, Shastid, VanderWall, Mayor Johansen
Noes: None Absent: Hughes, Smith

RESOLUTION AUTHORIZING CITY MANAGER TO EXECUTE NEW CONTRACT FOR EXAMINATION SERVICES WITH STATE PERSONNEL BOARD

RESOLUTION NO. 66-485

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND STATE PERSONNEL BOARD (Examination services for period beginning July 5, 1966 and ending July 4, 1969)

Introduced by Shastid Seconded by Patton

Ayes: Mitchell, Patton, Shastid, VanderWall, Mayor Johansen
Noes: None Absent: Hughes, Smith

CONSIDER RENEWAL OF LEASE AGREEMENT BETWEEN CITY AND ORVILLE OKERSON TO MAINTAIN AND OPERATE GAS CONCESSION BUSINESS AT MODESTO CITY-COUNTY AIRPORT

RESOLUTION NO. 66-486

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND ORVILLE OKERSON FOR MAINTENANCE AND OPERATION OF GAS CONCESSION AT MODESTO CITY-COUNTY AIRPORT

Introduced by Shastid Seconded by Patton

Ayes: Mitchell, Patton, Shastid, VanderWall, Mayor Johansen
Noes: None Absent: Hughes, Smith

CONSIDER REVISED LEASE AGREEMENT BETWEEN THE CITY AND DONALD R. MONTGOMERY DOING BUSINESS AS MONTGOMERY FLIGHT SERVICE FOR HANGAR NO. 1

RESOLUTION NO. 66-487

A RESOLUTION APPROVING REVISED AGREEMENT BETWEEN THE CITY OF MODESTO AND DONALD R. MONTGOMERY DBA MONTGOMERY FLIGHT SERVICE FOR LEASE OF HANGAR NO. 1

Introduced by Shastid Seconded by Patton

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

Noes: None Absent: Hughes, Smith

ADOPTION OF ORDINANCE NO. 794-C.S. RELATING TO OFF-STREET PARKING

ORDINANCE NO. 794-C.S. entitled
"AN ORDINANCE AMENDING SECTION 3-2.1601 OF ARTICLE 16 OF CHAPTER 2 OF TITLE III OF THE MODESTO MUNICIPAL CODE, RELATING TO OFF-STREET PARKING"

introduced June 27, 1966, and having been published as required, was moved and adopted.

Moved by VanderWall Seconded by Patton

Ayes: Mitchell, Patton, Shastid, VanderWall, Mayor Johansen
Noes: None Absent: Hughes, Smith

ADOPTION OF ORDINANCE NO. 799-C.S., SPEED LIMITS, LEGION PARK ROAD BETWEEN SANTA CRUZ AND CONEJO

ORDINANCE NO. 799-C.S. entitled
"AN ORDINANCE AMENDING SECTION 3-2.1401 OF ARTICLE 14 OF CHAPTER 2 OF TITLE III OF THE MODESTO MUNICIPAL CODE RELATING TO SPEED LIMITS IN THE CITY OF MODESTO"

introduced June 27, 1966, and having been published as required, was moved and adopted.

Moved by VanderWall Seconded by Patton

Ayes: Mitchell, Patton, Shastid, VanderWall, Mayor Johansen
Noes: None Absent: Hughes, Smith

FURTHER CONSIDERATION OF POSSIBLE NEIGHBORHOOD YOUTH CORPS PROGRAM

A memorandum from the Director of Parking and Traffic dated June 23, 1966, subject, "Possible Program - Neighborhood Youth Corps - Additional Information," was entered into the record of the minutes. The memorandum listed the number of youths who could be utilized in various city departments.

This item was discussed at the June 27th meeting, a motion authorizing the staff to prepare an application for the program failing to carry by a majority vote of the entire Council.

Mayor Johansen stated that he would be in favor of the program provided that unneeded work was not being created, and the level of services now offered was not changed.

The proposed program was discussed by the Council.

Upon questioning, City Manager Keefe stated that if the program proved to be unsatisfactory, it could be dropped on short notice.

MOTION

That the staff be directed to prepare an application for the Neighborhood Youth Corps program (36 students)

Moved by VanderWall Seconded by Shastid

The motion failed to carry by a majority vote of the full Council, Mayor Johansen and Councilman Patton dissenting.

MOTION

That the staff be directed to prepare an application for the Neighborhood Youth Corps program (25 students)

Moved by Shastid Seconded by Mitchell

The motion carried, Councilman Patton dissenting.

Councilman Mitchell said that in seconding the above motion, it was on the basis of a full year's program; and on the basis that the work was really desired by the students, and not just the money. A suggestion was made earlier in the meeting that the staff submit a progress report to the Council on the workability of the program about one month or six weeks after its inception.

MATTERS FOR THE GOOD OF THE COMMUNITY 2-122

Report on Upgrading of Chamber of Commerce Publications

Joe Good, Manager, Chamber of Commerce, distributed to the Council copies of a newly printed industrial brochure prepared by the Chamber of Commerce.

Amendment of Ordinance 795-C.S.

The City Attorney stated that the official newspaper of the City of Modesto as of July 1, 1966 was the Modesto Bee; that Ordinance No. 795-C.S. introduced June 27, 1966 could not be published in the Tribune before expiration of the City's contract because of the length of time required to have a map plate made to be published with this ordinance.

He requested that the ordinance be amended to direct the ordinance be published in the Modesto Bee.

MOTION

That Section 3 of Ordinance No. 795-C.S. be amended to read".....be published in full at least once at least three (3) days prior to its final adoption in The Modesto Bee, ..."

Moved by VanderWall Seconded by Mitchell Unanimously carried

Progress of Right of Way Acquisition - Yosemite Blvd. Widening

At the request of Councilman VanderWall, the City Manager stated that a report on the progress of right of way acquisitions for the widening of Yosemite Boulevard would be placed on next week's agenda.

CONSIDER AGREEMENT WITH JENKS AND ADAMSON TO PROVIDE ENGINEERING SERVICES ON SEWER PROJECT

Letter from local professional engineers

Douglas Sutter, attorney, representing six local professional engineers, stated that the past week had been spent in attempting to negotiate a contract with the City for the engineering work connected with the sewer lines for the proposed sewer district. He stated that a joint venture agreement between the six local engineers had been prepared and executed. He spoke briefly in support of the proposed joint venture, giving examples of where joint ventures of this kind have been successful, and listing the advantages of having the work done by local people. In reading the first paragraph of the letter from Bartle Wells Associates, Mr. Sutter stated that there seemed to be some misunderstanding since the letter stated ".....City Council was asked by six local civil engineering firms jointly to employ them for the design of the city's sewerage facilities in place of the firm of Jenks and Adamson....." He stated that he had discussed the letter by telephone with Mr. Wells. He summed up his presentation by saying that if the project could properly be done, and economically be done, that the Council should change its mind and hire the local engineers for the design of the trunk system.

Fred Johnson, local engineer, spoke briefly on the curtailment of work for local engineers due to the tightening of funds; that if additional work was not forthcoming, it was possible that some of the engineers would not be able to remain in Modesto. He spoke briefly on the qualifications and experience of the local engineers, stating that utilization of these qualifications would mean a savings to the City, both in engineering and construction costs.

In summarizing, Mr. Johnson said the local engineers had the qualifications and experience to handle the design of the sewers, the six firms comprised 65 people, they had the interest of the community at heart, they were in need of the work, and their being hired would fulfill one of the purposes stressed in the Economic Development Act.

Upon questioning, Director of Public Works Campbell stated that in discussions with Jenks and Adamson, the field surveys and plotting of the field surveys, about 25% of the total engineering, would be given to local engineering firms to perform.

The fee curves were explained by Mr. Johnson. He said that the local engineers'

contacts with Jenks & Adamson had not been satisfactory.

The proposed joint venture agreement submitted by the local engineers was discussed by the Council.

Frank Andrews stated that he felt that the City should have had the bond election to get the sentiments of the residents before proceeding with the proposed district. He opposed the awarding of the contract to Jenks & Adamson.

Terms of the proposed agreement with Jenks & Adamson were reviewed by Deputy Manager Ray.

RESOLUTION NO. 66-488

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND JENKS & ADAMSON FOR ENGINEERING SERVICES - MUNICIPAL SEWER PROJECT

Introduced by Mitchell Seconded by VanderWall

Ayes: Mitchell, Patton, Shastid, VanderWall, Mayor Johansen
Noes: None Absent: Hughes, Smith

MOTION

That the Mayor be authorized to write a letter to Jenks & Adamson, to be sent simultaneously with the agreement, indicating that it is the desire of the Council that Jenks & Adamson give every possible consideration to the employment of local engineers wherever they feel it desirable and possible; that the City, however, was holding Jenks and Adamson as the prime contractor responsible to the City

Moved by Mitchell Seconded by VanderWall Unanimously carried

RESOLUTION SETTING AUGUST 15, 1966 AS THE DATE FOR HEARING ON THE FORMATION OF THE MODESTO MUNICIPAL SEWER DISTRICT NO. 1 8-102

RESOLUTION NO. 66-489

RESOLUTION DETERMINING THAT THE PUBLIC INTEREST AND CONVENIENCE REQUIRES THAT A MUNICIPAL SEWER DISTRICT BE ORGANIZED IN THE CITY OF MODESTO AND IN CONTIGUOUS UNINCORPORATED TERRITORY; SETTING FORTH A GENERAL DISCRIPTION OF THE AREA OF THE PROPOSED DISTRICT AND OF THE SEWER WORK PROPOSED TO BE DONE THEREIN AND A GENERAL ESTIMATE OF THE COSTS AND EXPENSES OF THE PROPOSED SEWER WORK; DIRECTING THAT A CERTIFIED COPY OF THIS RESOLUTION BE FILED WITH THE BOARD OF SUPERVISORS OF STANISLAUS COUNTY AND REQUESTING THAT SAID BOARD CONSENT AND AGREE TO THE FORMATION OF SAID DISTRICT; AND NAMING A TIME AND PLACE FOR HEARING ON FORMATION OF SAID DISTRICT AND PROVIDING FOR NOTICE THEREOF

Introduced by VanderWall Seconded by Mitchell

Ayes: Mitchell, Patton, Shastid, VanderWall, Mayor Johansen
Noes: None Absent: Hughes, Smith

MATTERS FOR THE GOOD OF THE COMMUNITY (Continued)

Operation of Railroad Signals, G Street Crossing

Frank Andrews complained of the dangerous condition at the G Street crossing occasioned by the gate coming down, raising, and then coming down again. He asked that the matter be called to the attention of the Southern Pacific. The Director of Parking and Traffic was directed to discuss the matter with Mr. Andrews.

RECOMMENDED DOWNTOWN PLAN

A letter from Phil Humphreys, Chairman, City Planning Commission, dated June 30, 1966, subject, "Downtown Plan," was entered into the record of the minutes. The memorandum contained recommendations for the major one-way couplets in the downtown area, and proposed locations of a new library and auditorium. Location of the grade separations were not designated at this time on the basis that the Planning Commission felt it would be premature to designate a site for these facilities until after the downtown plan has been implemented and traffic patterns become apparent.

By order of the Chair, Director of Planning Fey was directed to prepare a map indicating the recommendations contained in the letter and to place the matter on the agenda of the July 18th meeting.

APPROPRIATION TRANSFERS

Proposed Municipal Sewer District

RESOLUTION NO. 66-490

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $10,000 FOR OUTSIDE PROFESSIONAL ENGINEERING - PROPOSED MUNICIPAL SEWER DISTRICT (For professional engineering work up to the time of the bond sale, and for various staff engineering costs)

Introduced by Patton Seconded by VanderWall

Ayes: Mitchell, Patton, Shastid, VanderWall, Mayor Johansen
Noes: None Absent: Hughes, Smith

REPORT BY MAYOR ON UNITED-PACIFIC TRANSFER CASE HEARING BEFORE THE CIVIL AERONAUTICS BOARD IN WASHINGTON, D. C.

Mayor Johansen reported briefly on his attendance at the United Airlines hearing held in Washington, D. C. on June 29. He said that all of the cities involved were represented; that the cities were unanimous in their opinion that the cities had a fair hearing.

The City Attorney reported that he had received a telephone call from Bill Cleveland, KBEE reporter, that word had come over the wire service indicating that the Civil Aeronautics Board had remanded the case back to the Examiner for the purpose of reporting back to the Commission whether, in the Examiner's opinion, there should be only one airline in the San Joaquin Valley, and whether or not it should be United Air Lines instead of Pacific Air Lines. Pacific Air Lines is now operating out of Stockton, Bakersfield and Fresno. Mr. Johnson said that this may entail additional hearings.

A letter from Senator Kuchel in response to a letter from Councilman Mitchell on the importance of the retention of United Air Lines service in San Joaquin Valley was filed with the record of the minutes.

REQUEST BY COUNCILMAN MITCHELL FOR PERMISSION TO BE OUT OF THE COUNTRY FROM JULY 16 TO AUGUST 31, 1966

MOTION

That the request of Councilman Mitchell for permission to be out of the country from July 16 to August 31, 1966 be approved

Moved by VanderWall Seconded by Shastid Unanimously carried

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by VanderWall Seconded by Shastid Unanimously carried

The meeting adjourned at 6:31 P.M.

ATTEST: Rex E. Gailfus
REX E. GAILFUS, City Clerk

Modesto City Council
July 11, 1966

The Council of the City of Modesto met in regular session this date at 7:30 P.M. in the Council Chambers, City Hall, 801 11th Street, Modesto, California, Mayor Johansen presiding.

Present: Councilmen: Hughes, Mitchell, Patton, VanderWall, Mayor Johansen

Absent: Councilmen: Shastid, Smith

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

A moment of silent prayer was observed.

APPROVAL OF MINUTES

The minutes of the special adjourned meeting of June 9, 1966 and the regular meeting of June 20, 1966 were approved.

LETTER AND PETITION ASKING FOR THE CLOSURE OF A PORTION OF ALMA AVENUE

A petition signed by seventeen residents in the area asking for the closure of Alma Avenue just south of Orangeburg Avenue, along the south side of the east-west alley, was entered into the record of the minutes.

By order of the Chair, the petition was referred to the Planning Commission for report and recommendation.

Individuals in the audience interested in this matter were informed that they would be notified of the Planning Commission hearing.

LETTER FROM FOSTER FARMS JERSEY DAIRY REGARDING ACCESS TO NORTHERN BOULEVARD

A letter from Joseph E. Fulford dated July 1, 1966 requesting access to Northern Boulevard for a lot located on the southwest corner of McHenry and Northern Boulevard, was entered into the record of the minutes. The memorandum indicated that a lease with a tire company was conditioned on access to Northern Boulevard.

By order of the Chair, the letter was referred to the Planning Commission for report and recommendation.

PETITION SIGNED BY 140 PERSONS OPPOSING ANNEXATION TO THE CITY OF MODESTO

A petition signed by 140 residents on Carol Street, between El Vista and Trask Lane, opposing annexation to the City of Modesto, was entered into the record of the minutes.

By order of the Chair, the petition was referred to the City Attorney for review.

LETTER FROM MAX D. HANNEY, DON PEDRO REALTY, REGARDING OFFER OF A SITE FOR NINE-HOLE GOLF COURSE

A letter from Max D. Hanney, Broker, Don Pedro Realty, dated July 1, 1966 offering a 40-acre site for sale to the City for a nine-hole golf course, was entered into the record of the minutes.

By order of the Chair, the letter was referred to the Planning Commission for report and recommendation.

RECOMMENDATION THAT INSTALLATION OF WATER LINE EXTENSION IN SHERWOOD MANOR NO. 3 SUBDIVISION BE PERFORMED BY CITY FORCES

RESOLUTION NO. 66-491

A RESOLUTION AUTHORIZING WORK TO BE PERFORMED BY CITY FORCES FOR INSTALLATION OF WATER LINE EXTENSION IN SHERWOOD MANOR NO. 3 SUBDIVISION

Introduced by Mitchell Seconded by Patton

Ayes: Hughes, Mitchell, Patton, VanderWall, Mayor Johansen
Noes: None Absent: Shastid, Smith

ACCEPT AS COMPLETE BROUWER BROTHERS' CONTRACT FOR CONSTRUCTION OF COMFORT STATION AT CATHERINE EVERETT PARK

RESOLUTION NO. 66-492

A RESOLUTION ACCEPTING THE CONSTRUCTION OF COMFORT STATION AT CATHERINE EVERETT PARK BY BROUWER BROTHERS

Introduced by Mitchell Seconded by Patton

Ayes: Hughes, Mitchell, Patton, VanderWall, Mayor Johansen
Noes: None Absent: Shastid, Smith

ACCEPT AS COMPLETE A. P. RASMUSSEN'S CONTRACT FOR THE CONSTRUCTION OF A 27" RCSP SANITARY SEWER RELIEF LINE ON EMERALD AVENUE BETWEEN MAZE BOULEVARD AND LENORE DRIVE

RESOLUTION NO. 66-493

A RESOLUTION ACCEPTING THE CONSTRUCTION OF 27" RCSP SANITARY SEWER RELIEF LINE ON EMERALD AVENUE BETWEEN MAZE BLVD. AND LENORE DRIVE

Introduced by Mitchell Seconded by Patton

Ayes: Hughes, Mitchell, Patton, VanderWall, Mayor Johansen
Noes: None Absent: Shastid, Smith

CONSIDER RIGHT OF WAY CONTRACTS

RESOLUTION NO. 66-494

A RESOLUTION APPROVING RIGHT OF WAY AGREEMENT BETWEEN THE CITY OF MODESTO AND EVERETT L. BURR AND FERN E. BURR RELATING TO DEDICATION OF RIGHT OF WAY ON EMERALD AVENUE (Parcel No. 4133-2)

Introduced by Mitchell Seconded by Patton

Ayes: Hughes, Mitchell, Patton, VanderWall, Mayor Johansen
Noes: None Absent: Shastid, Smith

RESOLUTION NO. 66-495

A RESOLUTION APPROVING RIGHT OF WAY AGREEMENT BETWEEN THE CITY OF MODESTO AND HARDIE SETZER RELATING TO DEDICATION OF RIGHT OF WAY ON YOSEMITE BOULEVARD (Parcel No. 89)

Introduced by Mitchell Seconded by Patton

Ayes: Hughes, Mitchell, Patton, VanderWall, Mayor Johansen
Noes: None Absent: Shastid, Smith

RESOLUTION NO. 66-496

A RESOLUTION APPROVING APPROPRIATION TRANSFER - $1,900 FOR COSTS INCURRED IN ACQUIRING RIGHT OF WAY (EMERALD AVENUE) FROM EVERETT L. AND FERN E. BURR (Parcel No. 4133-2)

Introduced by Mitchell Seconded by Patton

Ayes: Hughes, Mitchell, Patton, VanderWall, Mayor Johansen
Noes: None Absent: Shastid, Smith

APPROVE SUBDIVISION AGREEMENT AND FINAL MAP OF FAIRWAY ESTATES UNIT NO. 2 SUBDIVISION

RESOLUTION NO. 66-497

A RESOLUTION APPROVING THE FINAL MAP OF THE FAIRWAY ESTATES UNIT NO. 2 SUBDIVISION OF THE CITY OF MODESTO

Introduced by Mitchell Seconded by Patton

Ayes: Hughes, Mitchell, Patton, VanderWall, Mayor Johansen
Noes: None Absent: Shastid, Smith

REPORT ON REQUEST OF McHENRY-DRY CREEK FIRE PROTECTION DISTRICT FOR REDUCTION IN CHARGES FOR FIRE HYDRANTS 1-55

The following documents were entered into the record of the minutes: Letter from Norton Coleman, Chairman, McHenry Dry Creek Fire Protection District, dated June 11, 1966 requesting a reduction in the rate charged per hydrant, or in the number of hydrants charged for; memorandum from Deputy City Manager dated July 6, 1966, subject, "Fire Hydrant Billing to McHenry-Dry Creek Fire Protection District." The memorandum from Deputy Manager Ray indicated that he had advised Mr. Coleman that if the district wished to reduce the number of hydrants in North Star Estates and Sherwood Forest No. 2 Subdivisions, the request should be submitted in writing to the City Council, identifying the hydrants the District wished removed; that billing for hydrant rental service would be adjusted after removal. The staff recommended that the rental rate not be reduced.

MOTION

That the request of McHenry-Dry Creek Fire Protection District for reduction of the rate for fire hydrant rentals be denied; that the staff be authorized to remove excess hydrants in the two subdivisions as directed by the District

Moved by VanderWall Seconded by Hughes Unanimously carried

REPORTS ON MODESTO-RIVERBANK-OAKDALE BUS COMPANY AND SCHOOL CHILD TRANSPORTATION IN OTHER CITIES

The following documents were entered into the record of the minutes: Memorandum from Director of Parking and Traffic dated July 1, 1966, subject, "Bus Service - Modesto-Riverbank-Oakdale Stage," memorandum from Director of Parking and Traffic, dated July 7, 1966, subject, "School Child Transportation - City Bus Service"; excerpt from pages 31 and 32, Forward Modesto Committee '62 Report, subject, "Vehicle Transportation." The above reports resulted from information received from Willis Kleinenbroich, owner of Modesto Bus Service, that he had received notice from the Post Office Department that he was losing his mail contract between Modesto and Oakdale effective August 1, 1966, and because of this loss of revenue might not be able to continue operating the municipal busses.

The City Manager stated that a letter had been written to the Chamber of Commerce requesting that they investigate the matter to see what could be done for the bus system on an area-wide basis.

Mr. Whitgrove, President, Greater Modesto Chamber of Commerce, stated that he had nothing to report on the matter at this time.

The importance of bus service to the City was discussed by the Council. The Council Public Relations Committee was directed to work with the Chamber on this subject.

The staff was directed to place this matter back on the council agenda after a report is received from the Chamber of Commerce.

REQUEST TO ACQUIRE CITY PROPERTY AT CORNER OF LAUREL AND FRANKLIN STREETS

A letter from E. J. Rotticci, 404 Laurel Street, dated July 1, 1966 expressing interest in purchasing land owned by the City, located at the corner of Laurel and Franklin Streets, for $50, was entered into the record of the minutes.

MOTION

That the letter be referred to the Planning Commission for determination as to the City's need for the land

Moved by Mitchell Seconded by Hughes Unanimously carried

REPORTS FROM THE PLANNING COMMISSION- None

APPROPRIATION TRANSFERS - None

REPORT ON STATUS OF YOSEMITE BOULEVARD PROJECT

Deputy Manager Ray reported that the County has acquired all of the necessary rights of way in the county portion of the Yosemite Boulevard widening project (the section from Trask Lane to Riverside Avenue); that as of this date, including the county portion

75% of the total rights of way needed have been acquired; that within the city limits, 29 rights of way are yet to be acquired, which are in various stages of negotiation. He said that the right of way agent hired by the City was confident that the project would proceed.

Upon questioning, Mr. Ray stated that the City has not been notified, either officially or unofficially, as to how soon the project will start after all of the rights of way have been acquired.

NOTICE THAT CITY OF MODESTO HAS BEEN PLACED ON PRIORITY LIST FOR POSSIBLE FEDERAL CONSTRUCTION GRANT UNDER PUBLIC LAW 660 IN THE 1966-67 FISCAL YEAR

The City Manager stated that the City of Modesto has been placed on the priority list for a possible federal construction grant under Public Law 660 for the 1966-67 fiscal year; that there was no need for the City to submit an application for this grant since it has already received a much greater grant under the Economic Development Act. He said that this item was placed on the agenda for informational purposes only.

FURTHER CONSIDERATION OF CAPITAL IMPROVEMENT PROGRAM

PARKS & RECREATION - Page 5

Mayor Johansen pointed out that Account 348-321, Downey, Completion of Acquisition, $50,000, had been deleted from the 1966-67 program by prior council action. The City Manager stated that account 288-321, Bellenita Neighborhood Park No. 5, should be reduced from $20,000 to $14,000, the carryover balance from 1965-66.

To be added to the 1966-67 capital improvement, Account 6375-321, West Side Center, $210,000, with 3/4 of this amount (approximately $155,000) to be added to the revenue side of the capital improvement program.

Upon questioning, Director of Parks and Recreation Grogan stated that the staff had recommended to the Planning Commission that funds be set aside for a third golf course; that the $35,000 proposed for the fiscal year 1967-68 was not sufficient to buy the land; that she had no knowledge as to the applicable legislative act by which the City of Ripon acquired funds to construct a golf course.

Mr. Keefe stated that $4,700 was budgeted for the proposed Tuolumne River area park, a carryover from 1965-66 fiscal year.

Miss Grogan stated that she believed that a meeting of the Tuolumne River area park could be set next week upon return of a county representative who is on vacation.

PUBLIC WORKS

At the recommendation of the City Manager, Account 534-121 was increased from $5,000 to $13,000.

The City Manager stated that the proposed expenditure of $373,000 for fiscal year 1969-70, Account 602, was contingent upon approval of a drainage district in the East Modesto-La Loma Area.

Improvement of Coldwell between 9th Street and Tully Road

Director of Public Works Campbell stated that it had not been possible to clear the rights of way on Coldwell between 9th and Tully in order to improve this section as planned during fiscal year 1965-66. He said that the project had been dropped, that it was proposed to make minor repairs on this section of Coldwell, anticipating that it would hold for a couple of years, while negotiations for right of way acquisitions continue. He said that all of the other road projects budgeted for fiscal year 1965-66 are under contract for construction.

Account 806-101: The adequacy of the $120,000 budgeted in fiscal year 1966-67 for water construction, extension of mains and hydrants, was discussed.

Sewer Connections, Crows Landing Road

Upon questioning, Mr. Campbell stated that Whitmore Avenue was the southern boundary

of the area which can be served by city sewers. He said that both the northeast and northwest corners of the Crows Landing-Whitmore intersection could be served with the existing sewer system; that serving the other two corners would require a council policy decision since they were outside the sewer area boundary.

Mayor Johansen stated that Councilman Smith had talked to him before leaving on vacation, stating that he hoped the Council would instruct the staff to proceed as rapidly as possible on the Parking and Traffic capital improvement projects approved for fiscal year 1966-67; to accomplish them as early in the year as possible, rather than waiting until the end of the fiscal year.

The City Manager stated that this would be possible.

Upon questioning, the City Manager stated that funds had not been budgeted for the downtown plan in the event it is approved, but that $100,000 was set aside in the Reserve Fund for this purpose.

MOTION

That $125,000 be budgeted in the Capital Improvement Program for fiscal year 1966-67 to be utilized for changes in traffic patterns, etc., in the event of approval of a downtown plan

Moved by Hughes Seconded by VanderWall Unanimously carried

Planning Director Fey stated that the proposed downtown plan, with a map indicating the plan, would be presented to the Council at the July 18th meeting.

Director of Finance Bird requested that formal approval of the Capital Improvement Program, as amended, be withheld until the approved changes have been presented in writing. He stated that carryover funds from fiscal year 1965-66 would be included in the transfers to be submitted for council approval.

Account 700, proposed widening of Needham from 9th to 14th Street was discussed. Director of Public Works Campbell stated that no priority has been set for this project; that there were two alternates available for the proposed widening--to widen the street within the existing rights of way, prohibit parking and acquire off-street parking; to acquire additional rights of way and develop the street to a full four-lane with parking

Approval of the capital improvement program was held over for one week, as requested by Director of Finance Bird.

PUBLIC HEARING ON AMENDMENT TO "STANDARD SPECIFICATIONS OF SUBDIVISION IMPROVEMENTS" 3-100

Mayor Johansen announced that the hour of 8:00 P.M. had arrived, the time set for consideration of proposed amendments to the "Standard Specifications of Subdivision Improvements," and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Bee on July 1, and notices mailed to interested persons. No written protests to the proposed amendments were filed with the City Clerk.

Planning Commission Resolution No. 66-74, recommending an amendment to Section II(d) of the specifications, pertaining to aggregate base material, was entered into the record of the minutes.

Director of Public Works Campbell stated that local contractors and the staff were in complete agreement with the proposed reduction of the maximum aggregate size in aggregate base from 1½" to 3/4".

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

RESOLUTION NO. 66-498

A RESOLUTION APPROVING AMENDMENTS TO THE STANDARD SPECIFICATIONS FOR SUBDIVISION IMPROVEMENTS

Introduced by Mitchell Seconded by VanderWall

Ayes: Hughes, Mitchell, Patton, VanderWall, Mayor Johansen
Noes: None Absent: Shastid, Smith

MATTERS FOR THE GOOD OF THE COMMUNITY

Proposed Municipal Sewer District No. 1

Copies of a letter dated July 15, 1966 addressed to owners of property within the proposed Modesto Municipal Sewer District No. 1 and copies of a map indicating the boundaries of the proposed district, were distributed to the Council. The City Manager stated that a copy of the letter, the map, and Resolution No. 66-489 setting the time and place of hearing, would be mailed on July 15 to all residents within the boundary limits.

Resolution commending Managers and Members of Modesto Reds Baseball Team

RESOLUTION NO. 66-499

A RESOLUTION COMMENDING THE MODESTO REDS BASEBALL TEAM FOR ITS OUTSTANDING TEAMWORK AND FINE PERFORMANCE DURING THE 1966 BASEBALL SEASON, AND COMMENDING THE PEOPLE OF OUR COMMUNITY FOR THEIR SUPPORT

Introduced by Mitchell Seconded by Hughes

Ayes: Hughes, Mitchell, Patton, VanderWall, Mayor Johansen
Noes: None Absent: Shastid, Smith

Proposed Tentative Resignation of Councilman Mitchell

Councilman Mitchell stated that during the time that he would be out of the country on vacation, there would be two important resolutions before the Council requiring affirmative votes of five members of the Council. He said that it was possible that there would always be at least five councilmen, but in the event of an unforeseen absence of a councilman which might jeopardize the bond issue, he had prepared a resignation from the Council, held in escrow by Mayor Johansen, so that if necessary a councilman could be appointed to serve during his absence. He said he hoped that the resignation would not be effected, but if it was, that he would again regain his seat when he returned from his vacation.

Official Announcement from Civil Aeronautics Board, United Airlines Withdrawal from San Joaquin Valley

The City Attorney stated that he had received an official announcement from the Civil Aeronautics Board indicating that the Board had remanded the United-Pacific Airlines case back to the Examiner for further hearing. Mr. Johnson read a portion of a letter received from Attorney Howard Boros relative to the matter.

EXECUTIVE SESSION TO CONSIDER SALARIES OF COUNCIL-APPOINTED OFFICIALS

MOTION

That the Council meet in executive session to consider salary increases for Council appointees

Introduced by VanderWall Seconded by Mitchell Unanimously carried

The Council went into executive session at 8:30 P.M. returning to regular session at 9:10 P.M.

RESOLUTION NO. 66-500

A RESOLUTION FIXING THE COMPENSATION FOR SPECIFIED POSITIONS IN THE CITY SERVICE (COUNCIL APPOINTEES) (Effective July 1, 1966)

Introduced by Hughes Seconded by VanderWall

Ayes: Hughes, Mitchell, Patton, VanderWall, Mayor Johansen
Noes: None Absent: Shastid, Smith

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by VanderWall Seconded by Hughes Unanimously carried

The meeting adjourned at 9:14 P.M.

ATTEST: Rex E. Gailfus
REX E. GAILFUS, City Clerk

Modesto City Council
July 18, 1966

The Council of the City of Modesto met in regular session this date at 4:00 P.M. in the Council Chambers, City Hall, 801 11th Street, Modesto, California, Mayor Johansen presiding.

Present: Councilman: Hughes, Shastid, VanderWall, Mayor Johansen
(Councilman Patton arrived at 4:06 P.M.)
Absent: Councilmen: Mitchell, Smith

The pledge of allegiance to the Flag was given by all present.
Reverend George DeWeese gave the invocation.

APPROVAL OF MINUTES

The minutes of the regular meeting of June 27, 1966 and adjourned special meeting of May 24, 1966 were approved.

LETTER FROM PAUL V. BIRMINGHAM, CIVIL ENGINEER, REGARDING EASEMENT IN SOMERSET PARK UNIT NO. 1 - MR. WILLIAM LIM

A letter from Paul V. Birmingham, Civil Engineer, dated July 11, 1966 requesting abandonment of 8 feet of an easement in Lot 22, Block 12409, owned by Mr. William Lim, was entered into the record of the minutes.

MOTION
That the letter be referred to the Planning Commission for report and recommendation

Moved by VanderWall Seconded by Hughes Unanimously carried

Councilman Patton arrived at 4:06 P.M.

LETTER FROM LEROY WHITELY, 2300 SHARON WAY, REGARDING HOUSES BEING BROUGHT INTO THE CITY WHICH ARE BELOW STANDARD

An undated letter from Leroy Whitely complaining of the type of housing being moved into the City by George Klemm, Contractor, was entered into the record of the minutes.

The City Manager stated that he had been informed by the Director of Public Works and the Chief Building Inspector that houses moved into the City must meet code requirements; that he had been informed by the City Attorney that there was no way the City could prevent buildings from being moved into the City if they met code requirements.

Director of Public Works Campbell stated that he had viewed the homes in question about six months ago; that the completed structures were compatible with neighboring structures in finished appearance and met building code requirements.

The staff was directed to contact Mr. Whitely and explain the City's position in this matter.

NOTICE OF APPOINTMENT OF C. E. DIXON TO METROPOLITAN PLANNING AGENCY STUDY GROUP

A notice from the County Board of Supervisors indicating appointment of C. E. Dixon to the Metropolitan Planning Agency Study Group was entered into the record of the minutes. The notice was ordered filed. The City Manager stated that an early meeting was scheduled between representatives of the City, County, and Ceres.

CONSIDER JOINING WITH CITIES OF VALLEJO, SAN BRUNO AND TRACY IN CALLING FOR BIDS FOR AERIAL WATER TOWER AND PLATFORM TRUCK 1-59

A letter from the City Manager of San Bruno dated July 5, 1966 with related correspondence from the City Manager of Vallejo attached, checking on the City of Modesto's interest in joining with San Bruno, Tracy and Vallejo in a joint call for bids for a snorkel, was entered into the record of the minutes.

Fire Chief Everett stated that it had come to his attention about six or eight weeks ago that the City of Vallejo, San Bruno and Tracy were investigating the possibility of standard specifications for this type of vehicle, with the idea of joint purchase at a lesser price than if going to bid on an individual basis. He said that he had received a copy of the specifications; that there were alternatives he would like to propose for Modesto; if the bids were favorable and it was found that it would be advantageous for Modesto to join in the purchase, he would so recommend to the Council. He said that there was nothing binding in the joining in the call for bids; that Council approval would still be needed for acceptance of the bid in order to proceed with the purchase. Proposed opening date of bids is August 25, 1966. He recommended that the Council approve joining in the call for bids.

RESOLUTION NO. 66-501
A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING JOINT CALL FOR BIDS WITH THE CITIES OF VALLEJO, SAN BRUNO AND TRACY FOR AN 85-FOOT AERIAL PLATFORM PUMPER TRUCK

Introduced by Shastid Seconded by VanderWall

Ayes: Hughes, Patton, Shastid, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell, Smith

CONSIDER PROPOSED ORDINANCE AMENDING THE CODE RELATING TO MOVING OF BUILDINGS

ORDINANCE NO. 800-C.S. entitled
"AN ORDINANCE AMENDING SECTION 4-3.07.2 OF CHAPTER 3 OF TITLE IV OF THE MODESTO MUNICIPAL CODE RELATING TO MOVING OF BUILDINGS"

was introduced and ordered published as required by the Charter

Moved by Shastid Seconded by VanderWall

Ayes: Hughes, Patton, Shastid, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell, Smith

PROPOSED ORDINANCE AMENDING CODE - BUILDING CODE

ORDINANCE NO. 801-C.S.
"AN ORDINANCE AMENDING SECTIONS 9-1.01, 9-1.07.1, and 9-1.13 OF CHAPTER 1 OF TITLE IX OF THE MODESTO MUNICIPAL CODE, ADDING SECTION 9-1.17.1 THERETO, AND REPEALING SECTION 9-1.21 THEREOF, RELATING TO THE BUILDING CODE"

was introduced and ordered published as required by the Charter.

Moved by Shastid Seconded by VanderWall

Ayes: Hughes, Patton, Shastid, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell, Smith

PROPOSED ORDINANCE AMENDING CODE RELATING TO PLUMBING CODE

ORDINANCE NO. 802-C.S. entitled
"AN ORDINANCE AMENDING SECTION 9-2.101 OF ARTICLE 1 OF CHAPTER 2 OF TITLE IX OF THE MODESTO MUNICIPAL CODE AND ADDING SECTIONS 9-2.112.1 AND 9-2.120.1 THERETO, RELATING TO THE PLUMBING CODE"

was introduced and ordered published as required by the Charter.

Moved by Shastid Seconded by VanderWall

Ayes: Hughes, Patton, Shastid, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell, Smith

PROPOSED ORDINANCE AMENDING CODE RELATING TO ELECTRICAL CODE

ORDINANCE NO. 803-C.S. entitled
"AN ORDINANCE AMENDING SECTIONS 9-3.102, 9-3.103, 9-3.109 AND 9-3.110 OF CHAPTER 3 OF TITLE IX OF THE MODESTO MUNICIPAL CODE AND REPEALING SECTION 9-3.113 THEREOF, RELATING TO THE ELECTRICAL CODE"

was introduced and ordered published as required by the Charter.

Moved by Shastid Seconded by VanderWall

Ayes: Hughes, Patton, Shastid, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell, Smith

PROPOSED ORDINANCE AMENDING CODE RELATING TO HEATING AND COMFORT COOLING CODE

ORDINANCE NO. 804-C.S. entitled
"AN ORDINANCE AMENDING SECTION 9-7.101 OF ARTICLE 1 OF CHAPTER 7 OF TITLE IX OF THE MODESTO MUNICIPAL CODE, AND ADDING SECTIONS 9-7.114.1 and 9-7.122.1 THERETO, RELATING TO THE UNIFORM HEATING AND COMFORT COOLING CODE"

was introduced and ordered published as required by the Charter

Moved by Shastid Seconded by VanderWall

Ayes: Hughes, Patton, Shastid, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell, Smith

PROPOSED ORDINANCE AMENDING CODE RELATING TO UNSAFE STRUCTURE CODE

ORDINANCE NO. 805-C.S. entitled
"AN ORDINANCE ADDING SECTION 9-8.08.1 TO CHAPTER 8 OF TITLE IX OF THE MODESTO MUNICIPAL CODE RELATING TO THE UNSAFE STRUCTURE CODE"
was introduced and ordered published as required by the Charter

Moved by Shastid Seconded by VanderWall

Ayes: Hughes, Patton, Shastid, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell, Smith

ADOPTION OF ORDINANCE NO. 795-C.S.- AMENDMENT TO PARKING METER ZONING MAP

ORDINANCE NO. 795-C.S. entitled
"AN ORDINANCE AMENDING THE PARKING METER ZONING MAP OF THE CITY OF MODESTO"

introduced July 5, 1966 and having been published as required, was moved and adopted.

Moved by VanderWall Seconded by Hughes

Ayes: Hughes, Patton, Shastid, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell, Smith

FURTHER CONSIDERATION OF THE DOWNTOWN PLAN 1-20

A letter from Phil Humphreys, Chairman, City Planning Commission, dated June 20, 1966, subject, "Downtown Plan," was entered into the record of the minutes of the July 5th meeting, consideration held over to this meeting, and the Planning Director instructed to prepare a map indicating the recommendations contained in the letter. A map dated June 28, 1966 entitled "Mayor's Preliminary Downtown Improvement Program, Part I," as recommended by the Modesto City Planning Commission, was entered into the record of the minutes. The proposed plan was reviewed by Planning Director Fey.

Upon questioning, Mr. Fey said that the proposed library and cultural center will require about 60 parking spaces.

MOTION

That the staff be instructed to contact interested parties for discussion of the proposed downtown plan as submitted by the Planning Commission and to indicate that a public hearing will be held sometime during the month of October, 1966

Moved by Hughes Seconded by VanderWall Unanimously carried

MATTERS FOR THE GOOD OF THE COMMUNITY 2-120

Parking of Bicycles

Stix Pilgrim, 525 Laurel, asked that bicycle riders be protected by law. He stated that during the past two weeks his bicycle had been removed from a parking space for which he had paid, and placed on the sidewalk, yet there was no city law making this illegal.

Captain McKinsey said there seemed to be conflict in the interpretation of "vehicle" in the Municipal Code and the California Vehicle Code, the latter not considering the bicycle a vehicle, but subject to the rules and regulations that would be applicable to a bicycle; according to the Municipal Code, a bicycle is a vehicle. The matter was referred to the City Manager and Captain McKinsey to work with Mr. Pilgrim.

Complaints - Weeds in Sidewalk Area

Councilman VanderWall reported that he has received complaints of weeds growing in the sidewalk areas on 10th Street, J Street, and Santa Cruz Avenue. The City Manager stated that weeds in the sidewalk area were the responsibility of the property owner and that weed abatement was handled by the Fire Department. He said that he has been informed by the Parking and Traffic Director that Judge Pierson has indicated he would assign juvenile traffic offenders to remove weeds. Mr. Keefe suggested that this be referred to the staff to check the legal aspects of the matter.

Fire Chief Everett stated that the Fire Department's program at the present time did not take care of weed abatement in sidewalk areas unless specific complaints were received, but in areas of larger vegetation such as parking strips. It was suggested that all such complaints be referred to the Fire Department.

Councilman Shastid was excused from the meeting.

ACCEPT AS COMPLETE THE BIBENS NURSERY CONTRACT FOR INSTALLATION OF SPRINKLER SYSTEM AND LAWN AREA AT LEGION PARK

RESOLUTION NO. 66-502

A RESOLUTION ACCEPTING THE INSTALLATION OF SPRINKLER SYSTEM AND LAWN AREA AT LEGION PARK FROM BIBENS NURSERY

Introduced by VanderWall Seconded by Hughes

Ayes: Hughes, Patton, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell, Shastid, Smith

ACCEPT AS COMPLETE WOLVERINE BUILDING SERVICE, INC.'S CONTRACT FOR THE CONSTRUCTION OF WADING POOL AT MELLIS PARK

RESOLUTION NO. 66-503

A RESOLUTION ACCEPTING THE CONSTRUCTION OF WADING POOL AT MELLIS PARK BY WOLVERINE BUILDING SERVICE, INC.

Introduced by VanderWall Seconded by Hughes

Ayes: Hughes, Patton, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell, Shastid, Smith

ACCEPT IMPROVEMENTS IN COFFEE PLAZA SUBDIVISION EXCEPT THOSE COVERED BY LETTER DATED JUNE 17, 1966 FROM ASST. CITY ENGINEER TO FRED M. JOHNSON, AND AUTHORIZE CITY CLERK TO FILE NOTICE OF COMPLETION AND RELEASE BOND UPON EXPIRATION OF STATUTORY LIEN PERIOD

RESOLUTION NO. 66-504

A RESOLUTION ACCEPTING IMPROVEMENTS IN COFFEE PLAZA SUBDIVISION, WITH EXCEPTIONS, AND AUTHORIZING RELEASE OF SUBDIVISION BOND UPON EXPIRATION OF STATUTORY LIEN PERIOD

Introduced by VanderWall Seconded by Hughes

Ayes: Hughes, Patton, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell, Shastid, Smith

RECOMMEND ABANDONMENT OF ALMA AVENUE BETWEEN WEST ROSEBURG AND AUDREY AVENUES

RESOLUTION NO. 1030-S.P.
RESOLUTION OF INTENTION NO. 296

A RESOLUTION OF INTENTION TO VACATE AND ABANDON A PORTION OF ALMA AVENUE BETWEEN WEST ROSEBURG AND AUDREY AVENUES IN THE CITY OF MODESTO

Introduced by VanderWall Seconded by Hughes

Ayes: Hughes, Patton, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell, Shastid, Smith

August 8, 1966 at 7:45 P.M. in the Council chambers, 801 11th Street, Modesto, California, was set as the time and place for hearing.

RECOMMEND ABANDONMENT OF ALLEY IN BLOCK 1410

RESOLUTION NO. 1031-S.P.
RESOLUTION OF INTENTION NO. 297

A RESOLUTION OF INTENTION TO VACATE AND ABANDON THE 14-FOOT PART-WIDTH ALLEY IN BLOCK 1410 OF SCENIC VILLAGE UNIT NO. 2 SUBDIVISION IN THE CITY OF MODESTO

Introduced by VanderWall Seconded by Hughes

Ayes: Hughes, Patton, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell, Shastid, Smith

August 8, 1966 at 7:50 P.M. in the Council Chambers, 801 11th Street, Modesto, California was set as the time and place for hearing.

APPROPRIATION TRANSFER - ADDITIONAL FUNDS, SALARY INCREASES, COUNCIL APPOINTEES

RESOLUTION NO. 66-505

A RESOLUTION APPROVING APPROPRIATION TRANSFER - $2,240 TO COVER SALARY INCREASES FOR COUNCIL APPOINTEES

Introduced by VanderWall Seconded by Hughes

Ayes: Hughes, Patton, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell, Shastid, Smith

AGREEMENT BETWEEN CITY OF MODESTO AND RAY ROEDER, TO ACT AS EXECUTIVE SECRETARY FOR DOWNTOWN IMPROVEMENT DISTRICT AREA A

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

Councilman Shastid returned to the meeting.

APPROVAL OF 1966-67 CAPITAL IMPROVEMENT PROGRAM

The following documents were entered into the record of the minutes: Memorandum from the Director of Finance dated July 14, 1966, subject, "Report of Capital Improvement Program for the 1966-67 Fiscal Year," with documents attached showing projects approved by the Council, distributed by funds; total funds available; carry-over projects recommended by the Department; projects proposed for the 1966-67 fiscal year; and contingency and general reserve by funds.

Director of Finance Bird reported that two changes had been made in the report as submitted to the Council, as follows: Page 5, delete 6625-41, New Street Light Control at Old Corporation Yard, $8,000 and add to Contingency Reserve, Page 6; Page 5, delete 6819-41, Reconnect Hydrants - Various Locations, $10,000, which has been financed under Carry-over projects on Page 4 of report. Totals in the report were changed accordingly. Mr. Bird said that the corrections had been incorporated in a proposed appropriation transfer.

RESOLUTION NO. 66-506

A RESOLUTION APPROVING APPROPRIATION TRANSFERS - 1966-67 CAPITAL IMPROVEMENT PROGRAM AND

1965-66 CARRY-OVER PROJECTS

Introduced by VanderWall Seconded by Hughes

Ayes: Hughes, Patton, Shastid, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell, Smith

CONSIDER PROPOSAL FOR WIDENING OF WOODROW AVENUE AT TIDEWATER SOUTHERN RAILROAD TRACKS 4-108

A memorandum from the Director of Public Works dated July 13, 1966, subject, "Widening of Woodrow Avenue at Tidewater Southern Railroad Tracks," was entered into the record of the minutes. Request was made that the staff be authorized to make application to the California Public Utilities Commission for the widening of Woodrow Avenue crossing of the TWSRR and upon receipt of approval cause the work to be done.

MOTION

That the staff be authorized to make application to the California Public Utilities Commission for the widening of Woodrow Avenue crossing of TWSRR

Introduced by Shastid Seconded by Hughes Unanimously carried

SUBMISSION OF INTERIM REPORT BY THE COMMITTEE TO STUDY CRIME

An "Interim Report of the Committee to Study Crime" dated July, 1966 submitted by the Council-appointed committee was entered into the record of the minutes.

Jack Schall, Chairman of the Committee to Study Crime, introduced Paul Whitmore and Mel Williams, members of the committee present in the audience.

Mr. Schall stated that up to this point, a vast majority of the Committee's time had been spent gathering facts on crime from various law enforcement agencies and experts in various fields of crime. Recommendation was made that the City Council institute a "Crime Stop Program," to make citizens aware of their responsibility in the vast area of crime; improve the image of law enforcement personnel, especially among those population segments and areas where there is little or no respect at the present time; that adequate street lighting be provided in areas with high incidence of crime; that the Council encourage the Stanislaus County Bar Association to undertake a program with high school students, educating them, so to speak, on the law and how it affects them as citizens; that economic and moral support be given to community center type projects, especially those devoted to youth activities; that there be stricter enforcement of curfew for juveniles; stricter enforcement of laws relating to use of alcohol by minors; that the Police Department be directed to survey, compare and report on the best type of burglar-detection device for domestic and commercial use, with the idea of perhaps having a system tie in with the Police Department; that we have stricter penalties for criminal repeaters; that a study be made to determine if we are paying adequate salaries for personnel in the Police Department, District Attorney's office, and Sheriff's Department; establishment and implementation of parental responsibility in each case of juvenile apprehension; that the Committee to Study Crime be continued.

Mr. Schall stated that additional study was needed in the following areas: Extent of the narcotics problem in Modesto; treatment of alcoholics; relationship of the availability and utilization of library and recreational facilities to crime; adequacy of coverage of police patrols; increased utilization of data processing in police work; establishment of a metropolitan police operation to eliminate multiplicity of law enforcement operations; acquisition of a boys' and girls' camp in Stanislaus County; increasing the number and quality of foster homes; need for educational programs, services and facilities at juvenile hall; probation and parole, both adult and juvenile; adequacy of detention facilities for both minor boys and girls.

The committee was thanked by the Council for the outstanding work done.

Mayor Johansen stated that the Council requested that an interim report be submitted to the Council at this time; that the Council would like the committee to submit a later report on how the proposals could be implemented.

Paul Whitmore, Dean of Boys, Modesto High School, stated that the committee had just

begun to scratch the surface; that many areas still remained to be thoroughly explored; that there were more experts to be heard from, also the lay person. He said that the committee hoped to come up with some positive suggestions and recommendations in its final report.

MOTION

That the interim report of The Committee to Study Crime dated July 1966 be accepted, with the understanding that the committee will continue to function

Moved by Shastid Seconded by VanderWall Unanimously carried

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by VanderWall Seconded by Shastid Unanimously carried

The meeting adjourned at 5:00 P.M.

ATTEST: Rex E. Gailfus
REX E. GAILFUS, City Clerk

Modesto City Council
July 25, 1966

The Council of the City of Modesto met in regular session this date at 7:30 P.M. in the Council Chambers, City Hall, Modesto, California, Mayor Johansen presiding.

Present: Councilmen: Hughes, Patton, Shastid, VanderWall, Mayor Johansen
Absent: Councilmen: Mitchell, Smith

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

Reverend M. Halsted Gates gave the invocation.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

The minutes of the regular meetings of July 5 and July 11, 1966, were approved.

LETTER FROM ROBERT T. MARTIN, ASST. SECRETARY, CALIFORNIA HIGHWAY COMMISSION, REGARDING LANDSCAPING OF U.S. 99 FREEWAY IN MODESTO

A letter from Robert T. Martin, dated July 13, 1966, stating that the landscaping of U. S. 99 Freeway in the City of Modesto was scheduled for fiscal year 1971-72 was entered into the record of the minutes. Mr. Martin indicated that there were uncertainties even in this schedule, since federal financing is as yet undetermined.

Mayor Johansen suggested that in future freeway negotiations, where landscaping is involved, the staff investigate the possibility of including the landscaping in the original freeway agreement to prevent delays of this kind. He requested that the staff obtain an explanation as to the system used by the State in determining priorities for freeway landscaping.

LETTER FROM FRED G. THIEMANN, EXECUTIVE SECRETARY, STANISLAUS COUNTY FARM BUREAU, REGARDING PACIFIC TELEPHONE COMPANY'S RATES

A letter from Fred G. Thiemann, dated July 12, 1966, regarding a decision in Case 7409 before the Public Utilities Commission, relating to a three-year investigation of Pacific Telephone Company's rates, was entered into the record of the minutes. Mr. Thiemann indicated that there was still some indecision as to what rates should be imposed, and suggested that the Council write a brief letter to Governor Brown pointing out the length of time which has elapsed since the hearings have been completed, and requesting that a decision be issued. A further suggestion was made by Mr. Thiemann that the letter to Governor Brown might mention that since so much time has passed without a decision being reached on a revised rate schedule, it might be concluded that the present interim rates are appropriate and should, therefore, be adopted for the permanent rates.

By order of the Chair, the letter was referred to the staff for report to the Council as to what past action the Council has taken on this matter.

PETITION OPPOSING ANNEXATION SIGNED BY 79 PERSONS LIVING IN VARIOUS CITY LOCATIONS

A petition signed by 79 individuals living in the southern El Vista area opposing annexation to the City of Modesto was entered into the record of the minutes. A petition from this area, containing 140 signatures opposing annexation, was presented to the Council at the July 11th meeting.

By order of the Chair, the petition was referred to the City Attorney for use at the appropriate time.

APPLICATION OF THE WESTERN UNION TELEGRAPH COMPANY FOR RATE INCREASE

Application No. 48412, filed with the Public Utilities Commission of the State of California by the Western Union Telegraph Company for an order

authorizing it to increase certain intrastate rates and charges applicable to telegraph and other services within the State of California, was entered into the record of the minutes and ordered filed.

ACCEPT AS COMPLETE GEORGE REED, INC.'S CONTRACT FOR THE IMPROVEMENT OF TULLY ROAD BETWEEN PEARL STREET AND BOWEN AVENUE

RESOLUTION NO. 66-507

A RESOLUTION ACCEPTING THE CONSTRUCTION OF IMPROVEMENTS IN TULLY ROAD FROM PEARL STREET TO BOWEN AVENUE FROM GEORGE REED, INC.

Introduced by VanderWall Seconded by Shastid
Ayes: Hughes, Patton, Shastid, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell, Smith

ACCEPT AS COMPLETE M. J. RUDDY & SON'S CONTRACT FOR THE ASPHALT CONCRETE RESURFACING OF VARIOUS CITY STREETS

RESOLUTION NO. 66-508

A RESOLUTION ACCEPTING THE ASPHALT CONCRETE RESURFACING OF VARIOUS CITY STREETS BY M. J. RUDDY AND SON AS COMPLETE

Introduced by VanderWall Seconded by Shastid
Ayes: Hughes, Patton, Shastid, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell, Smith

ACCEPT AS COMPLETE A. C. CONSTRUCTION COMPANY'S CONTRACT FOR THE CONSTRUCTION OF A COMFORT STATION AND OTHER IMPROVEMENTS AT MORAN ESTATES PARK

RESOLUTION NO. 66-509

A RESOLUTION ACCEPTING THE CONSTRUCTION OF A COMFORT STATION AND OTHER IMPROVEMENTS AT MORAN ESTATES PARK BY A. C. CONSTRUCTION COMPANY AS COMPLETE

Introduced by VanderWall Seconded by Shastid
Ayes: Hughes, Patton, Shastid, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell, Smith

ACCEPT IMPROVEMENTS IN GEMINI MANOR SUBDIVISION AND AUTHORIZE THE CITY CLERK TO FILE NOTICE OF COMPLETION AND RELEASE BOND UPON EXPIRATION OF STATUTORY LIEN PERIOD

RESOLUTION NO. 66-510

A RESOLUTION ACCEPTING IMPROVEMENTS IN GEMINI MANOR SUBDIVISION AND AUTHORIZING RELEASE OF SUBDIVISION BOND UPON EXPIRATION OF STATUTORY LIEN PERIOD

Introduced by VanderWall Seconded by Shastid
Ayes: Hughes, Patton, Shastid, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell, Smith

RECOMMEND AMENDMENT TO SECTION 7-3-9 OF THE ZONING MAP - PACIFIC INVESTMENT COMPANY

RESOLUTION NO. 66-511

A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO SECTION 7-3-9 OF THE ZONING MAP (PACIFIC INVESTMENT COMPANY)

Introduced by VanderWall Seconded by Shastid
Ayes: Hughes, Patton, Shastid, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell, Smith

August 22, 1966, at 7:45 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

RECOMMEND AMENDMENT TO SECTION 22-3-9 OF THE ZONING MAP - PRICE

RESOLUTION NO. 66-512
A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO SECTION 22-3-9 OF THE ZONING MAP (PRICE)

Introduced by VanderWall Seconded by Shastid
Ayes: Hughes, Patton, Shastid, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell, Smith

August 22, 1966, at 7:55 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

ADOPTION OF ORDINANCE NO. 800-C.S. RELATING TO MOVING OF BUILDINGS

ORDINANCE NO. 800-C.S. entitled "AN ORDINANCE AMENDING SECTION 4-3-07.2 OF CHAPTER 3 OF TITLE IV OF THE MODESTO MUNICIPAL CODE, RELATING TO MOVING OF BUILDINGS"

introduced July 18, 1966, and having been published as required, was moved and adopted.

Moved by Shastid Seconded by VanderWall
Ayes: Hughes, Patton, Shastid, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell, Smith

ADOPTION OF ORDINANCE NO. 801-C.S. RELATING TO THE BUILDING CODE

ORDINANCE NO. 801-C.S.,entitled "AN ORDINANCE AMENDING SECTIONS 9-1.01, 9-1.07.1, AND 9-1.13 OF CHAPTER 1 OF TITLE IX OF THE MODESTO MUNICIPAL CODE, ADDING SECTION 9-1.17.1 THERETO, AND REPEALING SECTION 9-1.21 THEREOF, RELATING TO THE BUILDING CODE"

introduced July 18, 1966, and having been published as required, was moved and adopted.

Moved by Shastid Seconded by VanderWall
Ayes: Hughes, Patton, Shastid, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell, Smith

ADOPTION OF ORDINANCE NO. 802-C.S. RELATING TO PLUMBING CODE

ORDINANCE NO. 802-C.S. entitled "AN ORDINANCE AMENDING SECTION 9-2.101 OF ARTICLE 1 OF CHAPTER 2 OF TITLE IX OF THE MODESTO MUNICIPAL CODE AND ADDING SECTIONS 9-2.112.1 AND 9-2.120.1 THERETO, RELATING TO THE PLUMBING CODE"

introduced July 18, 1966, and having been published as required, was moved and adopted.

Moved by Shastid, Seconded by VanderWall
Ayes: Hughes, Patton, Shastid, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell, Smith

ADOPTION OF ORDINANCE NO. 803-C.S. RELATING TO THE ELECTRICAL CODE(1962 Edition)

ORDINANCE NO. 803-C.S. entitled "AN ORDINANCE AMENDING SECTIONS 9-3.102, 9-3.103, 9-3.109 AND 9-3.110 OF CHAPTER 3 OF TITLE IX OF THE MODESTO MUNICIPAL CODE AND REPEALING SECTION 9-3.113 THEREOF, RELATING TO THE ELECTRICAL CODE"

introduced July 18, 1966, and having been published as required, as moved and adopted.

Moved by Shastid Seconded by VanderWall
Ayes: Hughes, Patton, Shastid, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell, Smith

ADOPTION OF ORDINANCE NO. 804-C.S. RELATING TO THE UNIFORM HEATING AND COMFORT COOLING CODE (1964 Edition)

ORDINANCE NO. 804-C.S. entitled "AN ORDINANCE AMENDING SECTION 9-7.101 OF ARTICLE 1 OF CHAPTER 7 OF TITLE IX OF THE MODESTO MUNICIPAL CODE, AND ADDING SECTIONS 9-7.114.1 AND 9-7.122.1 THERETO, RELATING TO THE UNIFORM HEATING AND COMFORT COOLING CODE"

introduced July 18, 1966, and having been published as required, was moved and adopted.

Moved by Shastid Seconded by VanderWall
Ayes: Hughes, Patton, Shastid, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell, Smith

ADOPTION OF ORDINANCE NO. 805-C.S. RELATING TO THE UNSAFE STRUCTURE CODE

ORDINANCE NO. 805-C.S. entitled "AN ORDINANCE ADDING SECTION 9-8.08.1 TO CHAPTER 8 OF TITLE IX OF THE MODESTO MUNICIPAL CODE RELATING TO THE UNSAFE STRUCTURE CODE"

introduced July 18, 1966, and having been published as required, was moved and adopted.

Moved by Shastid Seconded by VanderWall
Ayes: Hughes, Patton, Shastid, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell, Smith

AGREEMENT BETWEEN CITY OF MODESTO AND RAY ROEDER, TO ACT AS EXECUTIVE SECRETARY FOR THE DOWNTOWN IMPROVEMENT DISTRICT AREA A 1-61

At the request of the City Manager, and with the unanimous consent of the Council, this item was removed from the agenda.

REPORT ON COST OF INSTALLATION OF WATER LINE AT NEW CORPORATION YARD

A memorandum from the Director of Public Works, dated July 20, 1966, subject, "Cost of Installation of Water Line at Corporation Yard (W.O.B - 5417)" was entered into the record of the minutes. Total cost was $1,995.67. The report was ordered filed.

REPORT ON MEETING WITH CALIFORNIA HIGHWAY COMMISSION REGARDING FREEWAY FOUNTAIN REST STOPS IN MODESTO

A memorandum from the Director of Parking and Traffic, dated July 21, 1966, subject, "Meeting with California Highway Commission Regarding U. S. 99 Freeway Fountain Rest Stops," was entered into the record of the minutes. The memorandum indicated that there was a chance for action during the 1967 legislature to make the sites available to the City, if an opinion was rendered to the Highway Commission that it could not legally make the sites available for a token rent.

REQUEST BY CITY CLERK FOR PART OF ANNUAL VACATION - JULY 27 THROUGH AUGUST 2, 1966

MOTION

That the request of the City Clerk for part of annual vacation from July 27, 1966, through August 2, 1966, be approved

Moved by VanderWall Seconded by Shastid Unanimously carried

EXECUTIVE SESSION TO CONSIDER ACQUISITION OF RIGHT OF WAY ON TULLY ROAD (QUARESMA)

The Council adjourned to executive session at 7:43 P.M., returning to regular session at 8:02 P.M.

RESOLUTION NO. 66-513

A RESOLUTION AUTHORIZING THE ACQUISITION OF REAL PROPERTY FROM JOHN QUARESMA FOR THE WIDENING OF TULLY ROAD (Project No. 58-2)(For the sum of $9,504)

Introduced by Patton Seconded by Hughes
Ayes: Hughes, Patton, Shastid, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell, Smith

PUBLIC HEARING ON RECOMMENDED MODIFICATION SCHEDULE FOR P-D (24)

Mayor Johansen announced that the hour of 8:00 P.M. had arrived, the time set for consideration of the request of San Joaquin Mortgage Company for modification of plan and development schedule of Planned Development Zone, P-D (24), and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Bee on July 14, 1966; notices posted in the area on July 14, and notices distributed in the area on July 19, 1966. No written protests were filed with the City Clerk.

Planning Commission Resolution No. 66-70, adopted June 21, 1966, recommending approval of a modified development plan and development schedule for P-D (24), was entered into the record of the minutes.

Assistant Planner Don Toombs outlined the proposed changes in the development plan - a reduction in the number of dwelling units from 201 to 188; reduction in the number of off-street parking spaces from 346 to 297; a change in building type, replacing all four-plex units by groupings of multiple-family units with orientation to interior courts; a consolidation of the 17-lot subdivision into a 7-lot subdivision; reduction in the number of 2-story buildings from 30 to 20, to be located only on the easterly and northerly portions of the property; a revised development schedule to be in six phases rather than seven, extending the time for completion of the total development to 1972.

Charles Sypolt, representing San Joaquin Mortgage Company, spoke briefly in support of the proposed modifications. He said that the modifications were proposed to make the development more in line with suggestions made by area residents; that he believed the proposed development would be much more acceptable in a single-family residential area.

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

RESOLUTION NO. 66-514

A RESOLUTION APPROVING A MODIFIED DEVELOPMENT PLAN AND DEVELOPMENT SCHEDULE FOR PLANNED DEVELOPMENT ZONE, P-D (24) (NORTHGATE ENTERPRISES)

Introduced by Hughes Seconded by Patton
Ayes: Hughes, Patton, Shastid, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell, Smith

ORDINANCE NO. 806-C.S. entitled "AN ORDINANCE AMENDING SECTION 2 OF ORDINANCE NO. 779-C.S., RELATING TO PLANNED DEVELOPMENT ZONE, P-D (24) (NORTHGATE ENTERPRISES)"

was introduced and ordered published as required by the Charter.

Moved by Hughes Seconded by Patton
Ayes: Hughes, Patton, Shastid, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell, Smith

PUBLIC HEARING ON PROPOSED PREZONING OF NORTH 9TH STREET ADDITION

Mayor Johansen announced that the hour of 8:05 P.M. had arrived, the time set for consideration of the proposed prezoning of North 9th Street Addition, and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Bee on July 14, 1966, notices posted in the area on July 14, and distributed in the area on July 20, 1966. No written protests were filed with the City Clerk.

Planning Commission Resolution No. 66-68, recommending a prezoning amendment to Sections 13-3-8, 24-3-8, and 19-3-9 of the zoning map of the City of Modesto, was entered into the record of the minutes.

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

ORDINANCE NO. 807-C.S. entitled "AN ORDINANCE AMENDING SECTION MAPS 13-3-8, 24-3-8, and 19-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO TO PREZONE CERTAIN PROPERTY LOCATED THEREON (NORTH 9TH STREET)"

was introduced and ordered published as required by the Charter.

Moved by Shastid Seconded by Hughes
Ayes: Hughes, Patton, Shastid, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell, Smith

MATTERS FOR THE GOOD OF THE COMMUNITY

Announcement of Appointment of new Chief of Police

City Manager Keefe announced the appointment of Robert L. Meester as the new Police Chief, who will assume his duties with the City on September 1, 1966.

Mayor Johansen expressed the Council's appreciation to the board which assisted in the selection of the final group of applicants.

Status of Improvement of City Lighting

Councilman Shastid asked for a brief report on the status of improvement of city lighting. Director of Public Works Campbell stated that the M. I. D. was proceeding with the installation of alley lights behind the City Hall; the contracts for the installation of lights at a number of intersections and railroad crossings have been awarded; that nothing was presently being done on the improvement of parks lighting pending receipt of word concerning the City's application for federal beautification funds. Upon questioning, Mr. Campbell said that the $50,000 budgeted covered only the above-mentioned projects; that no funds have been budgeted for improvement of lighting in other areas; that the staff report to the Council indicated that past policy has been to encourage the formation of improvement districts in those unlighted areas.

Removal of Parking Meters

Councilman Hughes stated that he had been informed by the Director of Parking and Traffic that inquiries had been received as to Councilman Hughes' and the Council's feelings about the removal of parking meters. He said he believed there had been a misinterpretation on the part of one of the members of the local press which probably resulted from a recent Council meeting when the Council denied a request for removal of parking meters adjacent to Griswold and Wight; that there seems to be a misunderstanding that it was the Council's policy to remove any meters upon request of merchants in a given block. He said he did not believe that this was the Council's policy; that his dissenting vote against the removal of the parking meters requesting by Griswold and Wight was made because he felt that approval of removal of the meters would establish a pattern or policy whereby any merchant who desired removal of meters adjacent to his property would merely have to request that they be removed. He expressed the opinion that indiscriminate removal of parking meters without the provision of adequate off-street parking would merely add spaces for employee parking. He stated that he would like to go on record

that he was for eventual removal of parking meters in the downtown area, but much planning must be done before this can be accomplished, and more off-street parking acquired.

Proposed Sewer District Bond Election

Councilman Patton brought up the need for dissemination of information concerning the sewer district bond election to be held on October 4th. He said that questions had arisen which indicated that there was confusion concerning the proposed sewer project with storm drain districts which have been formed in various areas of the City; that several have expressed opposition to the proposed district primarily through lack of knowledge. Councilman Hughes concurred.

City Manager Keefe stated that members of the staff were available to make oral presentations when invited to do so. He requested that groups interested in a speaker be referred to the City Manager's office.

Upon questioning, the City Attorney stated that individuals living outside the city limits, but owning property within the City, would not be able to vote at the October 4th election, but had the right to protest the formation of the district at the public hearing to be held by the Council on August 15th.

Weed Control - Sidewalk Areas

Councilman VanderWall thanked the staff for the prompt action taken in the removal of weeds in various sidewalk areas.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by VanderWall Seconded by Shastid Unanimously carried

The meeting adjourned at 8:26 P.M.

ATTEST: _____
REX E. GAILFUS, City Clerk

Modesto City Council
August 1, 1966

The Council of the City of Modesto met in regular session this date at 4:00 p.m. in the Council Chambers, City Hall, 801 11th Street, Mayor Johansen presiding.

Present: Councilmen: Shastid, Smith, VanderWall, Mayor Johansen
Councilman Patton arrived at 4:01 p.m.

Absent: Councilmen: Mitchell

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

Reverend L. B. Lewis gave the invocation.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

The minutes of the adjourned special meetings of May 26 and 31, 1966 were approved.

Councilman Patton was excused from the meeting.

LETTER FROM PAUL D. LaVINE, FARM ADVISOR, REGARDING SUPPORT FOR THE MODESTO MUNICIPAL SEWER DISTRICT

A letter from Paul D. LaVine, Farm Advisor, Agricultural Extension Service, University of California, Stanislaus County, dated July 19, 1966, was entered into the record of the minutes. The letter indicated support of the formation of Modesto Municipal Sewer District No. 1 and offered support in publicizing the advantages to be gained with a successful bond issue.

By order of the Chair, the letter was referred to the Chairman of the Citizens' Committee.

LETTER FROM PEGGY JO BEST, FARM WORKERS' AID COMMITTEE, REQUESTING USE OF GRACEADA PARK AND MANCINI BOWL FACILITIES

A letter from Peggy Jo Best dated July 27, 1966 requesting use of Graceada Park and Mancini Bowl facilities on the afternoon of August 6 from 1:00 to 4:00 p.m. for a public meeting and celebration in honor of the National Farm Workers' Association, was entered into the record of the minutes.

The proposed use of Mancini Bowl and fee for the use were discussed.

MOTION

That the use of Mancini Bowl be approved as requested

Moved by VanderWall Seconded by Smith Unanimously carried

Councilman Patton returned to the meeting.

LETTER FROM MODESTO GARBAGE FIRMS REGARDING INCREASE IN GARBAGE RATES

A letter from John Borghello, Modesto Garbage Company, H. E. Sanders, Sanders Garbage Service, and Leroy Gilton, Airport Garbage Company requesting that the Council consider a garbage collection rate increase was entered into the record of the minutes.

The request was discussed by the Council.

By order of the Chair, the letter was referred to the staff for the following information: The amount of additional revenue the requested increase will provide; cost to the garbage companies of the proposed 10% salary increase to their employees; comparative garbage collection rates in surrounding cities - Stockton, Lodi, Fresno, Sacramento, and any other cities deemed comparable by the staff; additional business secured by the garbage companies during the past two or three

years through annexations to the City; garbage collection rates in the County. The staff was also directed to work with the county staff, inasmuch as the County has also been asked to increase its rates; in securing comparative rates in surrounding cities, to take into consideration the conditions under which the garbage companies operate, and similarity to the Modesto operation.

The staff was directed to furnish the requested information at the August 22nd meeting.

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR INSTALLATION OF WATER LINE EXTENSION ON FLOYD AVENUE FROM WARWICK LANE TO COFFEE ROAD

RESOLUTION NO. 66-515

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR INSTALLATION OF A WATER LINE EXTENSION ON FLOYD AVENUE FROM WARWICK LANE TO COFFEE ROAD

Introduced by Shastid Seconded by Patton

Ayes: Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Hughes, Mitchell

August 16, 1966 at 10:00 a.m. in the City Clerk's office was set as the time and place for opening of bids.

CONSIDER PROPOSAL FOR CONSTRUCTING LEVELAND LANE ACROSS THE TIDEWATER SOUTHERN RAILWAY TRACKS

RESOLUTION NO. 66-516

A RESOLUTION APPROVING THE FILING OF APPLICATION WITH THE STATE OF CALIFORNIA PUBLIC UTILITIES COMMISSION FOR EXTENSION OF LEVELAND LANE ACROSS THE RAILROAD TRACKS OF THE TIDEWATER SOUTHERN RAILWAY COMPANY AND APPOINTING SIGNATORY OFFICIALS

Introduced by Shastid Seconded by Patton

Ayes: Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Hughes, Mitchell

ACCEPT DEDICATION OF PUBLIC RIGHTS OF WAY AND IMPROVEMENTS IN CENTRAL HEIGHTS ESTATES SUBDIVISION AND AUTHORIZE CITY CLERK TO NOTIFY COUNTY OF STANISLAUS OF CITY'S ACCEPTANCE

RESOLUTION NO. 66-517

A RESOLUTION ACCEPTING DEDICATION OF PUBLIC RIGHTS OF WAY AND THE IMPROVEMENTS IN CENTRAL HEIGHTS ESTATES SUBDIVISION, AND AUTHORIZING THE CITY CLERK TO NOTIFY THE COUNTY OF STANISLAUS OF CITY'S ACCEPTANCE

Introduced by Shastid Seconded by Patton

Ayes: Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Hughes, Mitchell

CONSIDER GRANTING APPROVAL FOR THE SALE OF GASOLINE CONCESSION PRIVILEGES AT THE CITY-COUNTY AIRPORT AND ASSIGNMENT OF LEASE AGREEMENT (OKERSON TO JOLIFF)

RESOLUTION NO. 66-518

A RESOLUTION GRANTING APPROVAL FOR THE SALE OF GASOLINE CONCESSION PRIVILEGES AT THE CITY-COUNTY AIRPORT AND APPROVING ASSIGNMENT OF LEASE AGREEMENT (ORVILLE OKERSON TO DAROLD JOLLIFF)

Introduced by Shastid Seconded by Patton

Ayes: Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Hughes, Mitchell

RECOMMEND AMENDMENT TO SECTION 19-3-9 OF ZONING MAP TO PREZONE TO M-1 AND H-1, EAST OF NORTH 9TH STREET, WEST OF CARVER ROAD (COMMISSION INITIATED)

RESOLUTION NO. 66-519

A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO SECTION 19-3-9 OF THE ZONING MAP TO PREZONE

TO M-1 AND H-1 EAST OF NORTH 9TH STREET, WEST OF CARVER ROAD

Introduced by Shastid Seconded by Patton

Ayes: Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Hughes, Mitchell

September 6, 1966 at 4:30 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

AUTHORIZE EXPENDITURE FOR DECEMBER PROMOTION RECOMMENDED BY THE DOWNTOWN IMPROVEMENT DISTRICT AREA A ADVISORY BOARD

The following documents were entered into the record of the minutes: Letter from Hy Youngheim, President, Downtown Modesto Association, dated July 27, 1966 indicating that the Downtown Association has agreed to handle the Christmas parade to be brought to Modesto by Giant Balloons, Inc.; letter from John Hoge, Chairman, Downtown Improvement District Area A Advisory Board dated July 27, 1966, subject, "Downtown Business Promotion," requesting council authorization for reimbursement of $4,000 to the Downtown Merchants' Association from the AB-103 Business Promotions Account to cover the cost of the Christmas parade.

RESOLUTION NO. 66-520

A RESOLUTION AUTHORIZING EXPENDITURE OF APPROXIMATELY $4,000 FOR A DECEMBER PROMOTION RECOMMENDED BY DOWNTOWN IMPROVEMENT DISTRICT AREA A ADVISORY BOARD (From Account 237-218, Business Promotions)

Introduced by Shastid Seconded by Smith

Ayes: Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Hughes, Mitchell

CONSIDER SUPPLEMENTARY AGREEMENT WITH JENKS AND ADAMSON FOR SERVICES ON MODESTO SEWER PROJECT 2-5

RESOLUTION NO. 66-521

A RESOLUTION APPROVING SUPPLEMENTARY AGREEMENT BETWEEN THE CITY OF MODESTO AND JENKS AND ADAMSON FOR SERVICES ON THE MODESTO SEWERAGE PROJECT

Introduced by Shastid Seconded by Patton

Ayes: Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Hughes, Mitchell

AGREEMENT BETWEEN CITY OF MODESTO AND RAY ROEDER TO ACT AS EXECUTIVE SECRETARY FOR THE DOWNTOWN IMPROVEMENT DISTRICT AREA A

Memoranda dated July 25, 1966 and July 25, 1966 from the Director of Finance, subject, "Agreement to hire Executive Secretary for the Downtown Improvement District Area A," were entered into the record of the minutes.

RESOLUTION NO. 66-522

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND RAY ROEDER TO ACT AS EXECUTIVE SECRETARY FOR THE DOWNTOWN IMPROVEMENT DISTRICT AREA A

Introduced by Smith Seconded by VanderWall

Ayes: Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Hughes, Mitchell

MATTERS FOR THE GOOD OF THE COMMUNITY

Last Registration day for October 4, 1966 Special Sewer Bond Election

The City Attorney announced that the last day for registering for the October 4th special sewer bond election was August 11, 1966; that applications for absentee ballots could be obtained at the present time and would be mailed out between September 5 and

September 27th. It was suggested that the press publicize this information. Mr. Johnson stated that it has been estimated that about 22,000 of the voters within the proposed sewer district will be eligible to vote. The City Manager was asked to make this information available to the Citizens' Sewer Bond Committee.

CONSIDER MINOR IMPROVEMENTS AT 9TH AND J STREET LOT 3-10

A memorandum from the Director of Parking and Traffic dated July 22, 1966, subject, "Redevelopment of the 9th Near J Validation Parking Lot," was entered into the record of the minutes. Permission was requested to widen the parking stalls (eliminating 12 parking spaces) and install trees adjacent to the center row of bumper posts, at an approximate cost of $400. Mr. Carmody also proposed, if warranted, to install a ticket dispenser so that motorists could enter (but not leave) via I Street; to use a ticket dispenser at the 9th Street entrance, the attendant then only having to collect tickets and cash. Since the dispensers cost $3,000 each, Mr. Carmody indicated that he wished to make sure that there was still sufficient need for the dispensers before proceeding with the purchase; that funds were budgeted for the dispensers.

The Council discussed an I Street opening to the parking lot.

MOTION

That an I street opening to the city-owned parking lot at 9th and J Streets be approved; that the Director of Parking and Traffic proceed with the preparation of call for bids for a ticket dispenser

Moved by VanderWall Seconded by Patton Unanimously carried

MOTION

That the $400 expenditure for widening of spaces and installing trees adjacent to the center row of bumper posts be authorized as proposed by the Director of Parking and Traffic

Moved by Smith Seconded by VanderWall Unanimously carried

RECOMMEND DENIAL OF REQUEST FOR CURB CUT ON NORTHERN BOULEVARD (FOSTER FARMS)

A letter from Joseph E. Fulford, representing Foster Farms, dated July 1, 1966 requesting access to Northern Boulevard for a lot located on the southwest corner of McHenry and Northern Boulevard, was referred by the Council to the Planning Commission for report and recommendation at the July 11th council meeting. This lot was sold by the City in July 1962 with the deed restricting access rights in and to Northern Boulevard.

A memorandum from Russell C. Fey, Secretary, Planning Commission, dated July 25, 1966 relative to the Planning Commission recommendation that the application of Foster Farms for a curb cut on Northern Boulevard be denied, was entered into the record of the minutes.

Mr. Fulford spoke briefly in support of his application for a curb cut on Northern Boulevard.

The Council discussed the following: The City's policy in restricting access to Northern Boulevard; value of the lot with or without access to Northern Boulevard; the monetary value of the access to Northern.

Upon questioning, the City Attorney stated that since access rights were denied by means of a deed restriction, access could only be granted by means of a deed; that location of the access, if approved, could be pinpointed by the Council.

By order of the Chair, the staff was directed to meet with representatives of Foster Farms to discuss the matter further for report to the Council; the Director of Parking and Traffic was directed to submit a report as to whether an access on Northern Boulevard would be beneficial or detrimental to the traffic pattern.

APPROPRIATION TRANSFERS - None

CONFERENCE ANNOUNCEMENT - 1966 CONGRESS OF CITIES SPONSORED BY NATIONAL LEAGUE OF CITIES

Announcement was made that the 1966 Congress of Cities sponsored by the National League of Cities would be held in Las Vegas, Nevada, December 3 to 7, 1966. The City Manager

stated that additional information was available upon request.

LEAGUE MEETING, SONORA, THURSDAY, AUGUST 4, 1966 AT 6:30 P.M.

Announcement was made that the League meeting would be held in Sonora, Thursday, August 4, 1966 at 6:30 p. m.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by VanderWall Seconded by Shastid Unanimously carried

The meeting adjourned at 5:00 p.m.

ATTEST: Pauline P. Stanley
Pauline P. Stanley
Acting City Clerk

Modesto City Council
August 8, 1966

The Council of the City of Modesto met in regular session this date at 7:30 P.M. in the Council Chambers, City Hall, Modesto, California, Mayor Johansen presiding.

Present: Councilmen: Patton, Shastid, Smith, Mayor Johansen
Absent: Councilmen: Hughes, Mitchell, VanderWall

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

A moment of silent prayer was observed.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

The minutes of the adjourned special meeting of June 2, 1966, and regular meeting of July 18, 1966, were approved.

LETTER FROM RICHARD B. EATON, MODESTO CITY SCHOOLS, REGARDING EXTENSION OF THE PRESENT LEASE FOR MADDUX YOUTH FACILITIES

The following documents were entered into the record of the minutes: Letter from Richard B. Eaton, dated July 22, 1966, requesting extension of lease of Maddux Youth Center from September 1, 1966, to December 1, 1966, to be used as a continuation high school; memorandum from Director of Parks and Recreation, dated July 28, 1966, recommending that the request be approved.

RESOLUTION NO. 66-523

A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT BETWEEN CITY OF MODESTO AND MODESTO HIGH SCHOOL DISTRICT OF STANISLAUS COUNTY, CALIFORNIA FOR THE LEASE OF MADDUX YOUTH CENTER

Introduced by Smith Seconded by Shastid
Ayes: Patton, Shastid, Smith, Mayor Johansen
Noes: None Absent: Hughes, Mitchell, VanderWall

LETTER REGARDING PROPOSED ANNEXATION OF EL VISTA AVENUE AREA

A letter from six El Vista area residents, dated August 1, 1966, requesting City assistance in connection with their opposition to the proposed annexation of the El Vista Avenue area to the City of Modesto was entered into the record of the minutes.

By order of the Chair, the letter was referred to the City Attorney.

PETITION REQUESTING CONSENT TO COMMENCE PROCEEDINGS TO ANNEX INHABITED TERRITORY (PROPOSED SUNRISE ADDITION)

A letter from J. R. Hurst, C. C. Comer, and J. C. Davis, dated August 1, 1966, requesting consent of the Council to commence proceedings to annex inhabited territory, shown on an attached map, to the City of Modesto, was entered into the record of the minutes.

RESOLUTION NO. 66-524

A RESOLUTION REFERRING TO THE MODESTO CITY PLANNING COMMISSION A REQUEST FOR CONSENT TO COMMENCE PROCEEDINGS TO ANNEX CERTAIN INHABITED TERRITORY TO THE CITY OF MODESTO DESIGNATED AS THE SUNRISE-EAST ROSEBURG ADDITION

Introduced by Smith Seconded by Shastid
Ayes: Patton, Shastid, Smith, Mayor Johansen
Noes: None Absent: Hughes, Mitchell, VanderWall

ADOPTION OF ORDINANCE 806-C.S. RELATING TO PLANNED DEVELOPMENT ZONE, P-D(24) (NORTHGATE ENTERPRISES)

ORDINANCE NO. 806-C.S. entitled
"AN ORDINANCE AMENDING SECTION 2 OF ORDINANCE NO. 779-C.S., RELATING TO PLANNED DEVELOPMENT ZONE, P-D (24) (NORTHGATE ENTERPRISES)

introduced July 25, 1966, and having been published as required, was moved and adopted.

Moved by Shastid Seconded by Patton
Ayes: Patton, Shastid, Smith, Mayor Johansen
Noes: None Absent: Hughes, Mitchell, VanderWall

AERIAL PLATFORM WATER TOWER TRUCK, CORRECTION OF RESOLUTION 66-501 PERTAINING TO BID OPENING

RESOLUTION NO. 66-525
A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING JOINT CALL FOR BIDS WITH THE CITIES OF VALLEJO, SAN BRUNO AND TRACY FOR AN 85' AERIAL PLATFORM PUMPER TRUCK AND RESCINDING RESOLUTION NO. 66-501

Introduced by Shastid Seconded by Smith
Ayes: Patton, Shastid, Smith, Mayor Johansen
Noes: None Absent: Hughes, Mitchell, VanderWall

September 12, 1966, at 8:30 P.M. in the City Council Chambers, 734 Marin Street, Vallejo, California, was set as the time and place for opening of bids.

ACCEPT IMPROVEMENTS IN WYLDEWOOD PARK NO. 3 SUBDIVISION, EXCEPT THOSE IMPROVEMENTS COVERED BY LETTER, DATED JULY 26, 1966, FROM THE ASSISTANT CITY ENGINEER TO ARTHUR J. WYLIE, JR., AND AUTHORIZE CITY CLERK TO FILE NOTICE OF COMPLETION AND RELEASE BOND UPON EXPIRATION OF STATUTORY LIEN PERIOD

RESOLUTION NO. 66-526
A RESOLUTION ACCEPTING IMPROVEMENTS IN WYLDEWOOD PARK NO. 3 SUBDIVISION WITH EXCEPTIONS, AND AUTHORIZING RELEASE OF SUBDIVISION BOND UPON EXPIRATION OF STATUTORY LIEN PERIOD

Introduced by Shastid Seconded by Smith
Ayes: Patton, Shastid, Smith, Mayor Johansen
Noes: None Absent: Hughes, Mitchell, VanderWall

RESOLUTION SETTING DATE FOR HEARING AN APPEAL BY ELEVEN PROPERTY OWNERS - CONDITIONAL USE PERMIT, BOARD OF ZONING ADJUSTMENT RESOLUTION NO. 289

RESOLUTION NO. 66-527
A RESOLUTION SETTING TIME AND PLACE FOR HEARING APPEAL BY ELEVEN PROPERTY OWNERS - CONDITIONAL USE PERMIT (CHATEAU REST HOME-BARTON)

Introduced by Shastid Seconded by Smith
Ayes: Patton, Shastid, Smith, Mayor Johansen
Noes: None Absent: Hughes, Mitchell, VanderWall

September 6, 1966, at 4:40 P.M. in the Council Chambers, City Hall, 801 - 11th Street, was set as the time and place of hearing.

RESOLUTION REQUESTING THAT CERTAIN UNINHABITED TERRITORY BE WITHDRAWN FROM THE SALIDA FIRE PROTECTION DISTRICT BY REASON OF ANNEXATION TO THE CITY OF MODESTO (CORNWELL ADDITION)

RESOLUTION NO. 66-528
A RESOLUTION REQUESTING THAT CERTAIN UNINHABITED TERRITORY BE WITHDRAWN FROM THE SALIDA FIRE PROTECTION DISTRICT BY REASON OF ITS ANNEXATION TO THE CITY OF MODESTO (CORNWELL ADDITION)

Introduced by Shastid Seconded by Smith
Ayes: Patton, Shastid, Smith, Mayor Johansen
Noes: None Absent: Hughes, Mitchell, VanderWall

FURTHER CONSIDERATION OF LANDSCAPING U. S. 99 FREEWAY 1-30

A letter from Robert T. Martin, Assistant Secretary, California Highway Commission, dated July 13, 1966, indicating that landscaping of the U. S. 99 Freeway in Modesto was scheduled for 1971-72, was referred to the staff for investigation and report at the July 25th meeting and the staff directed to obtain an explanation as to the system used by the State in determining priorities for freeway landscaping. As a result of its investigation, the staff recommended that the Council authorize the Mayor to send a letter to the Highway Commission stating the City's dissatisfaction with the landscaping schedule and requesting that the landscaping be accomplished in the current or next fiscal year.

MOTION

That the Mayor be authorized to write a letter to the Highway Commission as recommended by the staff

Moved by Shastid Seconded by Patton Unanimously carried

LETTER INFORMING COUNCIL OF WITHDRAWAL OF NUNES REZONING APPLICATION

A letter from Phil Humphreys, Chairman, City Planning Commission, dated August 3, 1966, informing the Council that Mr. Nunes had withdrawn his application for rezoning of property located on the south side of M. I. D. Lateral No. 3, west of Tully Road, was entered into the record of the minutes. The proposed rezoning was heard by the Council at its June 13th meeting and referred back to the Planning Commission for further study by Resolution No. 66-431.

CONSIDER PURCHASE AND INSTALLATION OF UNICOM FOR MODESTO CITY-COUNTY AIRPORT 1-60

The following documents were entered into the record of the minutes: Letter from Bayaire Avionics, Inc., quoting a price of $405 plus tax for King KG-300A Unicom; memorandum from Director of Public Works, dated July 18, 1966, subject, "Unicom for City-County Airport," indicating that the Unicom would be a convenience for fliers using the airport.

RESOLUTION NO. 66-529

A RESOLUTION APPROVING APPROPRIATION TRANSFER - $450 FOR UNICOM INSTALLATION AT AIRPORT (Gas station)

Introduced by Shastid Seconded by Smith
Ayes: Patton, Shastid, Smith, Mayor Johansen
Noes: None Absent: Hughes, Mitchell, VanderWall

Upon questioning, Airport Manager Sham stated that the price quoted above did not include installation of a unit in a pickup truck; that cost of installation of a similar unit in a pickup truck would also cost about $405.

REPORTS FROM THE PLANNING COMMISSION - None

SUBMISSION OF ANNUAL SUMMARY REPORTS OF ACTIVITIES OF ALL CITY DEPARTMENTS FOR FISCAL YEAR 1965-66

MOTION

That the summary reports of activities of all city department for fiscal year 1965-66 be accepted as the Manager's annual report on administrative activities of the City as required by the Charter

Moved by Shastid Seconded by Smith Unanimously carried

QUARTERLY REPORT FROM THE GREATER MODESTO CHAMBER OF COMMERCE AS PER AGREEMENT WITH CITY (QUARTER ENDING JUNE 30, 1966)

The Greater Modesto Chamber of Commerce report for quarter ending June 30, 1966, was accepted and ordered filed.

REPORT ON PACIFIC TELEPHONE COMPANY'S APPLICATION TO P.U.C. FOR RATE INCREASE

The City Manager reported that the City Attorney had made a presentation before the Public Utilities Commission on November 17, 1965, and filed a resolution in behalf of the City; that although Mr. Thiemann had requested that the Mayor write a letter to the Governor, he did not believe that this would serve any purpose since the decision was that of the Public Utilities Commission.

The City Manager was directed to so advise Mr. Thiemann.

LETTER OF RESIGNATION FROM MARTIN ERLICH, CITY-COUNTY LIBRARIAN

A letter from City-County Librarian Erlich, dated August 2, 1966, submitting his resignation as City-County Librarian, effective September 1, 1966, was entered into the record of the minutes.

RESOLUTION NO. 66-530

A RESOLUTION COMMENDING MARTIN ERLICH FOR SERVICE RENDERED TO THE CITY OF MODESTO AS CITY-COUNTY LIBRARIAN

Introduced by Smith Seconded by Patton
Ayes: Patton, Shastid, Smith, Mayor Johansen
Noes: None Absent: Hughes, Mitchell, VanderWall

SUGGESTION AWARD TO JO-ANNE JENKINS FOR SUGGESTING INSTALLATION OF "WINKHOLD" ON THE TELEPHONES IN THE FINANCE DEPARTMENT

A $10 award was presented to Jo-Anne Jenkins for suggesting installation of "Winkhold" on telephones in the Finance Department.

MATTERS FOR THE GOOD OF THE COMMUNITY 2-5

REPORT ON UNITED AIR LINES MEETING

The City Attorney reported that Councilman VanderWall, Airport Manager Sham, and himself attended a meeting in Sacramento last Friday, which was set up by Attorney Howard Boros for representatives of the valley cities for the purpose of reviewing the status of the United Air Lines' proposed withdrawal of service from the San Joaquin Valley, and preparing strategy to be taken at this point. Mr. Johnson said he had received a letter today, indicating that the pre-conference hearing was set for August 26, but because of a conflict with another Pacific Air Lines hearing, would propably be held over until the first week in September; that Mr. Boros anticipated that final decision on the issues involved would be made in about 18 to 24 months. Mr. Johnson stated that as a result of the additional hearing, it would be necessary to enter into new arrangements with Mr. Boros to continue his appointment after the first of the year; that it would also be necessary to contact other cities in the county in regard to their continued participation. He recommended that this be done.

The City Attorney said that Mr. Boros had also suggested that it might be of advantage to have a survey conducted in all the cities in the Valley of both freight users and passenger users of the air lines to determine why they use the air lines, what additional type of schedules would be advantageous, if they would use the air lines more frequently if better connections were available, etc. The questions for the survey will be prepared by Mr. Boros.

HEARING ON ABANDONMENT OF ALMA AVENUE

Mayor Johansen announced that the hour of 7:45 P. M. had arrived, the time set for consideration of the proposed abandonment of Alma Avenue, and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Bee on July 28, 1966, and notices posted in the area on July 22, 1966. No written protests were filed with the City Clerk.

Planning Commission Resolution 66-61, recommending the abandonment of Alma Avenue between West Roseburg and Audrey Avenues, was entered into the record of the minutes.

The City Attorney stated that an agreement between the City and the property owners involved to do the work necessary to effect the abandonment had not yet been signed by the property owners, that the property owners were reluctant to sign the agreement until a cloud on their title is cleared in court. He recommended that the Council hold the public hearing as scheduled, and if agreeable to the abandonment, indicate by motion to the property owners that a maximum of six months be given to permit action in court to quiet title, and enter into agreement with the City. Formal action could then be taken by the Council. If not concluded in six months, new proceedings would have to be commenced.

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

MOTION

That the Council indicates its willingness to execute an agreement with the property owners for the abandonment of Alma Avenue between West Roseburg and Audrey Avenues within the next six months if the applicants so desire; that the matter dies if not concluded within six months

Moved by Shastid Seconded by Smith Unanimously carried

HEARING ON ABANDONMENT OF ALLEY IN BLOCK 1410

Mayor Johansen announced that the hour of 7:50 P.M. had arrived, the time set for consideration of the proposed abandonment of the alley in Block 1410, and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Bee on July 28, 1966, and notices posted in the area on July 22, 1966. No written protests were filed with the City Clerk.

Planning Commission Resolution 66-62, recommending the abandonment of the part-width alley in Block 1410, was entered into the record of the minutes.

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

RESOLUTION NO. 1032-S.P.

A RESOLUTION VACATING AND ABANDONING THE 14-FOOT PART-WIDTH ALLEY IN BLOCK 1410 OF SCENIC VILLAGE UNIT NO. 2 SUBDIVISION IN THE CITY OF MODESTO

Introduced by Smith Seconded by Shastid
Ayes: Patton, Shastid, Smith, Mayor Johansen
Noes: None Absent: Hughes, Mitchell, VanderWall

MATTERS FOR THE GOOD OF THE COMMUNITY (Continued)

Odors - Sewage Treatment Plant

Irene Lovett, 1502 Placer, complained of the odor problem in the vicinity of the sewage treatment plant, stating that it has been continuous for the past three or four months.

The City Manager stated that a meeting was planned later in the month in the South Modesto area to explain to residents in the area the benefits of the proposed expansion of the sewage treatment plant. He pointed out the need for the moral support of all area residents, even though not residing in the City and not eligible to vote in the coming bond election.

Odor problems at the sewage treatment plant were discussed.

Proposed Withdrawal of United Air Lines Service from San Joaquin Valley

MOTION

That the Council declares its intent to continue with the United Air Lines - Pacific Air Lines transfer case to its conclusion; that the Mayor and staff be authorized to contact Stanislaus County and cities within the County to continue their contribution toward the legal retainer fees for 1967

Moved by Smith Seconded by Shastid Unanimously carried

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by Shastid Seconded by Smith Unanimously carried

The meeting adjourned at 8:17 P.M.

ATTEST: REX E. GAIFUS, City Clerk

Modesto City Council
August 15, 1966

The Council of the City of Modesto met in regular session this date at 4:00 p.m. in the Council Chambers, City Hall, 801 11th Street, Modesto, California, Mayor Johansen presiding.

Present: Councilmen: Hughes, Patton, Shastid, Smith, VanderWall, Mayor Johansen

Absent: Councilmen: Mitchell

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

A moment of silent prayer was observed.

APPROVAL OF MINUTES

The minutes of the regular meeting of July 25, 1966 were approved.

LETTERS CONCERNING RENTAL OF NEW OFFICE SPACE AT CITY-COUNTY AIRPORT

The following letters indicating interest in leasing office space at the Modesto City-County Airport were entered into the record of the minutes: Letter from Hawke Dusters dated August 11, 1966; letter from Gottschalk Music Center "Flying Club" dated August 1, 1966; letter from Virginia Heffner dated August 5, 1966.

Airport Manager Sham stated that the office space requested would be in a proposed new building which would replace two old offices which constitute an eyesore. Upon questioning, Mr. Sham said estimated cost of the proposed building would be between $22,000 and $25,000; that about four months ago, two operators indicated a willingness to pay $200 per month rental; that they were willing to lease the building but not pay for the building; that storage space and public restrooms were also proposed in the building.

The proposal was discussed by the Council.

By order of the Chair, the matter was referred to the Public Relations Committee for investigation and report. The staff was directed to secure information pertaining to this type of building in neighboring cities.

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR INSTALLATION OF WATER LINES IN FAIRWAY ESTATES NO. 2 SUBDIVISION

RESOLUTION NO. 66-531

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR INSTALLATION OF WATER LINES IN FAIRWAY ESTATES NO. 2 SUBDIVISION

Introduced by Shastid Seconded by Patton

Ayes: Hughes, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell

August 31, 1966 at 10:00 a.m. in the City Clerk's office was set as the time and place for opening of bids.

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR INSTALLATION OF WATER LINE IN BLOCK 6007 BETWEEN ORANGEBURG AND ROSEBURG AVENUES

RESOLUTION NO. 66-532

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR INSTALLATION OF WATER LINE IN BLOCK 6007 BETWEEN ORANGEBURG AND ROSEBURG AVENUES

Introduced by Shastid Seconded by Patton

Ayes: Hughes, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell

August 31, 1966 at 10:05 a.m. in the City Clerk's office was set as the time and place for opening of bids.

CONSIDER AWARD OF BIDS FOR FURNITURE

RESOLUTION NO. 66-533

A RESOLUTION ACCEPTING THE BID OF WARD OFFICE FURNITURE FOR FURNITURE FOR NEW CORPORATION YARD (ITEMS 4 and 5, Chairs) ($480.48)

Introduced by Shastid Seconded by Patton

Ayes: Hughes, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell

RESOLUTION NO. 66-534

A RESOLUTION ACCEPTING BID OF RUSH OFFICE EQUIPMENT, INC., FOR OFFICE FURNITURE FOR NEW CORPORATION YARD (ITEMS 1, 2, 3, 6, 7, 9 & 10, $3,279.13)

Introduced by Shastid Seconded by Patton

Ayes: Hughes, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell

ACCEPT IMPROVEMENTS IN HIGHLAND MANOR NO. 1 SUBDIVISION AND AUTHORIZE THE CITY CLERK TO FILE NOTICE OF COMPLETION AND RELEASE BOND UPON EXPIRATION OF STATUTORY LIEN PERIOD

RESOLUTION NO. 66-535

A RESOLUTION ACCEPTING IMPROVEMENTS IN HIGHLAND MANOR #1 SUBDIVISION AND AUTHORIZING RELEASE OF SUBDIVISION BOND UPON EXPIRATION OF STATUTORY LIEN PERIOD

Introduced by Shastid Seconded by Patton

Ayes: Hughes, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell

ACCEPT AS COMPLETE A. C. CONSTRUCTION COMPANY'S CONTRACT FOR THE CONSTRUCTION OF IMPROVEMENTS AT PIKE PARK AND WHITMORE PARK

RESOLUTION NO. 66-536

A RESOLUTION ACCEPTING THE CONSTRUCTION OF IMPROVEMENTS AT PIKE PARK AND WHITMORE PARK BY A. C. CONSTRUCTION COMPANY

Introduced by Shastid Seconded by Patton

Ayes: Hughes, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell

APPROVAL OF AMENDMENT TO LEASE AGREEMENT BETWEEN CITY AND JACK ULRICH, ET AL, FOR LEASE OF WRIGHT BRANCH LIBRARY

RESOLUTION NO. 66-537

A RESOLUTION APPROVING AMENDMENT TO LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND JACK ULRICH, ET AL, FOR LEASE OF WRIGHT BRANCH LIBRARY (Decreasing monthly rental to $225, five-year optional period beginning March 1, 1967)

Introduced by Shastid Seconded by Patton

Ayes: Hughes, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell

LETTER FROM FEDERAL SIGN AND SIGNAL CORPORATION REQUESTING VARIANCE FOR SIGN TO BE INSTALLED FOR WELLS FARGO BANK, 1601 McHENRY AVENUE, MODESTO, CALIFORNIA

RESOLUTION NO. 66-538

A RESOLUTION SETTING TIME AND PLACE FOR HEARING REQUEST OF FEDERAL SIGN AND SIGNAL CORPORATION FOR SIGN VARIANCE AT WELLS FARGO BANK, 1601 McHENRY AVENUE

Introduced by Shastid Seconded by Patton

Ayes: Hughes, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell

August 22, 1966 at 8:00 p.m. in the Council Chambers, City Hall, was set as the time and place of hearing.

CONSIDER REQUEST FOR SEWER SERVICE EXTENSION TO PROPERTY LOCATED AT 2009 TERRANCE WAY

RESOLUTION NO. 66-539
A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND ROGER C. SPEIR AND DOROTHY M. SPEIR FOR SEWER SERVICE EXTENSION AT 2009 TERRANCE WAY, MODESTO

Introduced by Shastid Seconded by Patton

Ayes: Hughes, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell

RECOMMEND ABANDONMENT OF SOUTHERLY 8 FEET OF A 10-FOOT PUBLIC UTILITY EASEMENT

RESOLUTION NO. 1033-S.P.
RESOLUTION OF INTENTION NO. 298
A RESOLUTION OF INTENTION TO VACATE AND ABANDON THE SOUTHERLY EIGHT (8') FEET OF A 10-FOOT PUBLIC UTILITY EASEMENT IN LOT 22, BLOCK 12409 IN THE CITY OF MODESTO (RESUBDIVISION OF SOMERSET PARK NO. 1)

Introduced by Shastid Seconded by Patton

Ayes: Hughes, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell

September 12, 1966 at 7:45 p.m. in the Council Chambers, City Hall, was set as the time and place of hearing.

ADOPTION OF ORDINANCE NO. 807-C.S., RELATING TO PREZONING OF PROPERTY LOCATED ON NORTH 9TH STREET

ORDINANCE NO. 807-C.S. entitled
"AN ORDINANCE AMENDING SECTION MAPS 13-3-8, 24-3-8, AND 19-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO TO PREZONE CERTAIN PROPERTY LOCATED THEREON (NORTH 9TH STREET)"

introduced July 25, 1966 and having been published as required, was moved and adopted

Moved by VanderWall Seconded by Shastid

Ayes: Hughes, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell

REPORT ON CURB CUT ON NORTHERN BOULEVARD REQUESTED BY FOSTER FARMS

A memorandum from the Director of Parking and Traffic dated August 5, 1966, subject, "Northern Boulevard - Curb Cut for Foster Farms," was entered into the record of the minutes. The memorandum indicated that the request of Foster Farms for access to Northern Boulevard was reasonable, and, in conclusion, Mr. Carmody indicated that if Foster Farms were to adequately compensate the City for the access rights, its request should be granted.

The report was discussed by the Council.

MOTION

That the matter be referred to the staff for negotiation and that the Council, if agreement is reached with Foster Farms as to adequate compensation, will then consider the whole matter in view of the amount; but that the Council is not committing itself to the policy of opening access on Northern Boulevard if, for example, an appraisal should indicate the access rights are only $50.

Moved by Shastid Seconded by Patton Unanimously carried

REQUESTS FOR WAIVER OF PENALTY AND INTEREST ON BUSINESS LICENSE TAX

Earl M. Gaarde, $7.37. Major Store Equipment Company, $6.26

A memorandum from Director of Finance Bird dated August 10, 1966 subject, "Request for Waiver of Penalty and Interest on Business License Tax," was entered into

the record of the minutes. Attached to the memo were statements from Earl M. Gaarde and Major Store Equipment Company outlining basis for request of waiver.

MOTION

That the requests of Earl M. Gaarde and Major Store Equipment Company for waiver of penalty and interest on business license tax be denied.

Moved by Hughes Seconded by VanderWall Unanimously carried

The staff was directed to write letters to the above parties explaining the City's policy on delinquent tax payments.

CONSIDER INSTALLATION OF SAND TRAP AND APPURTENANT FACILITIES AT PUMP STATION NO. 11

A memorandum from the Director of Public Works dated August 11, 1966 subject, "Sand Trap and Appurtenant Facilities at Pump Station No. 11," was entered into the record of the minutes.

Recommendation was made that the staff be authorized to proceed with plans and specifications for the purchase and installation of a sand trap and appurtenant facilities, and that an appropriation transfer in the amount of $6,500 be approved to cover the total estimated cost.

RESOLUTION NO. 66-540

A RESOLUTION APPROVING APPROPRIATION TRANSFER - $6,500 FOR SAND TRAP AND APPURTENANT FACILITIES AT PUMP STATION NO. 11

Introduced by Smith Seconded by Patton

Ayes: Hughes, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell

CONSIDER ITEMS OF WORK AT CITY-COUNTY AIRPORT 2-80

A memorandum from the Director of Public Works dated August 11, 1966 subject, "Work at City-County Airport," was entered into the record of the minutes. The following recommendations were made: That the 5,000-foot runway and adjacent taxiways be sealed with an SS1h asphaltic emulsion at an estimated cost of $2,000; that the staff be authorized to replace the doors on Hangar No. 2 at an estimated cost of $3,450; that the staff be authorized to install two roof drains on the Administration Building at the airport at an estimated cost of $105 (with the architect paying $30 toward the cost); that the staff be authorized to purchase two portable radios for use at the airport at an estimated cost not to exceed $1,400.

The poor condition of the doors at Hangar No. 2 was described by Director of Public Works Campbell.

The Council discussed the following: Whether or not damage to the door to Hangar No. 2 by Hawke Dusters was covered by insurance; liability of Hawke Dusters; the proposed sealing of the 5,000' runway, an engineer with the Asphalt Institute expressing an opinion that either Reclamite or fog seal with the SS1h emulsion would be a better solution than treating the runway with Gilsonite, as initially proposed by the staff.

RESOLUTION NO. 66-541

A RESOLUTION APPROVING APPROPRIATION TRANSFER - $4,850 FOR ITEMS OF WORK AT CITY-COUNTY AIRPORT (HANGAR DOORS AND PORTABLE RADIOS)

Introduced by Hughes Seconded by Patton

Ayes: Hughes, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: Shastid Absent: Mitchell

MOTION

That the matter of damage to Hangar No. 2 doors be referred to the staff for investigation of liability

Moved by Smith Seconded by Shastid Unanimously carried

HEARING ON PROPOSED MODESTO MUNICIPAL SEWER DISTRICT NO. 1 3-75

Mayor Johansen announced that the hour of 4:30 p.m. had arrived, the time set for consideration of the proposed formation of Modesto Municipal Sewer District No. 1, and opened the hearing.

The City Clerk reported that notice of the hearing was posted as required in three public places within the proposed district on July 14, 1966 and notice of the hearing (Resolution No. 66-489) published in the Modesto Bee, official newspaper of the City of Modesto, on July 15, 1966 and July 22, 1966; that a copy of Resolution No. 66-489, a cover letter, and map of the proposed district were mailed to each person to whom land is assessed in the proposed district either as such owner, or as otherwise known to the City Clerk, on July 15, 1966. Four written protests were filed with the City Clerk: Parker M. Holt, Enterprise 13, P. O. Box 8130, Stockton; Bonnie Baker Ryan, 907 Maze Boulevard; Robert F. Baker, 544 Locust Street; Attorney E. Dean Price for Anne Endicott Smith, owner of property located on Scenic Drive.

The City Attorney stated that the date of hearing was set by Resolution No. 66-489; that the purpose of the hearing was for consideration of all written and oral objections presented to the formation of the proposed district, the inclusion of any lands in the proposed district, or the doing of the proposed sewer work.

Deputy Manager Ray briefly outlined the history of the proposed district. He indicated on a map the boundaries of the proposed district, trunk sewers proposed to be installed which will extend sewer service to approximately 5,800 acres of residential property, 2,400 acres of industrially zoned land, and improved sewer service to 1,400 acres of industrial land. He said that in addition to the trunk sewers proposed under Stage I of the project, there would be an outfall line ten miles in length and a remote disposal site in the vicinity of the confluence of the San Joaquin and Tuolumne Rivers. Estimated cost of the trunk sewers as proposed is $6,900,000; cost of outfall line and sewage disposal facilities, about $7,500,000.

Mr. Ray stated that the District, after formation, could be extended or expanded in any direction within certain boundaries as needed, and as service is required by annexation to the District and City.

Attorney Carlos J. Badger, 3201 Tamworth Court, representing the Empire Sanitary District, requested that the Council express its policy with regard to providing sewage service to the Empire Sanitary District if the District is formed. He expressed the opinion that sewage problems were area-wide; that he believed eliminating a lot of areas as had been done in establishing the boundaries was a mistake, although not a serious one, if the Council expressed a policy of intention to take care of all of the area outlined in black on the map on display. He said that the first stage development indicated a trunk sewer passing six feet under the outfall of the Empire Sanitary District line; that the sewage of the Empire Sanitary District could be taken care of by permitting the District to connect at this point, if agreement could be reached on a reasonable servicing cost. He added that he personally owned property adjacent to the proposed trunk sewer line which was not included within the District, saying that had his property been included he would have voted in favor of the District. He said that he believed this to also be the consensus of his neighbors.

City Manager Keefe stated that members of the staff had met with Mr. Badger and assured him that there would be sufficient capacity in the line to take care of the Empire Sanitary District.

After discussion of Mr. Badger's request, Mayor Johansen stated that the Council was willing to agree publicly that it was its intent to cooperate with and include the Empire Sanitary District as an area which can be serviced.

Answering questions submitted by Jesse Rinehart, 160 Camellia Way, Deputy Manager Ray stated that it was proposed to acquire 1,000 acres of land and develop oxidation ponds upon them with aeration facilities; that the outfall line was expected to be 60 inches in diameter; that a duplicating line would be constructed at a later date when the flow required it. Mr. Rinehart stated that he asked the questions for informational purposes and not as a protest to formation of the District. It was suggested that he meet with the Director of Public Works to discuss the overall program.

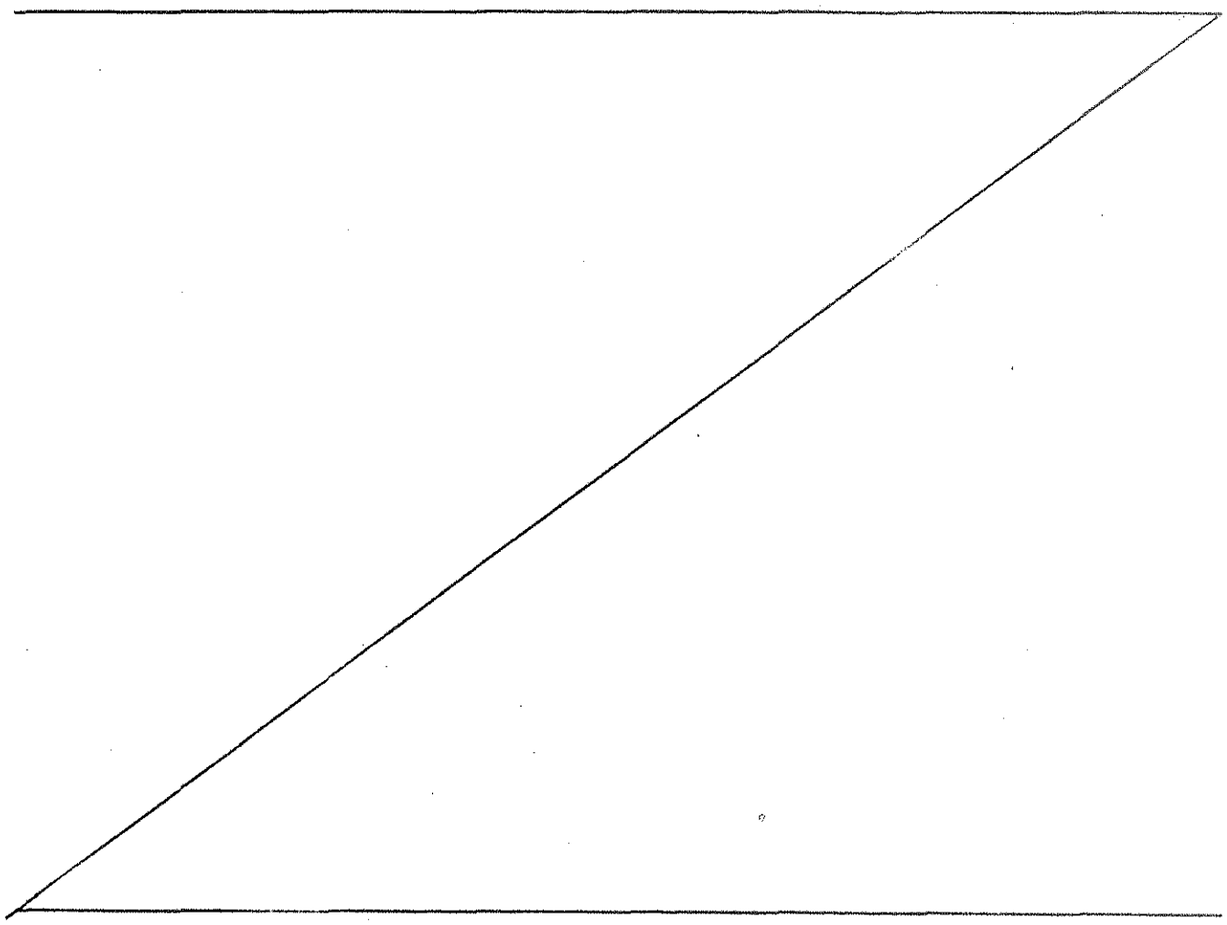
Upon questioning of Walter Singler, 709 Colorado Avenue, the City Manager stated that the area in which he resided would not be brought into the District unless it voted to do so; that the area would not be taxed for the District; that the proposed District would be administered by the City Council. The odor problems in the area of the present sewage treatment plant were discussed. Director of Public Works Campbell stated that funds in excess of $30,000 had been spent during the past two years on odor prevention. Mr. Singler stated that he hoped the bond issue would be successful.

The four written protests to inclusion within the District were considered by the Council. A map of the proposed District indicated that the properties of Bonnie Baker Ryan and Anne Endicott Smith were located outside the boundaries of the proposed District and therefore could not be considered official protests. The following official protests were read into the record of the minutes by the City Attorney: Protest of Robert F. Baker, owner of property located on Crows Landing Road; protest of Parker M. Holt, Enterprise 13, owner of property occupied by Holt Bros., fronting on Whitmore Avenue near the Crows Landing intersection.

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

The protests of Robert F. Baker and Parker M. Holt against inclusion in the proposed District were discussed by the Council. Director of Public Works Campbell indicated on a map the location of the properties and explained to the Council how the two properties would be served and benefited by the improvements proposed by formation of the District.

A proposed resolution establishing the District was presented by the City Attorney.



[MSD-4]

RESOLUTION NO. 66-543

RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO ESTABLISHING MODESTO MUNICIPAL SEWER DISTRICT NO. 1 AND FIXING AND DETERMINING ITS BOUNDARIES.

WHEREAS, the Council (herein called the "Council") of the City of Modesto (herein called the "City") heretofore on July 5, 1966, duly adopted Resolution No. 66-489 (herein called the "resolution") determining that the public interest and convenience require that a municipal sewer district (herein called the "proposed district") be organized in the City and in contiguous unincorporated territory, setting forth a general description of the area of the proposed district and of the sewer work proposed to be done therein and a general estimate of the costs and expenses of the proposed sewer work, requesting the Board of Supervisors of Stanislaus County (herein called the "County") to consent and agree to the formation of the proposed district, and naming a time and place for hearing on formation of the proposed district and providing for notice thereof; and said Board of Supervisors so consented and agreed by its Resolution No. 66-798 adopted July 12, 1966; and

WHEREAS, the resolution, together with the names of the members of the Council voting for and against it, was posted, mailed to property owners in the proposed district and published in the time, form and manner required by the resolution and by the Municipal Sewer District Law of 1911, as evidenced by the affidavit of posting and mailing and the affidavit of publication of the resolution on file in the office of the City Clerk; and

WHEREAS, on Monday, August 15, 1966, at the hour of 4:30 P.M. (Cal.D.S.T.) at the Council Chambers, City Hall, 801 - 11th Street, Modesto, California, said hearing was duly held and no objections were presented to the Council to the formation of the proposed district or to the inclusion of any lands in the proposed district except:

(1) Enterprise 13
Mr. Parker M. Holt
P. O. Box 8130
Stockton, California

The property, the inclusion of which in the proposed district was objected to is 10 acres on the north side of Whitmore Avenue between Crows Landing Road and the Tidewater Southern Railway tracks.

The property owners stated the reason for their objections was that they had developed their own sewerage disposal system to serve their property and had no need for nor would they benefit from the services proposed by the district, and asked that their property be excluded from the district.

(2) Robert F. Baker
544 Locust
Modesto, California

The property, the inclusion of which in the proposed district was objected to is approximately 5 acres on the west side of Crows Landing Road between the intersection of Crows Landing Road and South 7th Street, and the Crows Landing Road - U. S. 99 freeway interchange.

The property owner stated the reason for his objection was that the nature of the property and the present use to which it is being put are such that the additional expenditure in money required by the inclusion in the district would not be justified in view of the lack of benefits to be derived by such inclusion.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto, as follows:

Section 1. Any and all objections to the formation of the proposed district or to the inclusion of any lands in the proposed district are hereby overruled.

Section 2. The Council hereby determines that no territory or land is included within the boundaries of the proposed district which will not be benefited by the sewer work hereinafter described and that no land has been excluded from the proposed district which would be benefited by said sewer work.

Section 3. The Council hereby establishes "Modesto Municipal Sewer District No. 1" (herein called the "District").

Section 4. The boundaries of the District are hereby established, fixed and finally determined to be as follows:

LEGAL DESCRIPTION

MODESTO MUNICIPAL SEWER DISTRICT

All that real property in the State of California, County of Stanislaus, located in Section 13, Township 3 South, Range 8 East, Sections 1 and 12, Township 4 South, Range 8 East, and Sections 7, 8, 9, 15, 16, 17, 18, 19, 20, 21, 22, 23, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 and 36, Township 3 South, Range 9 East, and Sections 1, 2, 3, 4, 5, 6, 7, 8 and 9, Township 4 South, Range 9 East, and Sections 31 and 32, Township 3 South, Range 10 East, and Sections 5 and 6, Township 4 South, Range 10 East, Mount Diablo Base and Meridian, the boundary references to the existing City Limits being indicated by the name of each annexation followed by the chronological number and in parentheses the year and instrument number of the description as filed in the Stanislaus County Records, the complete boundary described as follows:

Beginning at a point on the City Limits at the intersection of the center line of the Tuolumne River and the East line of Section 12, Township 4 South, Range 8 East; thence along the boundary of the McBRIDE ADDITION *160 (63-35382) Northwesterly 1600 feet, more or less, on the center line of the Tuolumne River, Northerly 925.00 feet, Southeasterly 1349.72 feet on the South line of 60 foot Robertson Road, and Southerly 385.00 feet on the West line of Section 6, Township 4 South, Range 9 East; thence along the boundary of the ROBERTSON-FOURTH ADDITION *98 (59-21780) Easterly 660.16 feet, and Southerly 95.00 feet on the West line of 60 foot Vernon Avenue; thence along the boundary of the MODESTO SEWAGE DISPOSAL PLANT AREA ADDITION *28 (50-5120) Southerly 80.00 feet on the West line of 60 foot Vernon Avenue, Easterly 30.00 feet on the South line of 50 foot Donald Street, and Southerly 114.58 feet; thence along the boundary of the ROBERTSON-THIRD ADDITION *97 (59-21779) Easterly 657.90 feet, and Southerly 100.55 feet on the West line of 60 foot Marlow Street; thence along the boundary of the MODESTO SEWAGE DISPOSAL PLANT AREA ADDITION *28 (50-5120) Southerly 175.42 feet; thence along the boundary of the ROBERTSON-SECOND ADDITION *96 (59-21778) Easterly

610.95 feet, and Southerly 95.00 feet; thence along the boundary of the MODESTO SEWAGE DISPOSAL PLANT AREA ADDITION *28 (50-5120) Southerly 259.87 feet, Southeasterly 450.46 feet, Easterly 91.70 feet, and Northerly 146.32 feet; thence along the boundary of the ROBERTSON-FIRST ADDITION *95 (59-21777) Northerly 95.00 feet, Easterly 1581.03 feet, and Southerly 46.10 feet; thence along the boundary of the MODESTO SEWAGE DISPOSAL PLANT AREA ADDITION *28 (50-5120) Easterly 605.22 feet, Northerly 240.90 feet, Easterly 330.00 feet, Northeasterly 894.43 feet, Northerly 180.05 feet on the East line of Section 6, Township 4 South, Range 9 East, and Easterly 659.10 feet; thence along the boundary of the DRYDEN-DURAND ADDITION *61 (55-18187) Easterly 658.69 feet; thence along the boundary of the YOUNG ADDITION *149 (63-5122) Northerly 1989.90 feet on the East line of 40 foot Colorado Avenue, and Easterly 665.20 feet; thence along the boundary of the CLUB HOUSE ADDITION *99 (59-21781) Easterly 614.65 feet, Northerly 10.00 feet, and Easterly 272.40 feet; thence along the boundary of the DURAND ADDITION *86 (59-6806) Northeasterly 775.16 feet on the East line of 60 foot Neece Drive; thence along the boundary of the MODESTO SEWAGE DISPOSAL PLANT AREA ADDITION *28 (50-5120) Westerly 226.88 feet on the center line of Rouse Avenue; thence along the boundary of the BALL PARK-GOLF COURSE ADDITION *9 (40-1997) Westerly 112.20 feet on the center line of Rouse Avenue, and Northerly 466.00 feet; thence along the boundary of the SMALL ADDITION *153 (63-18494) Westerly 300.00 feet, Northerly 194.00 feet on the East line of 60 foot Sunset Avenue, and Easterly 300.00 feet; thence along the boundary of the BALL PARK-GOLF COURSE ADDITION *9 (40-1997) Northerly 395.70 feet, Westerly 164.88 feet, and Northerly 264.18 feet; thence along the boundary of the area originally incorporated into the City of Modesto (approved by the State of California August 6, 1884) Westerly 855.04 feet on the center line of South Avenue and the section line common to Section 32, Township 3 South, Range 9 East and Section 5, Township 4 South, Range 9 East; thence along the boundary of the SUNSET ACRES NO. 1 ADDITION *40 (50-29350) Southerly 161.00 feet on the Western line of 60 foot Roselawn Avenue, Westerly 180.00 feet,

Southerly 103.00 feet, and Westerly 120.00 feet; thence along the boundary of the SUNSET ACRES NO. 2 ADDITION *41 (50-29350) Westerly 300.00 feet, and Northerly 264.00 feet on the East line of 60 foot Colorado Avenue; thence along the boundary of the area originally incorporated into the City of Modesto (approved by the State of California August 6, 1884) Westerly 1330.10 feet on the center line of South Avenue and the section line common to Section 32, Township 3 South, Range 9 East, and Section 5, Township 4 South, Range 9 East; thence along the boundary of the JAMES MARSHALL SCHOOL ADDITION *34 (50-16443) Southerly 20.00 feet on the East line of 40 foot Sutter Avenue, Westerly 20.00 feet, and Southerly 657.83 feet on the center line of Sutter Avenue and the East line of Section 6, Township 4 South, Range 9 East; thence along the boundary of the HUDSON-UCCELLO ADDITION *51 (53-21233) Southerly 626.90 feet on the center line of Sutter Avenue and the East line of Section 6; thence along the boundary of the MINENI MANOR ADDITION *63 (55-21227) Southerly 1334.20 feet on the center line of Sutter Avenue and the East line of Section 6; thence along the boundary of the BELLENITA ADDITION *169 (64-41437) Southerly 664.98 feet on the center line of Sutter Avenue and the East line of Section 6, and Westerly 1321.81 feet; thence along the boundary of the WESTVIEW GARDENS ADDITION *189 (66-17050) Southerly 662.16 feet, Westerly 660.00 feet on the center line of Robertson Road, Northerly 1320.73 feet on the center line of Hammond Street, and Easterly 660.00 feet; thence along the boundary of the MINENI MANOR ADDITION *63 (55-21227) Northerly 567.33 feet, Easterly 644.88 feet, Northeasterly 567.42 feet, and Northerly 657.86 feet; thence along the boundary of the HUDSON-UCCELLO ADDITION *51 (53-21233) Westerly 1484.80 feet on the North line of 60 foot Rouse Avenue, Northerly 696.32 feet, Easterly 190.00 feet, and Northerly 164.00 feet; thence along the boundary of the PARADISE CENTER ADDITION *80 (58-12573) Westerly 190.00 feet, Northerly 375.45 feet, Northeasterly 111.66 feet on a line parallel with and 25.00 feet Southeasterly from the center line of Paradise Road, Easterly 12.50 feet, and Northeasterly 957.23 feet on the Southeast line of 66 foot Paradise Road; thence along the boundary of the NAVON ADDITION *110 (60-18294) Northeasterly 379.47 feet on

the Southeast line of 66 foot Paradise Road; thence along the boundary of the GANT ADDITION *138 (62-39842) Northerly 749.72 feet, and Easterly 496.68 feet on the South line of 60 foot Briggs Avenue; thence along the boundary of the area originally incorporated into the City of Modesto (approved by the State of California August 6, 1884) Northerly 1033.36 feet on the center line of South Franklin Street and the East line of Section 31, Township 3 South, Range 9 East; thence along the boundary of the CALIFORNIA-FRANKLIN ADDITION *108 (60-14995) Westerly 665.68 feet on a line 10 feet North of the center line of California Avenue and the East-West quarter section line of Section 31, Northerly 644.84 feet, and Easterly 665.68 feet; thence along the boundary of the area originally incorporated into the City of Modesto (approved by the State of California August 6, 1884) Norhterly 653.90 feet on the center line of South Franklin Street and the East line of Section 31; thence along the boundary of the CRANE TRACT ADDITION *14 (46-18328) Westerly 665.68 feet, and Northerly 81.59 feet; thence along the boundary of the HAWKINS TRACT ADDITION *6 (38-7592) Northerly 1228.09 feet; thence along the boundary of the MAZE COURT ADDITION *42 (51-23639) Westerly 684.72 feet on the center line of Maze Boulevard and the North line of Section 31; thence along the boundary of the TUTTLE ADDITION *116 (61-1929) Southerly 169.26 feet on the West line of 40 foot Spencer Avenue, and Westerly 276.71 feet; thence along the boundary of the MARK TWAIN ADDITION *70 (56-17230) Southerly 540.24 feet on the center line of the Modesto Irrigation District Lateral Number 5; thence along the boundary of the MacDANNALD ADDITION *124 (62-994) Southerly 425.20 feet on the center line of said Lateral Number 5, Westerly 552.15 feet, Northerly 163.62 feet, and Westerly 290.00 feet; thence along the boundary of the MARK TWAIN ADDITION *70 (56-17230) Southerly 629.03 feet on a line 30 feet West of the North-South quarter section line of Section 31; thence along the boundary of the EMERALD GARDENS ADDITION *126 (62-4485) Southeasterly 836.21 feet, Southwesterly 144.01 feet on the Northwest line of the 100 foot Modesto Irrigation District Lateral Number 5; thence along the boundary of the SPENCER ADDITION *144 (63-668) Easterly 560.26 feet, Southerly 518.33 feet on the

West line of 40 foot Spencer Avenue, and Westerly 917.43 feet; thence along the boundary of the EMERALD GARDENS ADDITION *126 (62-4485) Southwesterly 31.19 feet, and Westerly 372.97 feet; thence along the boundary of the MARK TWAIN ADDITION *70 (56-17230) Southerly 200.00 feet on a line 30 feet West of the North-South quarter section line of Section 31, and Westerly 2776.09 feet on a line 15 feet North of the center line of California Avenue and the East-West quarter section line of Section 31, and Northerly 1753.11 feet on the center line of Carpenter Road and the West line of Section 31, and Easterly 34.70 feet; thence along the Boundary of the SAINT STANISLAUS SCHOOL ADDITION *184 (66-3777) Northerly 884.71 feet on the center line of Carpenter Road, and Easterly 45.00 feet on the center line of Maze Boulevard and the section line common to Sections 30 and 31, Township 3 South, Range 9 East; thence along the boundary of the HILLVIEW ACRES ADDITION *81 (58-14792) Northerly 785.04 feet on the East line of 90 foot Carpenter Road, and Easterly 1304.22 feet on the center line of the Modesto Irrigation District Lateral Number 4; thence along the boundary of the WESTAIRE ACRES ADDITION *84 (58-33048) Northerly 50.08 feet, Easterly 9.12 feet, and Northerly 728.08 feet; thence along the boundary of the ELM ADDITION *177 (65-16337) Northerly 20.00 feet, Westerly 894.60 feet on the center line of Elm Avenue, Northerly 447.27 feet, Easterly 1676.06 feet on the South line of the State of California Right of Way, Southerly 493.15 feet, Easterly 544.62 feet on the center line of Elm Avenue, and Southerly 20.00 feet on the West line of 40 foot Emerald Avenue; thence along the boundary of the WESTAIRE ACRES ADDITION *84 (58-33048) Southerly 838.42 feet on the West line of 40 foot Emerald Avenue, Westerly 1328.14 feet on the center line of Lateral Number 4, Southerly 50.05 feet, and Westerly 10.32 feet; thence along the boundary of the HILLVIEW ACRES ADDITION *81 (58-14792) Southerly 830.37 feet; thence along the boundary of the MARK TWAIN ADDITION *70 (56-17230) Easterly 2132.82 feet on the North line of 60 foot Maze Boulevard; thence along the boundary of the CHRISTIAN CHURCH ADDITION *103 (60-684) Northerly 571.97 feet, Southeasterly 508.17 feet and Northeasterly 48.03 feet on the South line of 100 foot Lateral Number 4; thence along the boundary of the

MAZE COURT ADDITION *42 (51-23639) Northeasterly 744.20 feet, Southeasterly 411.79 feet and Northeasterly 485.79 feet on the Southern line of Lateral Number 4, thence along the boundary of the area originally incorporated into the City of Modesto (approved by the State of California August 6, 1884) Northerly 992.00 feet on the center line of North Franklin Street and the East line of Section 30; thence leaving the City Limits, Northwesterly and Westerly 5416 feet, more or less, on the North line of the Right of Way of the future California State Highway 132, Northerly 5490 feet, more or less, on the center line of the future extension of Carpenter Road and the center line of Langdon Avenue, Easterly 1165.67 feet, on the center line of Blue Gum Avenue; thence along the City Limits and the boundary of the NORTH 99 ADDITION *195 (66-23028) Northwesterly 770 feet, more or less, on the Southwest line of 110 foot North Ninth Street, Easterly 560.73 feet on the center line of Clayton Avenue, Northwesterly 242.89 feet on the Southwest line of the California State Freeway, U.S. 99, Northerly 329.99 feet across said Freeway, Northwesterly 657.81 feet, Easterly 323.42 feet, Northerly 701.39 feet, Easterly 151.00 feet, Northerly 318.48 feet, Westerly 509.79 feet on the section line common to Sections 18 and 19, Township 3 South, Range 9 East, Southwesterly 348.42 feet on the center line of Evergreen Road, Northwesterly 278.06 feet on the center line of West Orangeburg Avenue, Northerly 10.69 feet on the center line of Prescott Road and the West line of Section 19 to the section corner common to Sections 19 and 18, Northerly 1324.06 feet on the West line of Section 18; thence along the boundary of the PARK MANOR ADDITION *109 (60-15668) Westerly 20.00 feet, Northerly 1321.32 feet on the West line of 40 foot Prescott Road, and Westerly 1300.00 feet; thence along the boundary of the SCOTT MANOR ADDITION *130 (62-20605) Southerly 396.00 feet, Westerly 1286.63 feet, and Northerly 396.00 feet on the East line of 40 foot Conant Avenue; thence along the boundary of the GISH ADDITION *123 (61-24553) Northerly 338.13 feet on the East line of 40 foot Conant Avenue; thence along the boundary of the KLEMM ADDITION *133 (62-27723) Northerly 320.68 feet on the East line of 40 foot Conant Avenue, Easterly 471.97 feet, Northerly 322.90 feet, and Easterly 816.13 feet; thence along the boundary of the PRESCOTT

ADDITION *190 (66-17484) Northerly 344.24 feet, and Easterly 1327.43 feet; thence along the boundary of the VENT ADDITION *120 (61-20144) Northerly 1154.23 feet on the center line of Prescott Road and the West line of Section 18, Easterly 2640.00 feet on the South line of 40 foot Rumble Road, and Southerly 1155.79 feet on the West line of 40 foot Carver Road; thence along the boundary of the EARLMAR ADDITION *164 (64-25038) Easterly 783.29 feet; thence along the boundary of the WYLDEWOOD PARK ADDITION *185 (66-3776) Easterly 786.29 feet; thence along the boundary of the GREGORY GARDENS NO. 3 ADDITION *79 (58-5409) Northerly 313.69 feet; thence along the boundary of the GREGORY GARDENS NO. 4 ADDITION *93 (59-15694) Northerly 751.25 feet; thence along the boundary of the RENEE MANOR ADDITION *139 (62-39841) Westerly 1531.23 feet, and Northerly 1574.14 feet on the East line of 40 foot Carver Road, and Easterly 1527.45 feet; thence along the boundary of the FRANCEK ADDITION *150 (63-5121) Northerly 1298.12 feet, and Easterly 2365.11 feet on the South line of 40 foot Standiford Avenue; thence along the boundary of the NORTHLAND ESTATES NO. 2 ADDITION *158 (63-27041) Easterly 1530.21 feet on the South line of 40 foot Standiford Avenue; thence along the boundary of the GREENWOOD ESTATES ADDITION *173 (65-10621) and the West line of the Tidewater Southern Railway Company Right of Way, Northerly 520.01 feet, Easterly 35.00 feet, and Northerly 819.96 feet, and leaving said Right of Way, Easterly 1214.21 feet, Southerly 1322.31 feet, and Westerly 1115.77 feet on the center line of Standiford Avenue and the East-West quarter section line of Section 8, Township 3 South, Range 9 East, and Southerly 1301.23 feet on the East line of the Tidewater Southern Railway Company Right of Way; thence along the boundary of the NORTHLAND ESTATES ADDITION *147 (63-4469) Easterly 509.83 feet on the North line of 40 foot Woodrow Avenue; thence along the boundary of the WOODROW ADDITION *174 (65-11330) Northerly 112.95 feet, Easterly 46.92 feet, Northerly 735.38 feet, Easterly 250.80 feet, and Southerly 888.80 feet; thence along the boundary of the NORTH WOOD ESTATES ADDITION *156 (63-18497) Easterly 902.07 feet on the South line of 40 foot Woodrow Avenue, Southerly 641.98 feet and Westerly 922.28 feet; thence along the boundary of the NORTHLAND ESTATES ADDITION *147

(63-4469) Westerly 709.80 feet, Northerly 640.73 feet, Westerly 30.02 feet, Northerly 1.26 feet, and Westerly 914.65 feet on the South line of 40 foot Woodrow Avenue; thence along the boundary of the NEIGHBORHOOD CHURCH ADDITION *118 (61-3513) Southerly 1279.70 feet; thence along the boundary of the DAVIS PARK ADDITION *168 (64-41436) Southerly 20.01 feet, Easterly 945.26 feet on the center line of Rumble Road and the Section line common to Sections 8 and 17, and Southerly 1009.48 feet on the East line of the Tide-water Southern Railway Right of Way; thence along the boundary of the NORTHGATE ADDITION *67 (55-34498) Easterly 2080.87 feet on the South line of 40 foot Leveland Lane; thence along the boundary of the NORTHEAST ADDITION *78 (58-2427) Easterly 501.73 feet on the South line of 40 foot Leveland Lane; thence along the boundary of the Y.M.C.A. ADDITION *107 (60-9056) Easterly 25.01 feet; thence along the boundary of the CROCCO ADDITION *171 (65-10620) Northerly 1928.00 feet on the center line of 100 foot McHenry Avenue, Easterly 1129.00 feet, Southerly 929.13 feet, and Westerly 1254.62 feet on a line 14.00 feet South of the section line common to Sections 9 and 16, Township 3 South, Range 9 East, and Southerly 646.40 feet; thence along the boundary of the Y.M.C.A. ADDITION *107 (60-9056) Easterly 357.00 feet on the South line of 44 foot Kavanagh Avenue; thence along the boundary of the DEETER ADDITION *119 (61-8099) and continuing Easterly 1584.00 feet on the South line of 44 foot Kavanagh Avenue, Northerly 44.01 feet, Easterly 151.00 feet; thence along the boundary of the SHERWOOD MANOR ADDITION *94 (59-20526) Easterly 14.00 feet, Northerly 616.00 feet, and Easterly 464.62 feet; thence along the boundary of the CRESTWOOD TERRACE NO. 2 ADDITION *162 (64-11958) Northerly 1160.57 feet, and Easterly 659.21 feet; thence along the boundary of the CRESTWOOD TERRACE No. 3 ADDITION *166 (64-37044) Easterly 659.25 feet; thence along the boundary of the WALNUT ACRES ADDITION *157 (63-18496) Northerly 180.56 feet, Easterly 1298.75 feet, Southerly 228.83 feet on the West line of 40 foot Coffee Road, Westerly 278.00 feet, Southerly 1082.38 feet, Easterly 278.00 feet, Southerly 25.00 feet on the West line of Coffee Road, and Westerly 594.52 feet on the North line of Section 16; thence along the boundary of the SHERWOOD TERRACE

ADDITION *183 (65-43731) Southerly 1320.19 feet, Easterly 162.17 feet on the center line of Floyd Avenue, Southerly 120.00 feet, Westerly 100.00 feet, and Southerly 70.00 feet; thence along the boundary of the EAST FLOYD NO. 3 ADDITION *122 (61-22858) Easterly 346.00 feet, and Southerly 214.00 feet; thence along the boundary of the SHERWOOD MEADOWS ADDITION *175 (65-11993) Easterly 185.01 feet, Northerly 408.26 feet on the center line of 50 foot Coffee Road and the West line of Section 15, Easterly 1312.03 feet on the center line of Floyd Avenue, Southerly 1319.70 feet on the quarter quarter section line; thence along the boundary of the SHERWOOD MEADOWS NO. 2 ADDITION *178 (65-27284) Southerly 566.25 feet; thence along the boundary of the ROSE ACRES ADDITION *181 (65-37370) Easterly 1322.18 feet on reverse curves, and continuing Easterly 1312.20 feet, Northerly 8.00 feet, Easterly 1312.14 feet, Southerly 676.91 feet on the center line of 40 foot Oakdale Road and the East line of Section 15, Westerly 1311.99 feet on the quarter quarter section line, Southerly 660.64 feet on the quarter quarter section line, Westerly 1311.78 feet, Northerly 1060.74 feet on the center line of 40 foot Rose Avenue, and Westerly 1322.29 feet on reverse curves; thence along the boundary of the SHERWOOD MEADOWS NO. 2 ADDITION *178 (65-27284) Southerly 491.98 feet, and Westerly 1311.68 feet on the quarter quarter section line; thence along the boundary of the COFFEE ADDITION *191 (66-21017) Southerly 1237.67 feet on the East line of Section 16, Westerly 189.67 feet, Southerly 20.13 feet, Westerly 482.73 feet on the South line of 60 foot Briggsmore Avenue, Northerly 1354.34 feet, and Easterly 738.62 feet on the center line of Norwegian Avenue; thence along the boundary of the SHERWOOD MEADOWS NO. 2 ADDITION *178 (65-27284) Northerly 615.64 feet on the East line of Section 16, and Westerly 25.01 feet; thence along the boundary of the ATHENS ADDITION *141 (62-43543) Westerly 1416.04 feet, and Northerly 616.05 feet; thence along the boundary of the EAST FLOYD ADDITION *104 (60-1678) Westerly 508.61 feet on the quarter section line of Section 16; thence along the boundary of the MONTGOMERY VILLAGE ADDITION *100 (59-22312) Westerly 660.84 feet on the quarter section line; thence along the boundary of the NORTHEAST ADDITION *78 (58-2427) Westerly 27.00 feet on the quarter

section line; thence along the boundary of the SYLVAN ADDITION *113 (60-25490) Southerly 690.00 feet on the quarter section line of Section 16, and Westerly 30.00 feet on the South line of 60 foot Tokay Avenue; thence along the boundary of the NORTHEAST ADDITION *78 (58-2427) Southerly 512.32 feet on the West line of 60 foot Sunrise Avenue, and Westerly 567.14 feet on a line parallel with and 30 feet North of the center line of Norwegian Avenue; thence along the boundary of the FELLOWSHIP HOMES ADDITION *167 (64-39594) Southerly 753.61 feet, and Northwesterly 644.60 feet on the North line of the 100.00 foot Modesto Irrigation District Lateral Number 3; thence along the boundary of the RACQUET CLUB ADDITION *76 (57-19002) Southerly 106.60 feet; thence along the boundary of the McHENRY VILLAGE ADDITION *60 (54-11745) Southeasterly 22.00 feet, more or less, Southerly 631.73 feet; thence along the boundary of the GLENN ADDITION *125 (62-995) Southerly 170.00 feet, Easterly 47.00 feet on the South line of 40 foot East Granger Avenue, Southerly 310.16 feet, and Westerly 197.00 feet; thence along the boundary of the HOYLE ADDITION *172 (65-10619) Westerly 99.00 feet; thence along the boundary of the EAST GRANGER ADDITION *196 (66-23029) Southerly 210.00 feet, Westerly 50.00 feet, Southerly 120.00 feet, Westerly 196.00 feet on the center line of East Coolidge Avenue, Northerly 330.00 feet, and Westerly 315.00 feet; thence along the boundary of the McHENRY VILLAGE ADDITION *60 (54-11745) Westerly 132.00 feet, Southerly 310.00 feet, Westerly 63.00 feet on the North line of 40 foot East Coolidge Avenue; thence along the boundary of the DRAKE ADDITION *129 (62-17325) Southerly 125.00 feet, Easterly 95.00 feet, Southerly 85.00 feet, Westerly 115.00 feet on the North line of 50 foot Drake Avenue, and Southerly 140.00 feet; thence along the boundary of the EAST ORANGEBURG ADDITION *112 (60-18295) Easterly 215.04 feet, Southerly 660.07 feet, and Westerly 685.57 feet; thence along the boundary of the NORTH CENTRAL ADDITION *49 (53-17607) Southerly 330.33 feet on a line parallel with and 25.00 feet West of the center line of McHenry Avenue; thence along the boundary of the HELM ADDITION *142 (62-46565) Easterly 674.90 feet, Southerly 330.24 feet, and Westerly 674.80 feet; thence along the

boundary of the NORTH CENTRAL ADDITION *49 (53-17507) Southerly 350.33 feet; thence along the boundary of the FAIR ADDITION *151 (63-5123) Easterly 237.00 feet on the South line of 40 foot East Roseburg Avenue, Southerly 98.00 feet, Easterly 80.00 feet, Southerly 196.00 feet, Westerly 80.00 feet on the North line of 40 foot Palm Avenue, Southerly 176.90 feet, Easterly 80.65 feet, Southerly 126.65 feet, Westerly 3.75 feet on the North line of 50 foot Corson Avenue, Southerly 360.00 feet, Westerly 69.22 feet on the North line of 40 foot East Fairmont Avenue, Southerly 123.26 feet, Easterly 119.99 feet, Southerly 195.47 feet, Westerly 9.47 feet, and Southerly 100.94 feet; thence along the boundary of the ALLEN ADDITION *101 (59-32914) Southerly 125.00 feet, Westerly 92.00 feet on the North line of 60 foot Hintze Avenue, and Southerly 60.00 feet; thence along the boundary of the COVELL ADDITION *72 (56-22580) Southerly 245.28 feet; thence along the boundary of the HIGH HOMES-LESLIEHUGH ADDITION *7 (39-3) Easterly 421.14 feet, and Northerly 15.00 feet; thence along the boundary of the O'SHEA ADDITION *105 (60-1679) and continuing Northerly 518.05 feet, and Easterly 130.00 feet; thence along the boundary of the BLOCK 624 LESLIEHUGH TRACT ADDITION *19 (48-16775) Easterly 536.50 feet; thence along the boundary of the JOHN MUIR PARK TRACT ADDITION *10 (41-886) Easterly 535.52 feet, Northeasterly 921.89 feet on the Northwest line of 120 foot Modesto Irrigation District Lateral Number 4, Easterly 158.05 feet, and Southerly 435.29 feet on a line parallel with and 20.00 feet West of the center line of Sunrise Avenue; thence along the boundary of the TATUM TRACT, BODEM AND RICE COLONY ADDITION *38 (50-24730) Easterly 1009.03 feet on the center line of East Fairmont Avenue, and Southerly 107.26 feet on the center line of Ramona Avenue; thence along the boundary of the RAMONA NO. 2 ADDITION *193 (66-22470) Easterly 170.00 feet, Southerly 68.00 feet, Westerly 8.00 feet, Southerly 73.20 feet, Westerly 6.92 feet, Southerly 80.00 feet, Easterly 9.92 feet, Southerly 164.81 feet, Westerly 10.00 feet, and Southerly 70.00 feet; thence along the boundary of the RAMONA NO. 1 ADDITION *194 (66-22469) Easterly 175.00 feet, and Southerly 359.19 feet on the center line of El Vecino Avenue; thence along the boundary of the PORTION OF LOTS 2 & 7 OF THE RICE COLONY ADDITION *43 (51-23638) and continuing

Southerly 65.00 feet on the center line of El Vecino Avenue; thence along the boundary of the PORTION OF LOT 3 OF THE RICE COLONY ADDITION *24 (49-20942) Easterly 329.74 feet, and Southerly 329.74 feet; thence along the boundary of the PORTION OF RICE COLONY - E. M. SWANSON ADDITION *20 (48-22996) Easterly 164.87 feet, and Southerly 309.50 feet on the center line of El Terino Avenue; thence along the boundary of the DOWNEY HIGH SCHOOL & JOHN MUIR SCHOOL ADDITION *33 (50-16443) Easterly 164.86 feet on the North line of 40 foot Lucern Avenue, and Northerly 639.47 feet; thence along the boundary of the ROBERTS ADDITION *137 (62-39843) and continuing Northerly 165.00 feet, and Easterly 659.45 feet; thence along the boundary of the DOWNEY HIGH SCHOOL & JOHN MUIR SCHOOL ADDITION *33 (50-16443) Northerly 164.74 feet on the center line of Coffee Road; thence along the boundary of the WEST DOWNEY ADDITION *57 (54-2639) Westerly 659.48 feet, Northerly 640.04 feet, and Easterly 659.52 feet on the South line of 40 foot East Fairmont Avenue; thence along the boundary of the DOWNEY HIGH SCHOOL & JOHN MUIR SCHOOL ADDITION *33 (50-16443) Northerly 425.05 feet on the center line of Coffee Road; thence along the boundary of the ZLAB ADDITION *69 (56-1481) Westerly 355.00 feet, Southerly 66.00 feet, and Westerly 305.88 feet; thence along the boundary of the YORKSHIRE ADDITION *90 (59-6961) and continuing Westerly 639.71 feet, and Northerly 659.91 feet on the East line of 40 foot El Vecino Avenue; thence along the boundary of the EL VECINO NO. 2 ADDITION *182 (65-37540) Westerly 680.67 feet, Northerly 113.62 feet, Northeasterly 860.36 feet along the Southeast line of the 120 foot Modesto Irrigation District Lateral Number 4, Southerly 478.13 feet on the center line of El Vecino Avenue, and Easterly 131.52 feet; thence along the boundary of the EL VECINO ADDITION *115 (60-36791) Easterly 529.87 feet, and Southerly 198.00 feet; thence along the boundary of the ZLAB SUBDIVISION NO. 2 ADDITION *83 (58-26117) Easterly 634.78 feet; thence along the boundary of the DOWNEY PARK NO. 2 ADDITION *188 (66-15774) Easterly 25.00 feet, Northerly 858.40 feet on the center line of Coffee Road, Easterly 436.00 feet, Northerly 459.20 feet, and Easterly 550.99 feet on the center line of East Orangeburg Avenue; thence along the boundary of the LIBERINI ADDITION *170 (65-1768) and continuing Easterly

328.00 feet on the center line of East Orangeburg Avenue, Southerly 329.70 feet, Easterly 1313.29 feet; thence along the boundary of the KIENITZ ADDITION *179 (65-28973) Northerly 1006.15 feet on the center line of Rose Avenue, Easterly 1312.39 feet, Southerly 514.00 feet, Westerly 1292.88 feet, Southerly 1153.35 feet on the East line of 40 foot Rose Avenue, and Westerly 20.00 feet; thence along the boundary of the LIBERINI ADDITION *170 (65-1768) Westerly 20.00 feet; thence along the boundary of the CRESTVIEW NO. 3 ADDITION *154 (63-18495) Southerly 330.43 feet on the West line of 40 foot Rose Avenue; thence along the LORENZEN ADDITION *121 (61-20145) Southerly 148.49 feet on the West line of 40 foot Rose Avenue; thence along the boundary of the ROSE AVENUE SCHOOL ADDITION *176 (65-12390) Easterly 1355.62 feet, Southerly 511.00 feet, and Easterly 1291.69 feet; thence along the boundary of the MORNINGSIDE HEIGHTS ADDITION *192 (66-21018) Northerly 661.80 feet on a line parallel with and 23.50 feet West of the West line of Section 23, Easterly 3.50 feet, Northerly 1323.70 feet on a line parallel with and 20.00 feet West of the West line of Section 23, Easterly 1333.92 feet on the center line of East Orangeburg Avenue, Southerly 648.95 feet, Westerly 1268.98 feet, Southerly 646.00 feet on a line parallel with and 45.00 feet East of the West line of Section 23, Westerly 28.50 feet, Southerly 612.15 feet along a line parallel with and 16.50 feet East of the West line of Section 23, Easterly 25.00 feet, and Southerly 489.72 feet on a line parallel with and 41.50 feet East of the West line of Section 23; thence along the boundary of the ANGELO ADDITION *180 (65-31397) Easterly 898.52 feet; thence along the boundary of the SCENIC VILLAGE ADDITION *187 (66-10379) Easterly 502.58 feet, Southerly 790.33 feet, Southwesterly 220.49 feet, and Northwesterly 500.32 feet; thence along the boundary of the ANGELO ADDITION *180 (65-31397) Northwesterly 103.93 feet, Southerly 4.73 feet, Westerly 308.82 feet, Southerly 682.12 feet, and Southwesterly 334.82 feet on the center line of Scenic Drive; thence along the boundary of the ROSE AVENUE SCHOOL ADDITION *176 (65-12390) Southwesterly 717.86 feet on the center line of Scenic Drive, Northerly 991.22 feet, Westerly 607.77 feet, Northerly 963.80 feet, and

Westerly 1356.14 feet; thence along the boundary of the WYLIE ADDITION *132 (62-27724) Southerly 658.98 feet on the West line of 40 foot Rose Avenue; thence along the boundary of the WYLIE NO. 3 ADDITION *165 (64-31071) Easterly 20.00 feet, Southerly 330.84 feet on the center line of Rose Avenue, Westerly 228.71 feet, Northerly 2.00 feet, Westerly 885.34 feet, Southerly 330.07 feet, Westerly 204.00 feet; thence along the boundary of the DOWNEY HIGH SCHOOL & JOHN MUIR SCHOOL ADDITION *33 (50-16443) Southerly 330.00 feet on the center line of Brighton Avenue, and Westerly 659.39 feet; thence along the boundary of the GOULD ADDITION *148 (63-4468) Southerly 308.35 feet, and Westerly 683.35 feet on the North line of 40 foot Lucern Avenue; thence along the boundary of the DOWNEY HIGH SCHOOL & JOHN MUIR SCHOOL ADDITION *33 (50-16443) Southerly 20.00 feet on the center line of Coffee Road and the East line of Section 21, and Westerly 485.00 feet on the center line of Lucern Avenue and the South line of Section 21; thence along the boundary of the ESGAR TRACT ADDITION *8 (39-15815) Southerly 495.25 feet; thence along the boundary of the TSCHANTZ-VAN HORN ADDITION *48 (53-14774) Easterly 174.86 feet, and Southerly 191.20 feet; thence along the boundary of the PORTION OF THE BROUGHTON COLONY ADDITION *32 (50-11062) Southerly 407.00 feet, Southwesterly 59.73 feet, and Westerly 943.80 feet; thence along the boundary of the CAPITAL HEIGHTS ADDITION *1 (approved by the State of California May 7, 1912) Southerly 205.92 feet; thence along the boundary of the area originally incorporated into the City of Modesto (approved by the State of California August 6, 1884) Southerly 1112.47 feet; thence along the boundary of the LA LOMA-YOSEMITE ADDITION *55 (53-30045) Northeasterly and Easterly 1870.68 feet, more or less, along the center line of Dry Creek; thence along the boundary of the SCENIC ADDITION *186 (66-4293) Northerly 268.17 feet, Easterly 1020.00 feet along the North line of the Southwest quarter of the Northwest quarter of Section 27, Southerly 111.01 feet on the East line of said Southwest quarter of the Northwest quarter of Section 27, and Southwesterly 352.75 feet along the center line of Dry Creek; thence along the boundary of the LA LOMA-YOSEMITE ADDITION *55 (53-30045) Southerly

479.70 feet on a line parallel with and 20.00 feet East of the center line of Covena Avenue, Easterly 130.00 feet, Southerly 79.00 feet, Easterly 178.37 feet, Southerly 601.77 feet on the East line of the Southwest quarter of the Northwest quarter of Section 27, Easterly 628.33 feet on the North line of 60 foot Encina Avenue; thence along the boundary of the LA LOMA SCHOOL ADDITION *73 (57-2170) and continuing Easterly 689.21 feet on the North line of 60 foot Encina Avenue, and Southerly 335.80 feet on the North-South quarter section line of Section 27; thence along the boundary of the LA LOMA-YOSEMITE ADDITION *55 (53-30045) Easterly 659.44 feet on the North line of 30 foot Julian Avenue, Northerly 335.54 feet, Easterly 329.70 feet on the North line of 60 foot Encina Avenue, Southerly 1283.06 feet, Easterly 329.37 feet on the North line of 60 foot Haddon Avenue, Northerly 1282.76 feet; thence along the boundary of the MORAN ADDITION *102 (59-37564) Northerly 697.26 feet, Easterly 1269.39 feet, Southerly 622.50 feet on a line parallel with and 50.00 feet West of the center line of El Vista Avenue, Westerly 114.27 feet, and Southerly 75.00 feet; thence along the boundary of the LA LOMA-YOSEMITE ADDITION *55 (53-30045) Southerly 1879.08 feet, Easterly 124.48 feet on the North line of 60 foot Miller Avenue, Southerly 180.00 feet on a line parallel with and 40.00 feet West of the center line of El Vista Avenue, Westerly 1410.97 feet, Northerly 120.00 feet, Westerly 187.56 feet on the South line of 60 foot Miller Avenue, and Southerly 240.00 feet; thence along the boundary of PHOENIX STATION ADDITION *88 (59-6959) Easterly 127.63 feet, and Southerly 60.00 feet along the West line of 60 foot Phoenix Avenue; thence along the boundary of the RUFFINO ADDITION *135 (62-28934) Southerly 60.00 feet; thence along the boundary of the LA LOMA-YOSEMITE ADDITION *55 (53-30045) Southerly 35.00 feet on the West line of 60 foot Phoenix Avenue, and Easterly 1471.03 feet; thence along the boundary of the YOSEMITE LANES ADDITION *163 (64-19735) Easterly 526.55 feet, Northerly 100.00 feet, Easterly 148.56 feet on the South line of 75 foot Glendale Avenue, Southerly 85.18 feet on the West line of 60 foot Colfax Avenue, Easterly 656.55 feet, Southerly 268.00 feet on a line parallel with and 30 feet West of the center line of Trask Lane;

thence leaving the City Limits Easterly 12,450 feet, more or less on the center line of Yosemite Boulevard and the North line of Sections 35 and 36, Township 3 South, Range 9 East, and Section 31, Township 3 South, Range 10 East; thence along the boundary of the Empire Sanitary District, Southerly 73.00 feet, Easterly 736.00 feet, Southerly 75 feet, Easterly 320.00 feet, Southerly 820.88 feet, Easterly 650.20 feet, Southeasterly 2925 feet, more or less, on the West line of White Avenue; thence leaving the Boundary of the Empire Sanitary District Southeasterly 1095 feet, more or less, on the West line of White Avenue, Westerly 659.50 feet, Southerly 323.05 feet, and Westerly 5180 feet, more or less, on the South line of Section 31, Township 3 South, Range 10 East; thence Northerly 204.60 feet on the West line of said Section 31, and Westerly 2695.33 feet to the South quarter corner of Section 36, Township 3 South, Range 9 East; thence Westerly 1321.65 feet on the South line of said Section 36 to the center line of 40 foot Mariposa Avenue; thence Westerly 1323.17 feet on the South line of said Section 36, said line being 20 feet South of the North line of Finch Road; thence Westerly 1964 feet on the South line of Section 35, Township 3 South, Range 9 East, said line being 20 feet South of the North line of Finch Road; thence Northwesterly 2530 feet, more or less, on the West line of East Modesto Road, and Southerly 58.93 feet; thence along the boundary of the AIRPORT ADDITION *91 (59-7984) Southerly 189.00 feet, Westerly 83.03 feet, Southerly 40.00 feet, Southeasterly 68.80 feet, Southerly 1324.85 feet, Southwesterly 447.28 feet, Northwesterly 709.00 feet to the section corner common to Sections 34 and 35, Township 3 South, Range 9 East and Sections 2 and 3, Township 4 South, Range 9 East, Southerly 475 feet, more or less, Westerly 2700 feet, more or less, on the center line of the Tuolumne River, Northerly 1850 feet, more or less, East line of 60 foot Conejo Avenue, Westerly 30.00 feet on the North line of 60 foot Monterey Avenue, Northerly 916.51 feet on the North-South quarter section line of Section 34, Westerly 215.12 feet, Northwesterly 305.22 feet along reverse curves, Northerly 142.47 feet, Northwesterly 130.73 feet, Northeasterly 268.36 feet, Northerly 63.30 feet, Easterly

225.91 feet, Northerly 820.00 feet on the North-South quarter section line of Section 34, Westerly 499.76 feet on the South line of 60 foot Tenaya Drive, and Northerly 1293.74 feet on the West line of 60 foot Empire Avenue; thence along the boundary of the LA LOMA-YOSEMITE ADDITION *55 (53-30045) and along the North line of the Modesto and Empire Traction Company Right of Way Southwesterly 634.35 feet on a curve concave to the North, and Westerly 1660.19 feet, paving said Right of Way, Northerly 326.69 feet, Westerly 1261.70 feet, Southerly 161.09 feet on the West line of 60 foot Santa Rosa Avenue; thence leaving the City Limits Southerly 895 feet, more or less, on the West line of 60 foot Santa Rosa Avenue, Easterly 295 feet, more or less, on the South line of the Modesto Irrigation District Lateral Number 1, Southerly 1178 feet, more or less, Easterly 240 feet, more or less, Southerly 225.00 feet on the West line of Santa Rita Avenue, Easterly 850 feet, more or less, on the South line of Oregon Drive, Southerly 2493 feet, more or less, and Northwesterly 2600 feet, more or less, on the center line of the Tuolumne River; thence along the City Limits and the boundary of the area originally incorporated into the City of Modesto (approved by the State of California August 6,1884) Westerly 1200 feet, more or less, on the center line of the Tuolumne River; thence leaving the City Limits Southerly and Southeasterly 7300 feet, more or less, on the West line of South 9th Street; thence Westerly 1925 feet, more or less, on the North line of Turlock Irrigation District Lateral Number 1; thence Northerly 2260 feet, more or less, on the East line of Main Street; thence 2150 feet, more or less, on the North line of Pecos Avenue to the quarter corner between Sections 4 and 5, Township 4 South, Range 9 East; thence along the boundary of the CROWS LANDING ROAD INDUSTRIAL DISTRICT ADDITION *45 (52-18281) Southerly 1100 feet, more or less, on the center line of Crows Landing Road and the East line of Section 5, Westerly 852.74 feet, Southerly 156.90 feet, Westerly 555.26 feet, Northerly 257.10 feet, and Westerly 130 feet, more or less; thence along the boundary of the MODESTO SEWAGE DISPOSAL PLANT AREA ADDITION *28 (50-5120) Southwesterly 260 feet, more or less, on the center line of the Tuolumne River; thence along the boundary of the MODESTO INDUSTRIAL PARK ADDITION *85 (59-6807) Southerly 950 feet,

more or less, Westerly 399.10 feet, Southeasterly 660.13 feet, Southeasterly 40.00 feet, Northeasterly 75 feet, more or less, Easterly 935 feet, more or less, Southerly 515.00 feet, Easterly 1084.28 feet on the North line of 60 foot Amador Avenue, Southerly 129.50 feet on the East line of 60 foot Crows Landing Road, Easterly 363.00 feet, and Southerly 133.20 feet; thence leaving the City Limits, Easterly 2220.90 feet, and Southerly 694.53 feet on the West line of the Tidewater Southern Railway Company Right of Way; thence along the boundary of the MODESTO INDUSTRIAL PARK ADDITION *85 (59-6807) Easterly 2647.53 feet, and Southerly 2397.12 feet on the West line of 40 foot Morgan Road; thence leaving the City Limits and continuing Southerly 1299.48 feet on the West line of 40 foot Morgan Road, and Westerly 1312.54 feet on the North line of 40 foot Whitmore Road; thence along the boundary of the MODESTO INDUSTRIAL PARK ADDITION *85 (56-6807) and continuing Westerly 1355.66 feet on the North line of 40 foot Whitmore Road; thence leaving the City Limits and continuing Westerly 2333.30 feet on the North line of 40 foot Whitmore Road, and Northerly 2638.95 feet on a line parallel with and 330 feet East of the center line of Crows Landing Road; thence along the boundary of the MODESTO INDUSTRIAL PARK ADDITION *85 (59-6807) Westerly 300.00 feet, Northerly 1772.00 feet on the East line of 60 foot Crows Landing Road, Westerly 60.00 feet, Northerly 202.70 feet on the West line of 60 foot Crows Landing Road, Westerly 1187.32 feet on the South line of 60 foot Amador Avenue, Northerly 60.00 feet, Westerly 797.18 feet on the North line of 60 foot Amador Avenue and its Westerly extension, Northerly 300 feet, more or less, Westerly 680 feet, more or less, on the North line of 40 foot Hatch Road, and Northerly 1010 feet, more or less; thence along the boundary of the MODESTO SEWAGE DISPOSAL PLANT AREA ADDITION *28 (50-5120) Southwesterly, Westerly and Northwesterly 9000 feet, more or less, on the center line of the Tuolumne River to the East line of Section 12 and the point of beginning.

Section 5. The sewer work to be done in the District, as finally determined by the Council, is as follows:

The construction of the following sanitary sewer system improvements, to wit: New trunk sewer lines and interconnections with existing trunk sewers, additions to existing sewage treatment plant and pumping station together with pipes, pumps, machinery and equipment therefor, new remote treatment facilities and outfall line from existing plant to new facilities, all expenses in connection with the formation of the district and all expenses incidental to the financing of said work, lands, rights of way and other works, property or structures necessary or convenient for said improvements in the District.

Section 6. This resolution, together with the names of the members of the Council voting for and against it, shall be spread upon the minutes of the Council.

Section 7. This resolution is adopted and all proceedings for the formation of the District and for the incurring of the indebtedness by the District to provide funds for the sewer work hereinabove described shall be taken, pursuant to the Municipal Sewer District Law of 1911, being Division 5, Part 3, Chapter 1 of the Health and Safety Code of the State of California.

Section 8. A certified copy of this resolution shall be recorded in the office of the County Recorder of the County. Upon such recordation the District shall be deemed organized. Certified copies of this resolution, certified by the City Clerk, together with a map or plat showing the boundaries of the District, shall be filed by the City Clerk

with the County Assessor of the County, the County Clerk of the County, and the State Board of Equalization, Sacramento, California.

PASSED AND ADOPTED on August 15, 1966, by the following vote:

AYES: Councilmen: Hughes, Patton, Shastid, Smith, VanderWall, Mayor Johansen

NOES: Councilmen: None

ABSENT: Councilmen: Mitchell

Peter W. Johansen
Mayor of the City of Modesto,
State of California

ATTEST:

City Clerk

CLERK'S CERTIFICATE

I, REX E. GAILFUS, City Clerk of the City of Modesto, California, do hereby certify as follows:

The foregoing is a full, true and correct copy of a resolution duly adopted by at least a two-thirds vote of all members of the Council at a _____ regular meeting of said Council duly and regularly and legally called and held on due notice on August 15, 1966, of which meeting all of the members of said Council had due notice, and at which two-thirds thereof were present and acting;

At said meeting said resolution was introduced by Councilman VanderWall and read in full, and was thereupon, upon motion of Councilman VanderWall, seconded by Councilman Patton, adopted by the following vote:

AYES: Councilmen Hughes, Patton, Shastid, Smith, VanderWall, Mayor Johansen

NOES: Councilmen: None

ABSENT: Councilmen: Mitchell

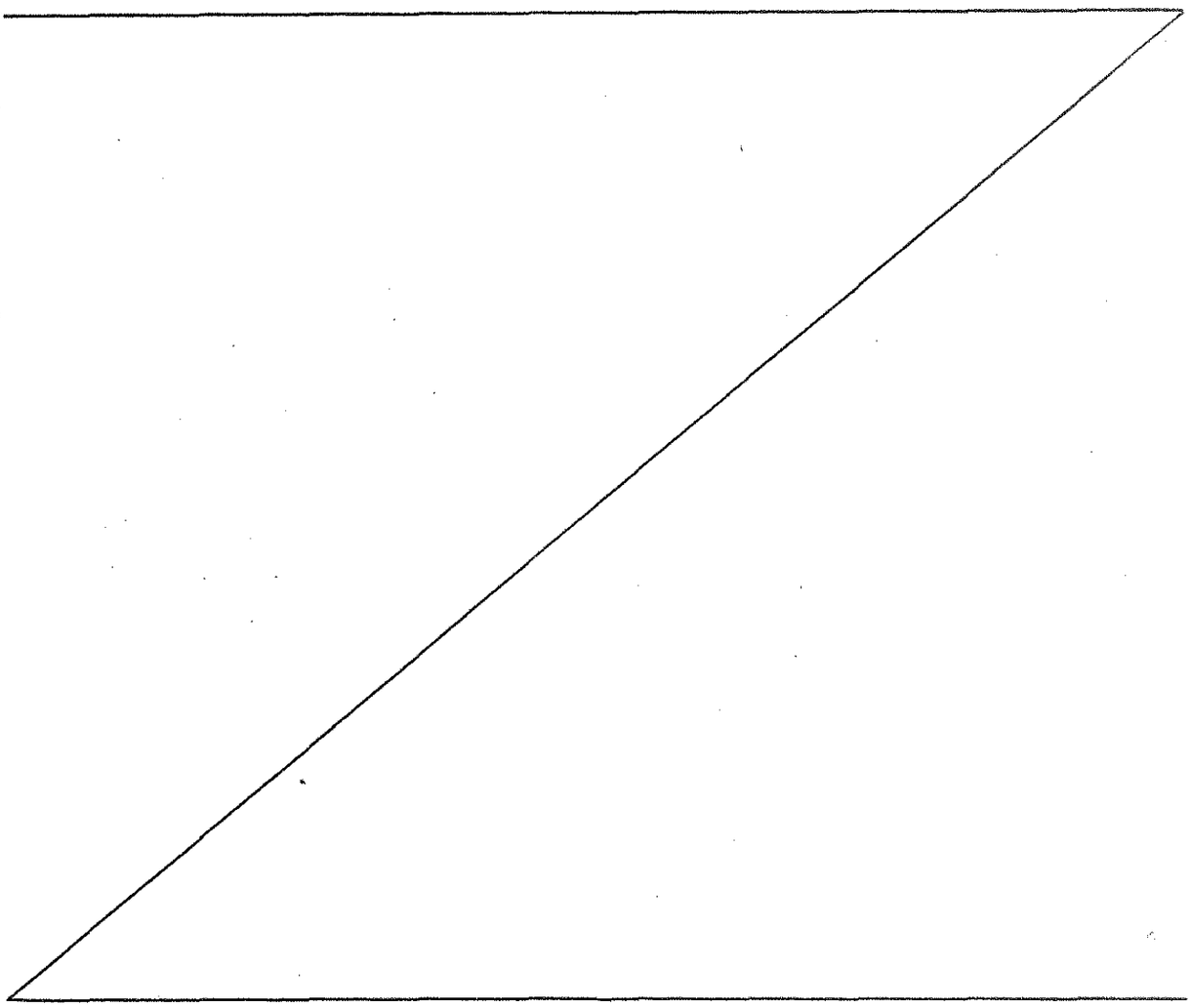
I have carefully compared the same with the original minutes of said meeting on file and of record in my office and the foregoing is a full, true and correct copy of the original resolution adopted at said meeting and entered in said minutes; and

Said resolution has not been amended, modified or rescinded since the date of its adoption and the same is now in full force and effect.

Dated: August 16, 1966.

City Clerk of the City of Modesto
California

[SEAL]



MATTERS FOR THE GOOD OF THE COMMUNITY 6-98

Violation of City Ordinance - Permissible Birds in R-1 Area

Mr. Sam Stenbeck, 1813 Debonaire, reviewed his problems connected with the raising of parakeets in an R-1 zone, stating that his problems with the City and County Health Department were the result of complaints of a competitor. He requested that he be given 90 days within which to move the birds.

The City Attorney stated that the City's action against Mr. Stenbeck was not due to the complaints of a competitor, but strictly on the basis of a phone call received from the County Sheriff's office that Mr. Stenbeck was in violation of the city ordinance limiting the number of birds in a residential area. He said that compliance by Mr. Stenbeck was up to the Court and not the City Attorney's office.

Resignation of Martin Erlich, City-County Librarian

Mr. Erlich stated that he had tendered his resignation as City-County Librarian effective September 1, 1966. He expressed his thanks for cooperation extended by the City. Speaking of the proposed new library, Mr. Erlich asked that it compare architecturally with the beauty of the City Hall.

Letter from County Administrative Officer Regarding Distribution of $54,000 State Park Bond Funds

The City Manager read a letter from the County Administrative Officer dated August 11, 1966 regarding allocation of State Park Bond Funds in the amount of $54,000 to cities within the County for regional-type recreational facilities. Cities interested in submitting an application for park development and/or acquisition of funds were requested to submit a letter to the Chief Administrative Officer not later than

September 1, 1966, and final plans submitted not later than September 1, 1967. A copy of the letter was filed with the record of the minutes. Mr. Keefe said that an application would be prepared and placed on the agenda of the next council meeting for council consideration.

Phasing of Railroad Crossing Signals

Director of Parking and Traffic Carmody was requested by Councilman Patton to check railroad crossing signalizations. Councilman Patton stated that a train stopping at the Southern Pacific Depot caused the signals to come down at four crossings, resulting in a wait of about 15 minutes, with traffic backed up for at least four blocks.

CONSIDER REQUEST FOR APPROPRIATION TRANSFER OF $1,800 FOR PURCHASE OF MATERIALS FOR INSTALLATION OF MERCURY VAPOR STREET LIGHTING ON ROSEDALE AVENUE AT MODESTO HIGH SCHOOL

RESOLUTION NO. 66-542

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $1,800 FOR INSTALLATION OF MERCURY VAPOR LIGHTS ON ROSEDALE AVENUE AT MODESTO HIGH SCHOOL

Introduced by Shastid Seconded by VanderWall

Ayes: Hughes, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell

REQUEST FOR CHANGE IN EFFECTIVE DATE OF RESIGNATION - POLICE CHIEF

The City Manager stated that he had received a communication from Chief Bowers requesting that the effective date of his resignation be moved up from August 31 to August 22, 1966 at 5:00 p.m. Mr. Keefe said that Captain McKinsey would serve as Acting Chief during the interim period between August 22 and commencement of duties of the new police chief.

Chief Bowers thanked the Council for its support of the Police Department.

RESOLUTION NO. 66-544

A RESOLUTION COMMENDING GEORGE C. BOWERS FOR HIS DEDICATED SERVICES AS CHIEF OF POLICE OF THE CITY OF MODESTO, AND RECOGNIZING HIS INVALUABLE CONTRIBUTION TO THE CITY OF MODESTO IN THE FIELD OF LAW ENFORCEMENT

Introduced by VanderWall Unanimously seconded by Councilmen Hughes, Patton, Shastid, Smith

Ayes: Hughes, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by VanderWall Seconded by Smith Unanimously carried

The meeting adjourned at 5:45 p.m.

ATTEST: REX E. GAILFUS, City Clerk

Modesto City Council
August 22, 1966

The Council of the City of Modesto met in regular session this date at 7:30 p.m. in the Council Chambers, City Hall, 801 11th Street, Modesto, California, Mayor Johansen presiding.

Present: Councilmen: Hughes, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Absent: Councilmen: Mitchell

A moment of silent prayer was observed.

LETTER FROM DIVISION OF HIGHWAYS, STOCKTON, REGARDING REVISION OF SIGN AT EACH END OF MODESTO FREEWAY

A letter from Louis G. Kroeck, District Traffic Engineer, State Division of Highways, informing the City that sign revisions at both ends of Modesto have been made, as discussed at a meeting held at the City Hall on December 9, 1965, was entered into the record of the minutes.

The letter was ordered filed.

LETTERS REGARDING NATIONAL HIGHWAY WEEK

The following letters were entered into the record of the minutes: Letter from League of California Cities dated August 9, 1966 requesting support in publicizing California National Highway Week, September 18 - 24, 1966; letter from J. G. Meyer, District Engineer, State Division of Highways, dated August 11, 1966 containing a similar request.

RESOLUTION NO. 66-545

A RESOLUTION ENDORSING NATIONAL HIGHWAY WEEK

Introduced by Smith Seconded by VanderWall

Ayes: Hughes, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell

RECOMMENDATION THAT INSTALLATION OF WATER LINE EXTENSION ON FLOYD AVENUE FROM WARWICK LANE TO COFFEE ROAD BE PERFORMED BY CITY FORCES

RESOLUTION NO. 66-546

A RESOLUTION AUTHORIZING WORK TO BE PERFORMED BY CITY FORCES FOR INSTALLATION OF WATER LINE EXTENSION ON FLOYD AVENUE FROM WARWICK LANE TO COFFEE ROAD

Introduced by Shastid Seconded by Smith

Ayes: Hughes, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell

AUTHORIZE CALLING FOR BIDS FOR THE CONSTRUCTION OF A TICKET DISPENSER AND GATE UNIT AT THE I STREET ENTRANCE OF THE 9TH STREET PARKING ATTENDANT LOT (PAL 2#)

RESOLUTION NO. 66-547

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE CONSTRUCTION OF A TICKET DISPENSER AND GATE UNIT AT THE I STREET ENTRANCE OF THE 9TH STREET PARKING ATTENDANT LOT

Introduced by Shastid Seconded by Smith

Ayes: Hughes, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell

September 20, 1966 at 2:00 p.m. in the City Clerk's office was set as the time and place for opening of bids.

AUTHORIZE CALLING FOR BIDS FOR THE CONSTRUCTION OF TRAFFIC SIGNALS AND STREET LIGHTING AT TULLY AND ROSEBURG AND COLLEGE AND COLDWELL

RESOLUTION NO. 66-548

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE CONSTRUCTION OF TRAFFIC SIGNALS AND STREET LIGHTING AT TULLY AND ROSEBURG AVENUES, AND COLLEGE AND COLDWELL AVENUES

Introduced by Shastid Seconded by Smith

Ayes: Hughes, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell

September 21, 1966 at 2:00 p.m. in the City Clerk's office was set as the time and place for opening of bids.

APPROVE EXTENSION OF LEASE AGREEMENT OF WRIGHT BRANCH LIBRARY AT ULRICH SHOPPING CENTER FOR A PERIOD OF FIVE YEARS FROM MARCH 1, 1967

RESOLUTION NO. 66-549

A RESOLUTION APPROVING EXERCISING OF OPTION TO EXTEND LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND JACK ULRICH, ET AL, FOR EXTENSION OF LEASE OF WRIGHT BRANCH LIBRARY FOR A FIVE-YEAR PERIOD, BEGINNING MARCH 1, 1967

Introduced by Shastid Seconded by Smith

Ayes: Hughes, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell

ACCEPT AS COMPLETE OSTERBERG & STEWART'S CONTRACT FOR THE DRILLING, CASING, TESTING, AND DEVELOPMENT OF ONE DEEP WELL FOR CITY OF MODESTO - WELL NO. 33

RESOLUTION NO. 66-550

A RESOLUTION ACCEPTING THE CONSTRUCTION OF ONE DEEP WELL FOR THE CITY OF MODESTO (WELL NO. 33) (DRILLING, CASING, TESTING, AND DEVELOPMENT)

Introduced by Shastid Seconded by Smith

Ayes: Hughes, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell

RESOLUTION SETTING DATE FOR HEARING APPEAL TO THE CITY COUNCIL FROM DECISION OF PLANNING COMMISSION DENYING AN UNCLASSIFIED USE PERMIT FOR MOBILE HOME PARK ON PRESCOTT ROAD (GEORGE KLEMM)

RESOLUTION NO. 66-551

A RESOLUTION SETTING TIME AND PLACE FOR HEARING APPEAL OF GEORGE KLEMM ON DENIAL OF UNCLASSIFIED USE PERMIT FOR MOBILE HOME PARK ON PRESCOTT ROAD

Introduced by Shastid Seconded by Smith

Ayes: Hughes, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell

September 19, 1966 at 4:30 p.m. in the Council Chambers, City Hall, was set as the time and place of hearing.

REQUEST BY MATHEW BRUNO, LA LOMA LIQUORS, FOR A BLACKTOP VARIANCE ON PARKING LOT AT THE STORE

RESOLUTION NO. 66-552

A RESOLUTION SETTING TIME AND PLACE FOR HEARING REQUEST OF MATHEW BRUNO FOR A BLACKTOP VARIANCE ON PARKING LOT AT LA LOMA LIQUORS

Introduced by Shastid Seconded by Smith

Ayes: Hughes, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell

September 6, 1966 at 4:45 p.m. in the Council Chambers, City Hall, was set as the time and place of hearing.

RECOMMEND EXTENSION OF TIME FOR FILING FINAL MAP - GREENBRIER NO. 2 SUBDIVISION

RESOLUTION NO. 66-553

A RESOLUTION APPROVING EXTENSION OF DATE FOR FILING FINAL MAP OF GREENBRIER NO. 2 SUBDIVISION (Extended to September 7, 1967)

Introduced by Shastid Seconded by Smith

Ayes: Hughes, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell

ANNEXATION PETITION - DRY CREEK ADDITION - FOR REFERRAL TO PLANNING COMMISSION

RESOLUTION NO. 66-554

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

Introduced by Shastid Seconded by Smith

Ayes: Hughes, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell

CONSIDER STATE REQUEST THAT CITY AGREE TO MAINTAIN PLANTS ON THE SLOPES AT THE TUOLUMNE BOULEVARD UNDERCROSSING

A memorandum from the Director of Parking and Traffic dated August 15, 1966, subject, "Proposed Freeway Landscaping - Tuolumne Boulevard," was entered into the record of the minutes.

The memorandum indicated that the State has asked if the City would be willing to accept maintenance of plants placed on the freeway slopes at the Tuolumne Boulevard interchange after a 250-day establishment period.

MOTION

That the request of the State for city maintenance of plants placed on the freeway slopes at the Tuolumne Boulevard interchange be approved

Moved by Shastid Seconded by Smith Unanimously carried

FURTHER CONSIDERATION OF FOSTER FARMS' REQUEST FOR ACCESS TO NORTHERN BOULEVARD

A memorandum from the Director of Parking and Traffic dated August 18, 1966, subject, "Foster Farms' Request for Access to Northern Boulevard," was entered into the record of the minutes. The memorandum indicated that Foster Farms was willing to pay the City the sum of $7,000 for access rights to Northern Boulevard, on the basis that it would be able to locate an access point or points, wherever permitted by the City's driveway regulations. One access point was originally requested by Foster Farms. Mr. Carmody stated that under city regulations, Foster Farms would be limited to 50% of its frontage for driveways; the driveways could be no wider than 41 feet and would have to be separated by at least 20 feet.

The offer was discussed by the Council. Also discussed was the City's policy on access to Northern and Briggsmore.

MOTION

That Foster Farms be informed that the City will consider one driveway only for $7,000; and that it be located at the specified location originally requested

Moved by Shastid Seconded by Patton Unanimously carried

HEARING ON PROPOSED AMENDMENT TO SECTION 7-3-9 OF ZONING MAP (PACIFIC INVESTMENT COMPANY)

Mayor Johansen announced that the hour of 7:45 p.m. had arrived, the time set for consideration of the application filed by Pacific Investment Company for an

amendment to Section 7-3-9 of the zoning map to reclassify from R-1 to PD (21) and PD (21) to R-1, property located on the south west corner of Tully and Standiford Avenues, and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Bee on August 4, 1966; notices posted and distributed in the area on August 8, 1966. No written protests were filed with the City Clerk.

Planning Commission Resolution No. 66-76 recommending that the application for rezoning be approved was entered into the record of the minutes.

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

ORDINANCE NO. 808-C.S. entitled
"AN ORDINANCE AMENDING SECTION MAP 7-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (PACIFIC INVESTMENT COMPANY)"

was introduced and ordered published as required by the Charter

Moved by Hughes Seconded by Smith

Ayes: Hughes, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell

REPORT ON 1966-67 ASSESSED VALUES AND TAX RATES

The following documents were read into the record of the minutes: Memorandum from Director of Finance dated August 19, 1966, subject, "1966-67 City Assessed Values and Tax Rates," memorandum from Mayor Peter W. Johansen dated August 19, 1966, subject, "Capital Improvements."

The memorandum from Director of Finance Bird indicated that the now completed closed accounting records for the City indicated a General Fund reserve of $788,000 which was greater than originally reflected in the budget. Recommendation was made that the tax rate be reduced 7 cents, reflection a 3-cent reduction based on the higher assessed values, and an additional 4-cent reduction based on the additional reserve balance.

In his memorandum to the City Council, Mayor Johansen recommended that the City Council consider the transfer of approximately $150,000 from the General Fund to the Capital Improvement Fund so that urgently needed capital improvements could be expedited. Various projects totalling $180,000 were listed for council consideration.

The recommendations were discussed by the Council.

ORDINANCE NO. 809-C.S. entitled
"AN ORDINANCE FIXING THE RATE OF TAXATION IN AND FOR THE CITY OF MODESTO FOR THE FISCAL YEAR 1966-67 AND REPEALING ORDINANCE NO. 742-C.S." (approving 7-cent rate decrease as recommended by Director of Finance Bird, memorandum dated August 19, 1966)

was introduced and adopted, and ordered published as required by the Charter.

Moved by Patton Seconded by Shastid

Ayes: Hughes, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell

By order of the Chair, the staff was directed to place on the agenda of the September 12 meeting, Mayor Johansen's recommendation that the Council consider the transfer of approximately $150,000 from the General Fund to the Capital Improvement Fund in order to expedite urgently needed capital improvement projects.

The staff was directed to furnish the Council a report of what was included in the $60,000 listed on the Mayor's memorandum dated August 19, 1966 for the development of Downey Park; also to report in more detail the other capital improvements listed.

Possible Need of Tonge Property, 15th and Needham Avenue - Unanimous Consent Item 2-83

City Manager Keefe stated that the Downtown Plan approved by the Planning Commission recommends a one-way couplet for 14th and 15th Streets; that if this plan were adopted, it would be necessary to acquire the Tonge property located at Needham and 15th Street, which is presently up for sale for $85,000. He said that this matter had been under staff study for some time.

MOTION

That the staff be authorized to study the need for the Tonge property located at 15th and Needham

Moved by Shastid Seconded by Hughes Unanimously carried

Councilman VanderWall asked for the status of plans to widen Needham Avenue, and the position of the State on making a change at Kansas and Maze.

Assistant Director of Public Works Frank Reynolds said that the Needham Ave. widening project was listed in the six-year capital improvement program, without a definite target date; that rights of way have been studied with no specific project in the making.

Director of Parking and Traffic Carmody stated that the Kansas-Maze project was at least seven years away under the State's programming; that he believed that widening of Needham from 15th Street easterly was scheduled in the Capital Improvement Program within the next two years.

The staff was directed by the Council to update a report on the timing for the widening of Needham.

HEARING ON PROPOSED AMENDMENT TO SECTION 22-3-9 OF ZONING MAP (PRICE)

Mayor Johansen stated that the hour of 7:55 p.m. had arrived, the time set for consideration of the proposed amendment to Section 22-3-9 of the zoning, the reclassification of property located east of Coffee Road adjacent to the proposed Brighton Avenue extension from R-1 to R-2 and R-3, and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Bee on August 4, 1966; notices posted and delivered in the area on August 9, 1966. No written protests were filed with the City Clerk.

Planning Commission Resolution No. 66-77 adopted July 19, 1966 recommending that the rezoning be approved was entered into the record of the minutes.

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

Director of Planning Fey stated that the City owned a small portion of the property proposed for rezoning (1½ acres); that the balance of the property was privately owned.

ORDINANCE NO. 810-C.S. entitled
"AN ORDINANCE AMENDING SECTION MAP 22-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (CORNER OF BRIGHTON AVENUE AND KRUGER DRIVE)"

was introduced and ordered published as required by the Charter.

Moved by VanderWall Seconded by Hughes

Ayes: Hughes, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell

INFORMAL HEARING ON APPEAL BY WELLS FARGO BANK FOR SIGN VARIANCE

Mayor Johansen announced that the hour of 8:00 p.m. had arrived, the time set for an informal hearing on the appeal of Wells Fargo Bank for a sign variance, and opened the hearing. He said that he had received a phone call from the applicant asking that the matter be continued to the September 6 meeting.

No one in the audience asked to be heard.

MOTION

That the informal hearing be continued to September 6, 1966 at 4:50 p.m.

Moved by VanderWall Seconded by Hughes Unanimously carried

MATTERS FOR THE GOOD OF THE COMMUNITY

Criticism of M.I.D. by Frank Andrews

Frank Andrews criticized the M.I.D. for wires in alleys, the high cost of electricity to Modesto residents compared to municipally owned distributors, and a suggestion that a lake or substation be named for a recently retired M.I.D. engineer.

Introduction of new Executive Director, Stanislaus County Taxpayers' Association

Mayor Johansen introduced John L. Martin, newly appointed Executive Director of the Stanislaus County Taxpayers' Association.

Plans and Specifications for Christmas Decorations - Street and Municipal Buildings

Director of Parking and Traffic Carmody reviewed drawings of Christmas decorations selected by the AB-103 Committee as its choice for downtown street decorations and proposed drawings for decorations of municipal buildings.

MOTION

That the recommendation of the Director of Parking and Traffic for decorations costing $2,000 similar to those chosen by the AB-103 Committee be approved; that the staff be authorized to prepare plans, specifications and call for bids accordingly.

Moved by Shastid Seconded by Hughes Unanimously carried

Mr. Carmody stated that the City and AB-103 Committee decorations would be a combined bid.

Status of No Left-hand Turns on McHenry

Director of Parking and Traffic Carmody stated that he was still negotiating by letter with the State Division of Highways in connection with the no left-hand turns at Morris Avenue at McHenry.

A RESOLUTION CALLING A SPECIAL ELECTION IN THE MODESTO MUNICIPAL SEWER DISTRICT NO. 1 FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF SAID DISTRICT THE MEASURE OF INCURRING A BONDED INDEBTEDNESS IN THE SUM OF 7 MILLION, TWO HUNDRED THOUSAND DOLLARS FOR THE ACQUISITION AND CONSTRUCTION OF SEWER IMPROVEMENTS. 4-20

RESOLUTION NO. 66-555

RESOLUTION DESCRIBING BOUNDARIES OF MODESTO MUNICIPAL SEWER DISTRICT NO. 1; DESCRIBING THE SEWER WORK AS FINALLY DETERMINED TO BE DONE IN SAID DISTRICT AND STATING THE ESTIMATED COST AND EXPENSES THEREOF AND THE AMOUNT OF THE PRINCIPAL OF THE INDEBTEDNESS TO BE INCURRED THEREFOR AND THE MAXIMUM RATE OF INTEREST TO BE PAID THEREON; CALLING A SPECIAL ELECTION IN SAID DISTRICT FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF SAID DISTRICT THE MEASURE OF INCURRING A BONDED INDEBTEDNESS IN THE NAME OF THE CITY OF MODESTO ON BEHALF OF SAID DISTRICT FOR THE ACQUISITION AND CONSTRUCTION OF SAID SEWER WORK; MAKING PROVISION FOR THE LEVY AND COLLECTION OF TAXES IN SAID DISTRICT FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SAID BONDED INDEBTEDNESS; FIXING THE DATE OF SAID ELECTION AND THE MANNER OF HOLDING THE SAME, AND THE MANNER OF VOTING FOR OR AGAINST THE INCURRING OF SAID INDEBTEDNESS; ESTABLISHING ELECTION PRECINCTS AND POLLING PLACES FOR SAID ELECTION AND APPOINTING BOARDS OF ELECTION THEREFOR; AND PROVIDING FOR NOTICE THEREOF (Calling for election on October 4, 1966 in the principal amount of $7,200,000)

Introduced by VanderWall Seconded by Shastid

Ayes: Hughes, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell

Mayor Johansen stressed the importance of getting the basic facts of the pending bond election to the people. He said that cost to the taxpayers seem to be of great concern--that a check shows that a $15,000 home will be assessed less than $2 per year for the bonds. He proposed that the staff set up informal meetingswith a couple of councilmen at a time to review questions which may be asked by the public.

The staff was directed to place this item on the agenda under "Matters for the Good of the Community" up until election day for the purpose of answering questions of interest to the public.

APPLICATION OF GREYHOUND FOR A FARE INCREASE

A memorandum from Director of Parking and Traffic Carmody dated August 12, 1966, subject, "Application of Greyhound Lines for 7% Fair Increase," was entered into the record of the minutes.

No action was taken by the Council.

Because of a conflict of interest (ownership of corporate shares), Councilman Shastid was excused from consideration of the following item.

REQUEST FOR REFUND OF BUSINESS LICENSE TAX PAID IN ERROR BY STATE SAVINGS & LOAN ASSOCIATION - $573.61

A memorandum from the Director of Finance dated August 17, 1966, subject, "Request for Refund of Business License Tax," recommending that the refund be authorized on the basis that the amount paid was in excess of the amount required by law, was entered into the record of the minutes.

RESOLUTION NO. 66-557

A RESOLUTION AUTHORIZING REFUND OF OVERPAYMENT OF BUSINESS LICENSE TAX TO STATE SAVINGS AND LOAN ASSOCIATION

Introduced by Hughes Seconded by Patton

Ayes: Hughes, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell, Shastid

AGREEMENT BETWEEN CITY AND JAMES AND MELBA PRICE PROVIDING FOR AN EVEN EXCHANGE OF TWO PARCELS OF PROPERTY OWNED BY PRICE FOR ONE PARCEL OF PROPERTY OWNED BY CITY

A memorandum from Deputy City Manager Ray dated August 18, 1966, subject,"Trade of Real property between the City of Modesto and James Price," outlining staff negotiations over a period of several months resulting in an agreement with James Price for exchange of property in connection with the development of Downey Park and improvement of Brighton Avenue, was entered into the record of the minutes.

Director of Planning Fey indicated on a map the parcels proposed for exchange, cited the reasons for the proposed exchange, and described the effects of the rezoning approved by the Council earlier in the meeting under Item 8 on the agenda. He recommended that the exchange of property be approved.

RESOLUTION NO. 66-556

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND JAMES AND MELBA PRICE FOR EXCHANGE OF PROPERTY IN THE BROUGHTON COLONY

Introduced by VanderWall Seconded by Hughes

Ayes: Hughes, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell

COMMISSION ACTION REGARDING DOWNTOWN REJUVENATION OF MODESTO BY WILLIS AND ASSOCIATES

A letter from Elwood Schroeder, Vice-Chairman, City Planning Commission, dated August 18, 1966 was entered into the record of the minutes. The letter indicated that Miss Beverly Willis, David Coldoff and Dan Beswick had made a presentation to the Planning Commission, explained as primarily a merchandising idea directed to property

owners, and intended to provide "immediate answers to immediate problems." Willis and Associates suggested that the City hear a presentation by Development Research Associates of Los Angeles for a more detailed marketing study of the downtown area of Modesto.

The City Manager read a letter from Don West, President, Downtown Property Owners' Association, recommending that Development Research Associates be invited to present their proposal to the Council.

MOTION

That Miss Beverly Willis be invited to make a presentation to the Council at the September 6 meeting; that Development Research Associates of Los Angeles be invited to make a presentation at the September 19 council meeting

Moved by Shastid Seconded by VanderWall Unanimously carried

APPROPRIATION TRANSFERS - None

PROGRESS REPORT ON APPLICATION FOR GARBAGE COLLECTION RATE INCREASE

A memorandum from Deputy Manager Ray dated August 18, 1966, subject, "Report on Request for Increase in Garbage Disposal Rates," was entered into the record of the minutes. The memorandum was ordered filed.

REQUEST BY CITY CLERK FOR ONE WEEK VACATION - AUGUST 28 THROUGH SEPTEMBER 3, 1966

MOTION

That the annual vacation be approved as requested

Moved by Shastid Seconded by Patton Unanimously carried

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by VanderWall Seconded by Smith Unanimously carried

The meeting adjourned at 8:40 p.m.

ATTEST: Rex E. Gailfus
REX E. GAILFUS, City Clerk

Modesto City Council
September 6, 1966

The Council of the City of Modesto met in regular session this date at 4:00 p.m. in the Council Chambers, City Hall, 801 11th Street, Modesto, California, Mayor Johansen presiding.

Present: Councilmen: Mitchell, Smith, VanderWall, Mayor Johansen
Councilman Shastid arrived at 4:10 p.m.
Councilman Patton arrived at 4:20 p.m.

Absent: Councilmen: Hughes

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

Reverend Bernard DenOuden gave the invocation.

Introduction of Police Chief

City Manager Keefe introduced Robert Meester, newly appointed Police Chief.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

The minutes of the regular meetings of August 1 and August 8, 1966 were approved.

LETTER FROM CALIFORNIA STATE AUTOMOBILE ASSOCIATION REGARDING CITY'S ACHIEVEMENT OF NO PEDESTRIAN DEATHS IN 1965

A letter from Paul J. Nelson, California State Automobile Association, dated August 30, 1966 requesting an opportunity to present a Pedestrian Safety Citation Award to the City of Modesto for no pedestrian deaths in 1965, was entered into the record of the minutes.

Mr. Tom Young presented the award to Mayor Johansen. Mayor Johansen commended the staff for the achievement.

LETTER FROM MODESTO LIONS CLUB REGARDING BENCHES IN MODESTO CITY PARKS

A letter from V. M. Willson, Secretary, Modesto Lions Club, dated August 22, 1966 requesting permission to build and place benches in Modesto City parks as memorials to recently deceased members, was entered into the record of the minutes. Request was also made that the City purchase the necessary legs for four benches at a cost of about $15 per set.

MOTION

That the requests of Modesto Lions Club relating to placement of benches in Modesto City parks as memorials be approved

Moved by VanderWall Seconded by Mitchell Unanimously carried

Councilman Shastid arrived at 4:10 p.m.

LETTER FROM GOTTSCHALK MUSIC CENTER FLYING CLUB REGARDING URGENT NEED FOR AIRPORT OFFICE SPACE

A letter from John F. Gottschalk dated August 20, 1966 citing the urgent need for airport office space at the City-County Airport, was entered into the record of the minutes.

MOTION

That the letter be referred to the Public Relations Committee for discussion with interested parties (Including Airport operator and Public Works staff)

Moved by VanderWall Seconded by Smith Unanimously carried

LETTER REQUESTING CONSENT TO COMMENCE PROCEEDINGS TO ANNEX INHABITED TERRITORY (KIMBLE STREET AREA)

At the request of the City Manager, and with the unanimous consent of the Council, this letter was considered later in the meeting with Item 33 of the agenda.

LETTER FROM LEAGUE OF WOMEN VOTERS TO PLACE VOLUNTEER REGISTRARS IN SIDEWALK AREA

A letter from Mrs. Marjorie E. Fovinci, Voter Registration Chairman, dated August 26, 1966 requesting permission to place volunteer registrars in the sidewalk area next to the exits and in line with the crosswalk to W. T. Grant's in McHenry Village, was entered into the record of the minutes.

The City Manager stated that McHenry Village was private property and not within the jurisdiction of the City, and that Mrs. Fovinci had been so notified.

RESOLUTION NO. 66-558

A RESOLUTION EXPRESSING THE GRATITUDE OF THE MODESTO CITY COUNCIL TO THE LEAGUE OF WOMEN VOTERS "VOTERS REGISTRATION SERVICE"

Introduced by Smith Seconded by VanderWall

Ayes: Mitchell, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Hughes, Patton

LETTER FROM DEPARTMENT OF EDUCATION, DIOCESE OF STOCKTON, REQUESTING FLAT RATE FOR WATER USE, CENTRAL CATHOLIC HIGH SCHOOL

The following documents were entered into the record of the minutes: Letter from Reverend James A. DeGroot, Asst. Superintendent of Schools, dated August 22, 1966 requesting Council consideration of the establishment of a flat rate for water use at Central Catholic High School, Carpenter Road; memorandum from the City Manager dated August 29, 1966 indicating staff recommendation that a flat rate be established.

MOTION

That the staff be authorized to prepare necessary documents for a flat rate for water use for the Central Catholic High School

Moved by Shastid Seconded by VanderWall Unanimously carried

LETTER REQUESTING USE OF MANCINI BOWL FOR POLITICAL RALLY - RONALD REAGAN

A letter from Terry E. Metcalf, Chairman, Reagan for Governor Committee, dated August 30, 1966 requesting use of Mancini Bowl in Graceada Park for a rally for Mr. Ronald Reagan on September 15 from about noon to 2:00 p.m., was entered into the record of the minutes.

MOTION

That the request for use of Mancini Bowl for political rally for Mr. Ronald Reagan be approved

Moved by Smith Seconded by Mitchell Unanimously carried

LETTER FROM MAYOR OF DETROIT REGARDING NATIONAL MUNICIPAL CONFERENCE

A letter from Jerome P. Cavanagh, Mayor of Detroit and President of National League of Cities, dated August 29, 1966 inviting city officials to attend the Congress of Cities to be held December 2 - 7, in Las Vegas, Nevada, was entered into the record of the minutes.

Letter was ordered filed.

Mayor Johansen mentioned Councilman Mitchell's forthcoming attendance at the Sister City conference to be held in Washington, D.C., stating that he had asked Mr. Mitchell to contact Congressman McFall and other officials he felt might be helpful in connection with Post Office regulations concerning curbside mailboxes.

RECOMMENDATION THAT INSTALLATION OF WATER LINES IN FAIRWAY ESTATES NO. 2 SUBDIVISION BE PERFORMED BY CITY FORCES 1-102

RESOLUTION NO. 66-559

A RESOLUTION AUTHORIZING WORK TO BE PERFORMED BY CITY FORCES FOR INSTALLATION OF WATER LINES IN FAIRWAY ESTATES NO. 2 SUBDIVISION

Introduced by Shastid Seconded by Smith

Ayes: Mitchell, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Hughes, Patton

RECOMMENDATION THAT INSTALLATION OF WATER LINE IN BLOCK 6007 BETWEEN ORANGEBURG AND ROSEBURG AVENUES BE PERFORMED BY CITY FORCES

RESOLUTION NO. 66-560

A RESOLUTION AUTHORIZING WORK TO BE PERFORMED BY CITY FORCES FOR INSTALLATION OF WATER LINE IN BLOCK 6007 BETWEEN ORANGEBURG AND ROSEBURG AVENUES

Introduced by Shastid Seconded by Smith

Ayes: Mitchell, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Hughes, Patton

ACCEPT IMPROVEMENTS IN ELMWOOD ESTATES NO. 1 SUBDIVISION AND AUTHORIZE THE CITY CLERK TO FILE NOTICE OF COMPLETION AND RELEASE BOND UPON EXPIRATION OF STATUTORY LIEN PERIOD

RESOLUTION NO. 66-561

A RESOLUTION ACCEPTING IMPROVEMENTS IN ELMWOOD ESTATES NO. 1 SUBDIVISION AND AUTHORIZING RELEASE OF SUBDIVISION BOND UPON EXPIRATION OF STATUTORY LIEN PERIOD

Introduced by Shastid Seconded by Smith

Ayes: Mitchell, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Hughes, Patton

ACCEPT AS COMPLETE GEORGE REED, INC.'S CONTRACT FOR THE IMPROVEMENT OF CARVER ROAD FROM 9TH STREET TO BRIGGSMORE AVENUE

RESOLUTION NO. 66-562

A RESOLUTION ACCEPTING THE CONSTRUCTION OF IMPROVEMENTS IN CARVER ROAD FROM 9TH STREET TO BRIGGSMORE AVENUE BY GEORGE REED, INC.

Introduced by Shastid Seconded by Smith

Ayes: Mitchell, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Hughes, Patton

ACCEPT IMPROVEMENTS IN NORTHFIELD SUBDIVISION EXCEPT THE LEVELAND LANE AND RUMELE ROAD RAILROAD CROSSINGS

RESOLUTION NO. 66-563

A RESOLUTION ACCEPTING IMPROVEMENTS IN NORTHFIELD SUBDIVISION, WITH EXCEPTIONS, AND AUTHORIZING RELEASE OF SUBDIVISION BOND UPON EXPIRATION OF STATUTORY LIEN PERIOD

Introduced by Shastid Seconded by Smith

Ayes: Mitchell, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Hughes, Patton

CONSIDER LETTER AGREEMENT BETWEEN THE CITY AND ARTHUR J. WYLIE, JR., ET UX, SUBDIVIDERS, FOR PARTICIPATION IN THE COST OF A STREET LIGHT IN WYLLEWOOD PARK NO. 3 SUBDIVISION

RESOLUTION NO. 66-564

A RESOLUTION APPROVING LETTER AGREEMENT BETWEEN THE CITY OF MODESTO AND ARTHUR J. WYLIE, JR., ET UX FOR PARTICIPATION IN COST OF STREET LIGHT IN WYLLEWOOD PARK NO. 3 SUBDIVISION

Introduced by Shastid Seconded by Smith

Ayes: Mitchell, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Hughes, Patton

CONSIDER REQUEST FOR SEWER SERVICE EXTENSION TO PROPERTY LOCATED AT 1438 QUEENS AVENUE

RESOLUTION NO. 66-566

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND CHARLES J. KRUKIEL AND AGENLA L. KRUKIEL FOR SEWER SERVICE EXTENSION TO PROPERTY LOCATED AT 1438 QUEENS AVENUE

Introduced by Shastid Seconded by Smith

Ayes: Mitchell, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Hughes, Patton

RESOLUTION INSTRUCTING THE SUPERINTENDENT OF STREETS TO GIVE NOTICE REQUIRING CONSTRUCTION OF CURB, GUTTER AND SIDEWALK ALONG CERTAIN STREETS IN THE CITY OF MODESTO

RESOLUTION NO. 66-567

A RESOLUTION INSTRUCTING THE SUPERINTENDENT OF STREETS TO GIVE NOTICE REQUIRING CONSTRUCTION OF CURB, GUTTER AND SIDEWALK ALONG CERTAIN STREETS IN THE CITY OF MODESTO (S. MADISON STREET)

Introduced by Shastid Seconded by Smith

Ayes: Mitchell, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Hughes, Patton

September 19, 1966 at 4:40 p.m. in the Council Chambers, City Hall, was set as the time and place of hearing.

RESOLUTION INSTRUCTING THE SUPERINTENDENT OF STREETS TO GIVE NOTICE REQUIRING CONSTRUCTION OF SIDEWALK ALONG CERTAIN STREETS IN THE CITY OF MODESTO

RESOLUTION NO. 66-568

A RESOLUTION INSTRUCTING THE SUPERINTENDENT OF STREETS TO GIVE NOTICE REQUIRING CONSTRUCTION OF SIDEWALK ALONG CERTAIN STREETS IN THE CITY OF MODESTO (W. ORANGEBURG AVENUE)

Introduced by Shastid Seconded by Smith

Ayes: Mitchell, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Hughes, Patton

September 19, 1966, at 4:35 p.m. in the Council Chambers, City Hall, was set as the time and place of hearing.

REQUEST FOR APPROPRIATION TRANSFER OF $150 TO PROVIDE FUNDS FOR AN EXHAUST SYSTEM AT THE EMERALD AVENUE PUMPING PLANT

RESOLUTION NO. 66-569

A RESOLUTION APPROVING APPROPRIATION TRANSFER - $150 FOR AN EXHAUST SYSTEM AT THE EMERALD AVENUE PUMPING PLANT

Introduced by Shastid Seconded by Smith

Ayes: Mitchell, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Hughes, Patton

ADOPTION OF ORDINANCE NO. 808-C.S. AMENDING SECTION 7-3-9, ZONING MAP (PACIFIC INVESTMENT CO.)

ORDINANCE NO. 808-C.S. entitled

"AN ORDINANCE AMENDING SECTION MAP 7-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (PACIFIC INVESTMENT COMPANY)"

introduced August 22, 1966 and having been published as required, was moved and adopted.

Moved by Shastid Seconded by VanderWall

Ayes: Mitchell, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Hughes, Patton

ADOPTION OF ORDINANCE NO. 810-C.S. AMENDING SECTION 22-3-9 OF THE ZONING MAP

At the request of the City Attorney, and with the unanimous consent of the Council, this item was held over pending republication of the ordinance due to a publication error.

Councilman Patton arrived at 4:20 p.m.

CONSIDER APPROVAL OF PLANS AND SPECIFICATIONS AND AUTHORIZE CALL FOR BIDS FOR FURNISHING CHRISTMAS DECORATIONS FOR STREETS AND MUNICIPAL BUILDINGS

A memorandum from the Purchasing Officer dated September 1, 1966 subject, "Christmas Decorations," was entered into the record of the minutes. An alternative was suggested that the Council consider waiving formal bid procedure and authorizing the staff to obtain informal bids for the decorations, which would save two or more weeks' time and assure faster delivery.

RESOLUTION NO. 66-570

A RESOLUTION WAIVING FORMAL BID PROCEDURE FOR PURCHASE OF CHRISTMAS DECORATIONS FOR STREETS AND MUNICIPAL BUILDINGS (for combined needs of AB-103 Committee and Municipal Buildings)

Introduced by Smith Seconded by VanderWall

Ayes: Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Hughes

September 16, 1966 at 2:00 p.m. in the office of the Purchasing Officer was set as the time and place for opening of informal bids.

REPORT ON DOWNTOWN IMPROVEMENTS BY MISS BEVERLY WILLIS

Miss Beverly Willis of Willis and Associates, stated that she had been working with City Manager Keefe, Director of Planning Fey, and Leo Muth for approximately a year in the development of ideas for improvement of the downtown business area. She said that her organization had appeared before the Planning Commission and asked for a hearing on a marketability central business district study. Miss Willis displayed drawings constituting an analysis resulting from studies of the downtown area.

Miss Willis said it was quickly realized that it was impossible to develop any section of the downtown area, particularly the land now vacant, without an overall plan for the entire central business district, pointing out that this was the City's responsibility; after this, the responsibility of individual property owners to develop their own individual properties. She stated that Research Development Associates, at the September 19th meeting, would present a complete program, including costs.

Miss Willis pointed out that two distinct and separate plans were proposed--a hearing for funding of the marketability study of the central business district; the second plan, with which she was personally involved and for which she would like to be considered as the planner-designer-architect, the parking and mall plan. Miss Willis briefly described the proposed mall plan. She felt that there was a definite urgency in the marketability study particularly because of the vacant land created by the unsafe structure code, which she said was not producing taxes to the City or income to the owner, and which could be put to uses which could conflict with an eventual overall plan.

Miss Willis was questioned by the Council.

Details of the marketability study proposed to be made by Research Development Associates were briefly outlined by Director of Planning Fey.

At the request of the Council, Miss Willis stated that she would present a brochure setting forth the qualifications of Willis and Associates.

Further discussion was withheld until the September 19 meeting.

HEARING ON PROPOSED PREZONING OF PROPERTY EAST OF NORTH 9TH STREET AND WEST OF CARVER

Mayor Johansen announced that the hour of 4:30 p.m. had arrived, the time set for

consideration of the proposed prezoning of property located east of North 9th Street and West of Carver Road and extending north of Clayton Avenue, and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Bee, and notices posted and distributed in the area on August 25, 1966. No written protests were filed with the City Clerk.

Planning Commission Resolution No. 66-75 adopted July 19, 1966 recommending that the area be prezoned, was entered into the record of the minutes.

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

Councilman Mitchell said it was his understanding that this area, located in the County, was being prezoned prior to annexation to the City, and asked if there was any time limit imposed on annexation of the area to the City. It was his belief that a time limit for annexation, perhaps two years, should be set to give property owners in the area an opportunity to annex in an orderly manner; that otherwise, it would not be fair to the property owners or adjacent neighbors, or the General Plan, to prezone land for all time with no control over annexation.

The City Attorney stated that no time limit was indicated on the proposed ordinance for annexation; that the area would be shown on the zoning map as a prezoned area; that the zoning would not be effective until the area was annexed to the City. Upon questioning, he said that the prezoning was not necessarily final, since application for rezoning could be made by either the owner, or the City, if at any time it was felt that the prezoning was no longer applicable.

Councilman Mitchell further commented that if the City went to the expense of prezoning, holding hearings and taking the City and County Planning Commissioners' time, also that of the respective staffs, there should be some obligation on the part of the property owner to follow through with annexation, or the matter at least automatically brought back to the Planning Commission or Council for review.

Councilman Shastid concurred with Councilman Mitchell's views, stating that it would be more fair to the applicant, and better for the City, if the ordinance approving the prezoning contained a provision that the zoning automatically expired in one year unless annexation had at least been initiated during that period.

The City Attorney said that he did not know of any way of legally placing such a provision in the ordinance approving the prezoning, but that the Council could, at the end of any given period of time, review the rezoning, and if it was determined that the rezoning was no longer applicable, an ordinance could be adopted repealing the ordinance establishing the prezoning.

Councilman Shastid suggested an agreement between the City and applicant, with the prezoning conditioned upon agreement to annex or apply for annexation within "x" number of months.

The City Attorney said that he believed the Council could establish any policy it wanted as to when it wished to consider prezoning property--in conjunction with actual applications for annexation, in areas where active annexation procedures were underway, or in those areas in the County under land use zoning.

Councilman Mitchell recommended that the Council establish a policy on prezonings, and that the entire matter be referred to the Planning staff and Planning Commission for recommendations on future policy regarding prezoning. He said he believed the Council should adopt a policy to the effect that if prezoned areas were not annexed to the City within a given period of time, the matter would automatically come up for review before the Planning Commission or Council for zoning reconsideration.

Councilman Smith concurred, and also expressed concern for the costs involved in prezoning procedures.

Mr. V. E. Barton, member of the County Planning Commission, said that he recognized that an area such as the one proposed for prezoning, immediately adjacent to the City, was primarily a city problem, even though located in the County; that he hoped if the Council established a policy, some effort would be made to approach the County for

concurrence in the prezoning. This, he said, would serve as a guide to the County Planning Commission if zoning was requested in the County in an area prezoned by the City.

A proposed ordinance approving the prezoning, introduced by Councilman VanderWall, seconded by Councilman Smith, was withdrawn.

By order of the Chair, the staff was directed to come up with a policy recommendation on prezoning, as recommended by Councilman Mitchell, and to discuss the matter of prezoning with the County Planning Staff and County Planning Commission; council action on the hearing was continued to October 3, 1966.

HEARING ON APPEAL BY OWNERS OF PROPERTY--CONDITIONAL USE PERMIT--BOARD OF ZONING ADJUSTMENT RESOLUTION 289 (BARTON) 5-05

Mayor Johansen announced that the hour of 4:40 p.m. had arrived, the time set for consideration of an appeal to the decision of the Board of Zoning Adjustment (Resolution 289) granting a conditional use permit for additional off-street parking for the Chateau Rest Home, and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Bee on August 25; notices posted and distributed in the area on August 25, 1966. Eleven property owners filed a letter dated July 29, 1966 protesting the conditional use permit granted for the additional parking spaces.

The following documents were entered into the record of the minutes: Board of Zoning Adjustment Resolution No. 289 granting a conditional use permit for additional off-street parking for the Chateau Rest Home; transcript of Board of Zoning Adjustment meeting dated July 28, 1966 - "Conditional Use Permit for Chateau Rest Home."

Associate Planner Don Toombs pointed out the proposed additional parking spaces on a plot plan, stating that the property is zoned C-1 with the rest home permitted in the zone with a conditional use permit; that the eleven parking spaces were in excess of the parking spaces required for the rest home by the Municipal Code. He said that the appeal was against the additional eleven parking spaces.

Herbert Christiansen, 1309 Glenwood Drive, pointed out that the notice of hearing for the conditional use permit advertised a proposed increase in the number of beds in an existing convalescent hospital from 88 beds to 116 beds; that no mention was made of additional parking spaces. Mr. Christiansen complained of the use of an area fronting on Glenwood Drive by employees of the Chateau, creating a great deal of dust in the area. He said that he asked the Planning Commission require that this parking area be oiled or blacktopped. He also stated that had the additional parking spaces been advertised, more interested parties would have been present at the hearing.

The City Attorney stated that the action of the Board of Zoning Adjustment was split into two actions, adopting separate resolutions granting 28 additional beds and eleven additional parking spaces; that the action being appealed was the granting of the eleven additional parking spaces, and that the present hearing was posted on the basis of the appeal against the decision of the Board of Zoning Adjustment in granting the eleven additional parking spaces.

Upon questioning, Mr. Christiansen stated that he had no objections to the additional parking spaces granted the Chateau, but his objections were directed to the use of the area fronting on Glenwood Drive for parking spaces, and the traffic generated in the alley to reach the additional parking spaces.

Robert Lawton, 1330 Cypress Avenue, asked that the Council deny installation of the eleven additional parking spaces on the basis of the traffic which will be generated in the alley.

Elwyn C. Branic, 1305 Glenwood Drive, requested that the eleven-space parking lot be fenced and not exposed to the alley. He also asked under what authority a curb cut twice the width of the alley was installed at the alley entrance onto Tully. Director of Public Works said he believed that the alley was widened at this point and the curb cut installed in connection with a commercial enterprise recently constructed in that area.

Upon questioning, Mr. Branic said that because the alley was only 14 feet wide, he believed that the alley should be one-way.

V. E. Barton stated that he believed that two of the objectors were primarily opposed to the use of the property to the south for parking purposes. He assured them that if the eleven additional parking spaces were granted, parking privileges in that area would be removed; if conditions developed that the area was needed for parking, it would be dustproofed. Mr. Barton was questioned by the Council.

Upon questioning, Director of Planning Fey stated that parking lots were a permitted use in a C-1 zone, subject to development in accordance with city standards, which require that lots be covered with a dust and mud retardant.

Maintenance of the alley was discussed by the Council.

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

The appeal was discussed by the Council

RESOLUTION NO. 66-571

A RESOLUTION AFFIRMING THE DECISION OF THE BOARD OF ZONING ADJUSTMENT GRANTING A CONDITIONAL USE PERMIT TO V. E. BARTON FOR ELEVEN (11) ADDITIONAL OFF-STREET PARKING SPACES FOR THE CHATEAU REST HOME (subject to additional condition that property owner maintain the half of the alleys adjacent on the North and West of the property to City's oiled alley standards)

Introduced by Smith Seconded by Patton

Ayes: Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Hughes

Mayor Johansen pointed out that the City could take steps to alleviate the dust problem created on the parking lot south of the Chateau property.

INFORMAL HEARING ON BLACKTOP VARIANCE - LA LOMA LIQUOR STORE (MATHEW BRUNO) 8-102

Mayor Johansen announced that the hour of 4:45 p.m. had arrived, the time set for consideration of the request of Mathew Bruno, La Loma Liquor Store, to leave asphaltic concrete in the public right of way on La Loma at Burney Street, and opened the hearing.

A memorandum from the Director of Public Works dated September 1, 1966, subject, "Request for a Variance to Leave in Place Asphaltic Concrete placed in the Public Right of Way on La Loma at Burney Street, was entered into the record of the minutes. Recommendation was made that the request be denied on the basis that no justification for a variance in this case could be found, and further recommendation made that the property owner be urged to install curb, gutter and sidewalk on his La Loma frontage.

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

Director of Public Works Campbell stated that this property was the only one in the block not having curb, gutter and sidewalk.

The circumstances under which the blacktop was applied in violation of the Code was discussed by the Council.

MOTION

That the variance requested by La Loma Liquor Store be denied; that the property owner be informed by letter of the City's policy regarding installation of curb, gutter, and sidewalk when over 50% of the block is so developed

Moved by Mitchell Seconded by Patton Unanimously carried

INFORMAL HEARING ON SIGN VARIANCE - WELLS FARGO BANK - McHENRY AVENUE

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

MATTERS FOR THE GOOD OF THE COMMUNITY

Report on European Trip - Councilman Mitchell

Councilman Mitchell stated that he had been particularly impressed with the library in Wolfsburg, Germany; that he hoped that Modesto's proposed new library would be comparable. He said that it contained very novel architectural features, combination of the children's library with the adults, etc; that he would pass the information he had gathered on to interested parties.

Sewer District Question - What is the history of sewage disposal in Modesto?

This question was answered by the City Manager, under the Council's decision to place questions pertaining to the proposed sewer district under "Matters for the Good of the Community" until election day.

The staff was directed to place six questions on the next and succeeding council agendas before the election.

CONSIDER PROSPECTUS FOR TUOLUMNE RIVER REGIONAL PARK

A memorandum from the City Manager dated August 26, 1966, with prospectus for Tuolumne River Regional Park attached, was entered into the record of the minutes. The memorandum indicated that the prospectus was prepared with the help of Councilman VanderWall and Supervisor Ruggieri, members of the joint committee, and filed as requested with the Board of Supervisors prior to September 1, 1966.

The need to hire a professional planner was briefly discussed.

MOTION

That the prospectus for the Tuolumne River Regional Park be ratified

Moved by Smith Seconded by VanderWall Unanimously carried

Councilman Shastid was excused from the meeting.

ACCEPT AS COMPLETE HIGHWAY SAFETY SUPPLY'S CONTRACT FOR THE CONSTRUCTION OF SLURRY SEAL ON VARIOUS CITY STREETS 9-108

Memoranda from the Director of Public Works dated August 11, 1966 and City Manager dated September 1, 1966, subject, "Construction of Slurry Seal on Various City Streets," were entered into the record of the minutes.

RESOLUTION NO. 66-572

A RESOLUTION ACCEPTING THE CONSTRUCTION OF SLURRY SEAL ON VARIOUS CITY STREETS BY HIGHWAY SAFETY SUPPLY COMPANY OF SACRAMENTO

Introduced by Mitchell Seconded by Patton

Ayes: Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Hughes, Shastid

CONSIDER REDUCING SPEED LIMITS ON PORTIONS OF ORANGEBURG AND ON PRESCOTT

A memorandum from the Director of Parking and Traffic dated August 26, 1966, subject, "Speed Limits - Orangeburg Avenue and Prescott Road - that need to be established by Municipal Code," was entered into the record of the minutes.

ORDINANCE NO. 811-C.S. entitled

"AN ORDINANCE AMENDING SECTION 3-2.1401 OF ARTICLE 14 OF CHAPTER 2 OF TITLE III OF THE MODESTO MUNICIPAL CODE RELATING TO SPEED LIMITS IN THE CITY OF MODESTO"

was introduced and ordered published as required by the Charter.

Moved by VanderWall Seconded by Smith

Ayes: Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Hughes, Shastid

Councilman Smith was excused from the meeting.

APPROVE BUDGET PROPOSAL FOR STATE-ALLOCATED ENGINEERING FUNDS FOR CITY STREETS PURSUANT TO SECTION 2107.5 OF THE STREETS AND HIGHWAYS CODE

RESOLUTION NO. 66-573

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO ADOPTING AND SUBMITTING A BUDGET FOR EXPENDITURE OF STATE ALLOCATED (ENGINEERING) FUNDS

Introduced by VanderWall Seconded by Patton

Ayes: Mitchell, Patton, VanderWall, Mayor Johansen
Noes: None Absent: Hughes, Shastid, Smith

LIBRARY AND CULTURE COMMISSION REQUEST COUNCIL AUTHORITY TO REQUEST BOARD OF SUPERVISORS TO FILE AN APPLICATION WITH THE STATE FOR STATUS AS A LIBRARY SYSTEM

The City Manager stated that if the County filed an application with the State for status as a library system, and the system was approved by the State, the County would be eligible for State grants for improvement of the library system, and a federal grant for the construction of a new library. The staff requested council authority to request the Board of Supervisors to file an application with the State for status as a library system.

Mayor Johansen said that the Library and Culture Commission was studying the possibility of joining the San Joaquin County library system, on the basis that better library service would result.

The City Manager stated that it was possible that Stanislaus County would not be large enough to qualify for funds without joining San Joaquin and other counties.

MOTION

That the Library and Culture Commission be authorized to request that the Board of Supervisors file an application with the State for status as a library system

Introduced by VanderWall Seconded by Patton Unanimously carried

The City Manager was directed to work with Mr. Warner, member of the Library and Culture Commission, in preparation of the request to be submitted to the Board of Supervisors.

RECOMMEND DISPOSITION OF CITY-OWNED PROPERTY - NORTHWEST CORNER OF FRANKLIN AND LAUREL 9-25

The City Manager requested permission to obtain informal bids for the sale of a city-owned parcel located on the northwest corner of Franklin and Laurel. An adjacent land owner has offered $50 for the parcel (approximately 4,000 square feet).

Planning Commission Resolution No. 66-80 adopted July 19, 1966 recommending disposition of the property was entered into the record of the minutes.

Councilman Mitchell expressed the opinion that he did not feel that the property should be sold back to the adjacent property owner if it was originally donated to the City, except for costs to cover the City's expenses in so doing, and that this should be established council policy.

By order of the Chair, the City Clerk was directed to search official records for details of the acquisition of the parcel, and to place this item on next week's agenda.

RECOMMEND COMMENCEMENT OF ANNEXATION PROCEEDINGS - SUNRISE ADDITION (INHABITED TERRITORY)

LETTER REQUESTING CONSENT TO COMMENCE PROCEEDINGS TO ANNEX INHABITED TERRITORY (KIMBLE ADDITION, ITEM 5 OF AGENDA)

The following documents were entered into the record of the minutes: Planning Commission Resolution No. 66-89, adopted September 6, 1966 recommending that the Council recommend to the Local Agency Formation Commission a proposed inhabited annexation known as the Sunrise Addition; Letter from W. P. Wesson, Mrs. Harriette Kirschen, and Mrs. Betty J. Scott dated August 24, 1966, subject "Request for Consent to Commence

Proceedings to Annex Inhabited Territory," with map of the area attached, requesting the consent of the Council to commence proceedings to annex the inhabited territory, and that proceedings to annex the inhabited territory be combined with the proposed Sunrise-East Roseburg Addition. (Item 5 of agenda of present meeting).

Director of Planning Fey stated that the Planning Commission, by Resolution No. 66-89, recommended that the Council recommend to the Local Agency Formation Commission a proposed inhabited annexation known as the Sunrise Addition, composed of the former Sunrise-East Roseburg Area, referred by the Council to the Planning Commission on August 8, 1966 for report and recommendation, and the Kimble Area, as requested in the above mentioned letter.

RESOLUTION NO. 66-574

A RESOLUTION CONSENTING TO COMMENCEMENT OF PROCEEDINGS TO ANNEX INHABITED TERRITORY DESIGNATED AS THE SUNRISE ADDITION TO THE CITY OF MODESTO UNDER THE ANNEXATION ACT OF 1913 (As recommended by Planning Commission in Resolution No. 66-89)

Introduced by VanderWall Seconded by Mitchell

Ayes: Mitchell, Patton, VanderWall, Mayor Johansen
Noes: None Absent: Hughes, Shastid, Smith

REQUEST PERMISSION FOR CITY MANAGER TO ATTEND INTERNATIONAL CITY MANAGERS' ASSOCIATION CONFERENCE IN PHOENIX, ARIZONA, OCTOBER 23-27, 1966, AND TO TAKE ONE VACATION DAY ON OCTOBER 28

MOTION

That the request of the City Manager to attend the International City Managers' Association Conference in Phoenix, Arizona, October 23 to 27, 1966 be approved; that the request for vacation day on Friday, October 28, 1966 be approved

Moved by Patton Seconded by Mitchell Unanimously carried

REQUEST BY CITY ATTORNEY TO BE ABSENT FROM SEPTEMBER 28 THROUGH OCTOBER 13, 1966

MOTION

That the request of the City Attorney to be absent from September 28 through October 8, 1966, 8 days' vacation, be approved; that the City Attorney's request to attend the 1966 annual conference of the National Institute of Municipal Law Officers October 9 through October 13, 1966 be approved

Moved by VanderWall Seconded by Mitchell Unanimously carried

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by VanderWall Seconded by Mitchell Unanimously carried

The meeting adjourned at 6:40 p.m.

ATTEST: Rex E. Gailfus
REX E. GAILFUS, City Clerk

Modesto City Council
September 12, 1966

The Council of the City of Modesto met in regular session this date at 7:30 p.m. in the Council Chambers, City Hall, 801 11th Street, Modesto, California, Mayor Johansen presiding.

Present: Councilmen: Hughes, Patton, Smith, VanderWall, Mayor Johansen

Absent: Councilmen: Mitchell, Shastid

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

Reverend Eddie Evans gave the invocation.

APPROVAL OF MINUTES

The minutes of the regular meeting of August 15, 1966 were approved.

LETTER FROM J. CARL HORNBERGER, M.D., PRESIDENT, MODESTO SYMPHONY ORCHESTRA, REGARDING FINANCIAL ASSISTANCE WITH PROGRAM

A letter from J. Carl Hornberger, M.D., President, Modesto Symphony Orchestra, Inc., dated September 4, 1966 requesting financial support of the City for the Symphony Orchestra, was entered into the record of the minutes. The letter indicated that expenses were now rising beyond the income realized by ticket sales, and financial assistance was needed if the orchestra was to grow in size and the season lengthened. $1200 was requested as the City's contribution for fiscal year 1966-67.

Dr. Hornberger, upon questioning, said that the gross income of the symphony orchestra last year was $16,671; expenditures, $16,786; cash disbursements over cash receipts, $115. He spoke briefly in support of the request, and plans for growth of the orchestra.

The request was discussed by the Council. Dr. Hornberger was asked to furnish additional facts to support the request, and comment made that the request for financial assistance could have been given more serious consideration if presented at the time the budget was being considered for fiscal year 1966-67. Mayor Johansen stated that the preliminary budget for 1967-68 would be considered in about February 1967, and completed some time in May.

Dr. Hornberger said that the ticket sale campaign for the coming season would be completed by October 1, and definite knowledge would be available at that time as to income from the sale of tickets; that he would prefer resubmitting the request to the Council with further information some time in October, rather than waiting until next fiscal year.

The City Clerk was directed to place this matter on the agenda of the October 10 meeting; Dr. Hornberger was asked to submit added information to the Council by that date.

LETTER FROM ROGER CHAPMAN, DIRECTOR, SUPPLEMENTARY EDUCATION CENTER, STOCKTON, CONCERNING DESIRABILITY OF MODESTO-COUNTY LIBRARY BEING PART OF A FIVE-COUNTY COOPERATION PROGRAM

A letter from Dr. Roger Chapman, Director, Northern San Joaquin Valley Counties Supplementary Education Center, Stockton, pointing out the services and financial advantages of joining a regional library system presently including San Joaquin, Amador, Calaveras and Tuolumne Counties, was entered into the record of the minutes.

The City Manager stated that at the September 6 meeting, the Council, by motion, authorized the Library and Culture Commission to request that the Board of Supervisors file an application with the State for status as a library system.

John Amend, Library Consultant, California State Library, stated that two grants were involved - an establishment grant of approximately $10,000 for each library; a per capita grant for which application would be made at the end of October. He said that in checking figures furnished by Acting Librarian Herndon, he did not believe that Stanislaus

County would meet the minimum standards required for a library system. He asked the Council to reconsider joining with the above counties. He said there were also provisional standards which Stanislaus County might or might not meet. Mr. Amend was questioned by the Council on various aspects of the proposed library system.

Acting Librarian Herndon was questioned by the Council on the proration, distribution, and permitted use of the proposed grants.

MOTION

That more information be furnished the Council on the proposed library system; that the Library and Culture Commission be asked for a recommendation; that the Council-Supervisor Liaison Committee meet and also submit a recommendation to the Council

Moved by VanderWall Seconded by Smith Unanimously carried

The City Clerk was directed to place this matter on the agenda of the September 19 meeting. Councilman Smith was asked to substitute for Councilman Mitchell to meet with the Council-Supervisor Liaison Committee.

LETTER FROM DONALD H. WEST, CHAIRMAN, DOWNTOWN PROPERTY OWNERS ASSOCIATION, REGARDING A DETAILED MARKETING STUDY OF THE DOWNTOWN AREA OF MODESTO

A letter from Donald H. West dated August 22, 1966 stating that the Downtown Property Owners Association unanimously adopted a resolution urging that the Council invite Development Research Associates of Los Angeles to present a proposal for preparing a detailed marketing study of the downtown area of Modesto, was entered into the record of the minutes.

Mayor Johansen stated that the Council had already invited Development Research Associates to appear before the Council at the September 19 meeting. The letter was ordered filed.

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR INSTALLATION OF WATER LINE IN PRESCOTT ROAD FROM MT. VERNON DRIVE TO DALE ROAD 5-47

RESOLUTION NO. 66-575

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR INSTALLATION OF WATER LINE IN PRESCOTT ROAD FROM MT. VERNON DRIVE TO DALE ROAD

Introduced by Smith Seconded by VanderWall

Ayes: Hughes, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell, Shastid

September 27, 1966 at 10:15 a.m. in the City Clerk's office was set as the time and place for opening of bids.

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR CONSTRUCTION OF PUMP HOUSE AT PUMP STATION NO. 33 LOCATED ON THE WEST SIDE OF PRESCOTT ROAD AT MT. VERNON DRIVE

RESOLUTION NO. 66-576

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR CONSTRUCTION OF PUMP HOUSE AT PUMP STATION NO. 33 LOCATED ON THE WEST SIDE OF PRESCOTT ROAD AT MOUNT VERNON DRIVE

Introduced by Smith Seconded by VanderWall

Ayes: Hughes, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell, Shastid

September 27, 1966 at 10:00 a.m. in the City Clerk's office was set as the time and place for opening of bids.

ACCEPT AS COMPLETE M. J. RUDDY & SON'S CONTRACT FOR THE IMPROVEMENT OF EMERALD AVENUE FROM MAZE BOULEVARD TO CALIFORNIA AVENUE

RESOLUTION NO. 66-577

A RESOLUTION ACCEPTING THE CONSTRUCTION OF EMERALD AVENUE FROM MAZE BOULEVARD TO CALIFORNIA AVENUE

Introduced by Smith Seconded by VanderWall

Ayes: Hughes, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell, Shastid

ACCEPT AS COMPLETE M. J. RUDDY & SON'S CONTRACT FOR THE IMPROVEMENT OF ORANGEBURG AVENUE FROM TULLY ROAD TO MARTIN AVENUE

RESOLUTION NO. 66-578

A RESOLUTION ACCEPTING THE CONSTRUCTION OF ORANGEBURG AVENUE FROM TULLY ROAD TO MARTIN AVENUE

Introduced by Smith Seconded by VanderWall

Ayes: Hughes, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell, Shastid

CONSIDER REQUEST FOR SEWER SERVICE EXTENSION TO PROPERTY LOCATED AT THE SOUTHEAST CORNER OF EVERGREEN AVENUE AND ORANGEBURG AVENUE (PROPOSED RICHFIELD SERVICE STATION)

RESOLUTION NO. 66-579

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND ATLANTIC RICHFIELD COMPANY, A PENNSYLVANIA CORPORATION, FOR SEWER SERVICE EXTENSION TO PROPERTY LOCATED AT SOUTHEAST CORNER OF EVERGREEN AVENUE AND ORANGEBURG AVENUE

Introduced by Smith Seconded by VanderWall

Ayes: Hughes, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell, Shastid

CONSIDER COOPERATIVE AGREEMENT BETWEEN CITY AND COUNTY OF STANISLAUS FOR WIDENING OF COFFEE ROAD AT FLOYD AVENUE

RESOLUTION NO. 66-580

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND COUNTY OF STANISLAUS FOR WIDENING OF COFFEE ROAD AT FLOYD AVENUE

Introduced by Smith Seconded by VanderWall

Ayes: Hughes, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell, Shastid

RECOMMEND COMMENCEMENT OF ANNEXATION PROCEEDINGS - DRY CREEK ADDITION

RESOLUTION NO. 66-581

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

Introduced by Smith Seconded by VanderWall

Ayes: Hughes, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell, Shastid

October 10, 1966 at 7:45 p.m. in the Council Chambers, City Hall, was set as the time and place of hearing.

CONSIDER APPROVAL OF PLANS AND SPECIFICATIONS FOR AIRPORT HANGAR NO. 2 DOORS AND AUTHORIZE CALL FOR BIDS 5-53

Director of Public Works Campbell stated that the matter concerning liability for damage to the doors of Hangar No. 2 had been discussed with the operators of the hangar; that a decision would be available before award of the contract.

RESOLUTION NO. 66-582

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR AIRPORT HANGAR NO. 2 DOORS

Introduced by Hughes Seconded by VanderWall

Ayes: Hughes, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell, Shastid

September 27, 1966 at 2:00 p.m. in the City Clerk's office was set as the time and place for opening of bids.

HEARING ON ABANDONMENT OF PORTION OF 10-FOOT PUBLIC UTILITY EASEMENT, SOMERSET PARK UNIT NO. 1

Mayor Johansen announced that the hour of 7:45 p.m. had arrived, the time set for consideration of the proposed abandonment of the southerly 8 feet of a 10-foot public utility easement, Lot 22, Block 12409 (Somerset Park Unit No. 1 Subdivision), and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Bee on September 1, 1966; notices posted in the area on August 29, 1966. No written protests were filed with the City Clerk.

A letter from Harry Kullijian, Hagop Inc., dated September 12, 1966 requesting that the hearing be carried over to the September 19 meeting, was read into the record of the minutes.

Planning Commission Resolution No. 66-79 recommending the abandonment of the southerly 8 feet of the 10-foot easement was entered into the record of the minutes.

No one in the audience asked to be heard.

MOTION

That the hearing be continued to September 19, 1966 at 4:45 p.m.

Moved by Patton Seconded by Smith Unanimously carried

MATTERS FOR THE GOOD OF THE COMMUNITY

Introduction of Henry Camps

Mayor Johansen introduced Henry Camps, newly appointed member of the Farm-City Advisory Committee.

Resolution from Toastmasters' Toastbreakers supporting sewer district bond election

A resolution from the Toastmasters' Toastbreakers offering its support of the sewer district bond election was entered into the record of the minutes. The City Clerk was directed to forward a copy of the resolution to the Citizens' Sewer Committee.

Report on status of McHenry Avenue traffic signals

The City Manager reported that the traffic signals for McHenry Avenue at Briggsmore and Bowen were presently out for bid, with the bid opening date set for September 28, 1966; that it was anticipated that the signals would be in operation some time in January, 1967; that traffic signals for McHenry-Roseburg were in the state budget for fiscal year 1966-67; that the project report and financing agreement would be in the hands of the City by January 1967.

Director of Parking and Traffic Carmody stated that bids were presently out for traffic signals at Tully-Roseburg and College-Coldwell, approximate completion date, January 13, 1967; that also budgeted for this fiscal year were signals at 12th and K and modernization of signals at 10th and K and 10th and L Streets.

Status of landscaping on freeway

Director of Parking and Traffic Carmody stated that a report on this matter would be placed on the September 19 agenda.

Request of airport operators that the municipal code be enforced

Colonel Brush, Modesto Flying Service, unofficial spokesman for four operators at the Modesto City-County Airport, complained of operations at the airport which were in violation of the municipal code - conducted without a base of operations and possibly without a city license. He asked that the complaint be checked and existing regulations enforced.

Mayor Johansen suggested that the complaint be submitted in writing and presented to the City Attorney, or a meeting be arranged with the operators. Colonel Brush said that the operators would prefer a meeting.

ADOPTION OF ORDINANCE NO. 811-C.S. - SPEED LIMITS ON ORANGEBURG AVENUE

ORDINANCE NO. 811-C.S. entitled
"AN ORDINANCE AMENDING SECTION 3-2.1401 OF ARTICLE 14 OF CHAPTER 2 OF TITLE III OF THE MODESTO MUNICIPAL CODE RELATING TO SPEED LIMITS IN THE CITY OF MODESTO"

Introduced September 6, 1966 and having been published as required, was moved and adopted.

Moved by VanderWall Seconded by Smith

Ayes: Hughes, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell, Shastid

ORDINANCE AMENDING SECTION 11-1.08 OF CHAPTER 1 OF TITLE XI OF THE MODESTO MUNICIPAL CODE RELATING TO WATER RATES AND REGULATIONS

ORDINANCE NO. 812-C.S. entitled
"AN ORDINANCE AMENDING SECTION 11-1.08 OF CHAPTER 1 OF TITLE XI OF THE MODESTO MUNICIPAL CODE RELATING TO WATER RATES AND REGULATIONS"

was introduced and ordered published as required by the Charter.

Introduced by Smith Seconded by Hughes

Ayes: Hughes, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell, Shastid

RECOMMEND DISPOSITION OF CITY-OWNED PROPERTY - NORTHWEST CORNER FRANKLIN AND LAUREL 6-52

The following documents were entered into the record of the minutes: Letter from E. J. Rotticci dated July 1, 1966 offering the City $50 for a parcel of land located at the corner of Franklin and Laurel; memorandum from the City Clerk dated September 8, 1966 subject, "Proposal to the City for Purchase of a Triangular Parcel of Property Located at Franklin and Laurel Streets." The memorandum indicated that this parcel was acquired by the City in 1915, and was included in a parcel approximately one-half mile in length, acquired for improvement of Franklin Street. Cost to the City for the entire parcel was $10, plus the condition that the city construct, or have constructed, a bridge over the Modesto Irrigation District lateral.

MOTION

That the staff be authorized to obtain informal bids for the purchase of city-owned property located at Franklin and Laurel Streets

Moved by Hughes Seconded by VanderWall Unanimously carried

REPORT CONCERNING PROPOSED CAPITAL IMPROVEMENTS

The following documents were entered into the record of the minutes: Memorandum from the Mayor dated August 19, 1966 subject, "Capital Improvements"; memorandum from Director of Parks and Recreation dated August 18, 1966, subject, "Proposed Capital Improvement Projects for Acceleration"; memorandum from Assistant Director of Public Works Frank Reynolds dated August 19, 1966, subject, "Additional Capital Improvement Projects"; memorandum from City Manager dated September 8, 1966, subject, "Capital Improvement Program"; memorandum from Park Superintendent William W. Brown dated September 8, 1966, subject, "Proposed C.I.P. Acceleration"; memorandum from Kenneth E. Cruce, Parking and Traffic Department dated September 8, 1966, subject, "Traffic

Signals Recommended at Tully and Briggsmore and College and Roseburg"; memorandum from Director of Public Works dated September 8, 1966, subject, "Capital Improvement Projects for consideration by City Council."

Information contained in the above memoranda was requested by the Council at the August 22 meeting.

The City Manager stated that if the Tonge property at the corner of 15th and Needham was purchased by the City in connection with the widening of Needham, and making 14th and 15th Streets a one-way couplet, the cost would be approximately $85,000. He said that studies would be completed in about two or three weeks; that unbudgeted funds were available in the Special Fund for Capital Outlays which could be used to purchase the Tonge property if necessary.

The proposed projects were discussed by the Council.

The Council discussed the following: Needed right of way at 15th and Needham in the event 14th and 15th Streets become a one-way couplet and in connection with the widening of Needham; proposed projects which might possibly be eliminated; location of bare bulb lighting in the City, and proposed lighting improvements.

MOTION

That the Mayor's recommendations for capital improvements as outlined in memorandum dated August 19, 1966 be approved; that the staff be directed to prepare the necessary documents to effect the transfers

Moved by Patton Seconded by VanderWall Unanimously carried

REPORT ON MODESTO SEWERAGE PROJECT

The City Manager answered the following questions: "Are present facilities adequate to serve the community?" "What has been the result of this system overloading?" "What would issuance of a 'Cease and Desist' order do to Modesto?" "How would these conditions affect the rest of Stanislaus County?" "What steps have been taken to solve the waste disposal problem?" "What ultimate service area is being considered?"

The staff was questioned as to who would have to connect to the system if the District is approved by the electorate.

AUTHORIZATION TO OBTAIN APPRAISALS ON LANDS NEEDED FOR SEWER PROJECT

MOTION

That the staff be authorized to obtain appraisals on lands needed for the sewer project.

Moved by Smith Seconded by Hughes Unanimously carried

APPROPRIATION TRANSFER

RESOLUTION NO. 66-583

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $2,100 FOR ULTRASONIC CLEANING EQUIPMENT FOR PARKING METERS

Introduced by Hughes Seconded by Smith

Ayes: Hughes, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell, Shastid

STAFF REPORT ON YOSEMITE BOULEVARD

Deputy Manager Ray reported on the status of right of way acquisitions for the widening of Yosemite Boulevard, stating that those not yet signed, but who have agreed to dedicate right of way, represent 815 feet of frontage involved, and those favorable to the project (1,400 feet) and in process of completion, constitute over 2,000 lineal feet of the 4,200 lineal feet remaining to be acquired. He said that at this point there were very few who appeared to be difficult to deal with. He pointed out that progress was slower during the summer because of vacations.

The City Manager stated that individuals in the area have offered to assist the

City, and he felt that their help should be encouraged.

REMINDER OF QUARTERLY LEAGUE MEETING

Reminder was made of the quarterly League meeting of the Central Valley Division in Stockton, Thursday, September 22, 1966 at 6:30 p.m.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by VanderWall Seconded by Smith Unanimously carried

The meeting adjourned at 9:30 p.m.

ATTEST: _____
REX E. GAILFUS, City Clerk

Modesto City Council
September 19, 1966

The Council of the City of Modesto met in regular session this date at 4:00 p.m. in the Council Chambers, City Hall, 801 11th Street, Modesto, California, Vice Mayor VanderWall presiding.

Present: Councilmen: Hughes, Mitchell, Patton, Shastid, Smith, Acting Mayor VanderWall

Absent: Councilmen: Mayor Johansen

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

LETTER FROM MODESTO SENIOR CITIZENS REGARDING URGENT NEED FOR A SENIOR CITIZEN CENTER

A letter from Esther Watson, Chairman, Committee for Modesto Senior Citizens' Center, dated September 12, 1966 requesting favorable consideration of the urgent need for a Senior Citizens' Center to be located on five lots located at the corner of Bodem and Morris Avenues, adjacent to the present Modesto Community Center at 800 East Morris Avenue, was entered into the record of the minutes.

Mrs. Frank Damrell, representing Mrs. Watson, stated that several Women's Clubs within the City were planning to provide financial help for the project. She cited the need for a center, stating that the group (about 425 members) was too large to meet in its present quarters at the Modesto Community Center.

By order of the Chair, the letter was referred to the staff for report and recommendation to the Council at the October 3 meeting.

LETTER FROM JOHN ERRECA, DIRECTOR OF PUBLIC WORKS, STATE OF CALIFORNIA, REGARDING LANDSCAPING ON U. S. 99 FREEWAY

The following documents were entered into the record of the minutes: Letter from John Erreca dated September 6, 1966 stating that the ever-increasing demand for highway construction and improvements, and lack of funds, has created considerable difficulty in scheduling landscaping along freeways; memorandum from Parking and Traffic Director dated September 15, 1966 subject, "California Highway 99 Landscaping," containing an up-to-date report on the status of correspondence concerning this matter.

The following suggestions were made by the Council: That if possible, a meeting be arranged with Mr. Meyer, Board of Supervisor members, Ceres officials, and Council members to discuss the freeway landscaping problem; that the matter be referred to the Public Relations or Public Projects Committee for consideration towards a definite recommendation as to whether or not the City will furnish irrigation for the landscaping; that the incorporation of landscaping provisions in future freeway agreements be taken up with the League of California Cities.

Mr. Carmody was questioned by the Council.

The staff was directed to write letters to Senator Donnelly and Assemblyman Veneman, with copies sent to Senator Collier.

LETTER FROM JOHN F. GOTTSCHALK, REQUESTING STATUS OF A "FIXED BASE OPERATOR" AT THE MODESTO MUNICIPAL AIRPORT AND REQUESTING PERMISSION TO BUILD AN OFFICE BUILDING

A letter from John F. Gottschalk dated September 14, 1966 requesting privileges and status of a "fixed base operator" and requesting permission to build an office building, approximately 40' x 30', at the Airport, was entered into the record of the minutes.

The City Manager stated that two previous letters from the Gottschalk Flying Club pertaining to office facilities at the Airport, together with letters from other interested operators at the Airport, were referred to the Public Relations Committee for consideration and recommendation.

By order of the Chair, the letter was referred to the Public Relations Committee.

ADOPTION OF ORDINANCE NO. 812-C.S. RELATING TO WATER RATES

ORDINANCE NO. 812-C.S. entitled
"AN ORDINANCE AMENDING SECTION 11-1.08 OF CHAPTER 1 OF TITLE XI OF THE MODESTO MUNICIPAL CODE RELATING TO WATER RATES AND REGULATIONS "

introduced September 12, 1966 and having been published as required, was moved and adopted.

Moved by Smith Seconded by Mitchell

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, Acting Mayor VanderWall
Noes: None Absent: Mayor Johansen

ADOPTION OF ORDINANCE NO. 810-C.S. AMENDING SECTION 22-3-9 OF THE ZONING MAP

ORDINANCE NO. 810-C.S. entitled
"AN ORDINANCE AMENDING SECTION MAP 22-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (CORNER OF BRIGHTON AVENUE AND KRUGER DRIVE)"

Introduced August 22, 1966 and having been published as required, was moved and adopted.

Moved by Smith Seconded by Mitchell

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, Acting Mayor VanderWall
Noes: None Absent: Mayor Johansen

CONSIDER RESOLUTION ESTABLISHING FLAT RATE WATER SERVICE CHARGE TO THE CENTRAL CATHOLIC HIGH SCHOOL ON CARPENTER ROAD

RESOLUTION NO. 66-584
A RESOLUTION ESTABLISHING FLAT-RATE CHARGES FOR WATER SERVICE TO THE CENTRAL CATHOLIC HIGH SCHOOL

Introduced by Shastid Seconded by Smith

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, Acting Mayor VanderWall
Noes: None Absent: Mayor Johansen

AUTHORIZATION TO EXERCISE OPTION TO PURCHASE CHRYSLER PARK

RESOLUTION NO. 66-585
A RESOLUTION AUTHORIZING EXERCISE OF OPTION TO PURCHASE PROPERTY FROM JOHN R. CONANT FOR PARK PURPOSES (CHRYSLER PARK)

Introduced by Shastid Seconded by Smith

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, Acting Mayor VanderWall
Noes: None Absent: Mayor Johansen

REPORT BY DEVELOPMENT RESEARCH ASSOCIATES AND WILLIS AND ASSOCIATES ON DOWNTOWN MODESTO

A "Proposal for Services, Economic Revitalization Program, Downtown Core Area, Modesto California," submitted by Development Research Associates, Real Estate Economics & Appraisal, Los Angeles, California was entered into the record of the minutes.

Mr. John McMahan, Director, Development Research Associates, briefly outlined the background of the firm, stating that the firm was basically involved as management counsultants in urban affairs and real estate to private sectors, municipalities and other public agencies, and in recent years, had become increasingly involved in downtown revitalization programs for municipal clients.

Mr. McMahan described briefly the scope of service offered - the geographical areas to be analyzed, land uses to be considered, and method of approach; the conclusions and recommendations to be developed.

Mr. McMahan indicated on charts certain economic facts resulting from studies made

in various California cities. He pointed out the importance of updating the Cox Report on the downtown area submitted in July 1960, stating that it was impossible to make valid judgments based on data that is not current. He stated that the proposal was offered on the basis that the program could be successfully introduced into downtown Modesto; that he hoped and believed that there was capacity in the community and public bodies to follow through and implement the proposed program.

Upon questioning by the Council, Mr. McMahan stated that by the time Development Research Associates were into their study, about 45 to 60 days, almost any private group could start basic formation of a development corporation or whatever type of activity they wished to use; that the study would be completed in about 120 days; that in their past experience, it was the general process for cities to pay the initial broad study, to set up the overall policy, framework and guidelines; and the obligation of the private property owners to follow through and implement those guidelines.

He said it was also desirable for the community to appoint a steering committee to work with his group; that meetings would be held monthly, and at the end of the period two or three public meetings would be held--one a joint council-planning commission meeting, one with the Chamber of Commerce and one with private groups.

Robert Bomberger stated that as a taxpayer, he was concerned about the city paying $17,000 for the proposed study; that it was his experience that major tenants interested in moving into an area usually conducted this type of survey on their own account, or employed firms to do the work for them.

In discussing the maximum fee of $17,000 for the proposed study, Mr. McMahan stated that if the time and direct expense charges were below the maximum fee, for example, $12,000, the fee would be $12,000; that about 40% of their jobs were under the maximum; that city staff and services utilized would be offset against the fee.

The staff was directed as follows: To check with five or six communities on which studies have been made by Development Research Associates, particularly the two in which the programs were shelved, to find out what has been specifically accomplished as a result of the study; to check with the League of California Cities for names of other companies in this field that have made similar studies for League of California Cities members.

Mr. McMahan was asked to furnish the Council copies of two or three reports covering studies performed for other cities.

By order of the Chair, the staff was directed to place this matter on the agenda of the October 3 meeting.

HEARING ON APPEAL FROM DECISION OF THE PLANNING COMMISSION DENYING AN UNCLASSIFIED USE PERMIT FOR A MOBILE HOME PARK 6-28

Acting Mayor VanderWall announced that the hour of 4:30 p.m. had arrived, the time set for consideration of the appeal of George Klemm to the decision of the Planning Commission denying an unclassified use permit for a mobile home park on the west side of Prescott Road, about 1500 feet south of Rumble Road, and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Bee on September 1, 1966 and notices posted and distributed in the area on September 12, 1966. No written protests were filed with the City Clerk.

Planning Commission Resolution No. 66-82 denying an unclassified use permit for a mobile home park was entered into the record of the minutes.

George Klemm, owner of the property, spoke briefly in support of the appeal. He was questioned by the Council on plans for development of the parcel.

Harold McCool, 2138 Cornwell Avenue, stated that he and his neighbors were opposed to the granting of the unclassified use permit; that present school facilities were inadequate for present enrollment without adding to the density; that the trailer court would lower property values. Mrs. McCool spoke briefly against the granting of a permit.

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

A suggestion was made that the property owner might consider a planned development of the property which would be agreeable to residents of the surrounding R-1 area.

The Council discussed the following: The concept of planned development; whether trailer courts should be listed as a permitted use under an R-3 zone rather than an unclassified use; the advisability of restricting the use permit procedure for trailer courts in the R-1 single-family zone; architectural control of P-D zoning.

Upon questioning by Mr. McCool, Director of Planning Fey stated that on the basis of a staff study, a new school was projected on the General Plan at such time as the area is sufficiently developed.

RESOLUTION NO. 66-586

A RESOLUTION DENYING THE APPLICATION OF GEORGE KLEMM FOR AN UNCLASSIFIED USE PERMIT FOR A MOBILE HOME PARK (PRESCOTT - RUMBLE ROAD)

Introduced by Shastid Seconded by Patton

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall
Noes: None Absent: Mayor Johansen

HEARING ON CURB AND GUTTER REQUIREMENTS, 1319 WEST ORANGEBURG AND 1321 WEST ORANGEBURG

Acting Mayor VanderWall announced that the hour of 4:35 p.m. had arrived, the time set for consideration of the requirement for installation of curb and gutter at 1319 West Orangeburg and 1321 West Orangeburg Avenue, and opened the hearing.

The City Clerk reported that notice of the hearing was mailed to the property owners and posted in the area by the Public Works Department; that the owner of the property located at 1321 West Orangeburg Avenue had installed the curb and gutter on his property and was no longer a party in the present hearing.

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

RESOLUTION NO. 66-587

A RESOLUTION ORDERING THE WORK OF CONSTRUCTION OF SIDEWALK ALONG CERTAIN STREETS IN THE CITY OF MODESTO (1319 W. ORANGEBURG AVENUE)

Introduced by Shastid Seconded by Smith

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, Acting Mayor VanderWall
Noes: None Absent: Mayor Johansen

HEARING ON CURB, GUTTER AND SIDEWALK REQUIREMENTS, 704 SOUTH MADISON (ANTHONY TOMAO)

Acting Mayor VanderWall announced that the hour of 4:40 p.m. had arrived, the time set for consideration of the requirement of curb, gutter and sidewalk on property located at 704 South Madison Avenue, and opened the hearing.

The City Clerk reported that notice of the hearing was mailed to Mr. Tomao at 1127 E. Morris Avenue and notice of the hearing posted in the area by the Public Works Department.

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

RESOLUTION NO. 66-588

A RESOLUTION ORDERING THE WORK OF CONSTRUCTION OF CURB, GUTTER AND SIDEWALK ALONG CERTAIN STREETS IN THE CITY OF MODESTO (S. MADISON STREET)

Introduced by Mitchell Seconded by Smith

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, Acting Mayor VanderWall
Noes: None Absent: Mayor Johansen

CONTINUATION OF HEARING ON PROPOSED ABANDONMENT OF THE SOUTHERLY 8 FEET OF A 10-FOOT PUBLIC UTILITY EASEMENT (SOMERSET PARK UNIT NO. 1)

Acting Mayor VanderWall announced that the hour of 4:45 p.m. had arrived, the time set for consideration of the proposed abandonment of the southerly 8 feet of a 10-foot public utility easement in Somerset Park Unit No. 1, continued from the September 12, 1966 meeting at the request of the applicant, and opened the hearing.

Planning Commission Resolution No. 66-79 recommending the abandonment of the southerly 8 feet of the 10-foot easement was entered into the record of the minutes.

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

RESOLUTION NO. 1034-S.P. entitled
"A RESOLUTION VACATING AND ABANDONING THE SOUTHERLY EIGHT (8') FEET OF A TEN (10') FOOT PUBLIC UTILITY EASEMENT ACROSS LOT 22, BLOCK 12409 IN THE CITY OF MODESTO. (RESUBDIVISION OF SOMERSET PARK NO. 1)"

Introduced by Smith Seconded by Patton

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, Acting Mayor VanderWall
Noes: None Absent: Mayor Johansen

MATTERS FOR THE GOOD OF THE COMMUNITY

Recommendation of Library & Culture Commission Relative to Five-County Library System

Mr. Lee Condit, Chairman, Library and Culture Commission, stated that it was the recommendation of the Commission that the Modesto City-County Library become a part of a 5-county library system joining with the counties of San Joaquin, Amador, Calaveras and Tuolumne, and the Cities of Stockton and Lodi; that the Council request from the County Board of Supervisors authority to appoint the city representative to the executive board of the proposed library system.

The Council discussed the following: Deadline for submission of the application to the State; concern over lack of city representation under the proposed library system set up; the intent of Turlock to apply for a federal grant for a library if Stanislaus County becomes a part of the 5-county library system.

Upon questioning, the City Attorney stated that the proposed resolution covering the joining in and approving formation of a cooperative library system contained a clause that the City Council appoint from time to time a person to represent the City of Modesto on the Executive Committee of the cooperative library system; that the joining of the system was conditioned upon the City having a representative on the executive committee.

RESOLUTION NO. 66-589
A RESOLUTION JOINING IN AND APPROVING FORMATION OF COOPERATIVE LIBRARY SYSTEM

Introduced by Smith Seconded by Shastid

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, Acting Mayor VanderWall
Noes: None Absent: Mayor Johansen

Councilman Mitchell was excused from the meeting.

REPORT ON MODESTO SEWERAGE PROJECT

The City Manager answered the following questions: Where would the new trunk sewer lines extend? What treatment improvements are proposed? What would be the cost of the proposed projects? How would the costs be paid? How would the local share be provided? What properties would be security for these bonds?

MATTERS FOR THE GOOD OF THE COMMUNITY (Continued) 9-50

Report on Pre-Hearing Conference, United Airlines-Pacific Airlines Case

The City Attorney stated that a report received from the Civil Aeronautics Board on the pre-hearing conference held in connection with United Airlines' proposed withdrawal of service from San Joaquin Valley, was consistent with preliminary indications at the conference that the Examiner, as previously stated in a memorandum from the City Attorney, has granted all the requests for additional evidence, as submitted by Counsel Howard Boros.

Report from Ron Garrison regarding Annexation Work

The City Attorney reported that Ron Garrison, hired by the City to work on annexations during the summer months, would shortly present a report on his activities during the summer. Mr. Johnson said that one major annexation, the Sunrise Addition, comprising about one-third of the total area of the unincorporated area east of McHenry, was presented to the Council for action about three weeks ago.

Request for Permission to be Absent from the Country - Councilman Patton

MOTION

That the request of Councilman Patton to be absent from the country for three weeks be approved

Moved by Shastid Seconded by Hughes Unanimously carried

REPORT ON POSSIBLE ACQUISITION OF TONGE PROPERTY AT NEEDHAM AND 15TH STREET FOR STREET RIGHT OF WAY

A memorandum from Deputy City Manager Ray dated September 15, 1966 subject, "Report on Possible Acquisition of Tonge Property at Needham and 15th Street for Street Right of Way," was entered into the record of the minutes. The City Manager stated that a staff investigation has determined that only a small portion of the Tonge property will be needed for future street right of way; that if the Council agreed, no council action was needed. No action was taken by the Council.

CONSIDER APPLICATION FOR LEAVE TO PRESENT LATE CLAIM ON BEHALF OF CLAIMANT (HELEN DORIS CARR)

The City Attorney recommended that the Council adopt a resolution denying the application for a late claim.

RESOLUTION NO. 66-590

RESOLUTION DENYING REQUEST OF HELEN DORIS CARR TO PRESENT A LATE CLAIM

Introduced by Hughes Seconded by Shastid

Ayes: Hughes, Patton, Shastid, Smith, Acting Mayor VanderWall
Noes: None Absent: Mitchell, Mayor Johansen

CONSIDER APPROVAL OF AGREEMENT CREATING A MODESTO-CERES AREA PLANNING COMMISSION

The City Attorney was directed by the Council to amend a proposed agreement creating a Modesto-Ceres Area Planning Commission as follows: Section 1 of the agreement be amended to read that both members for each city are to be members of their City Council.....and adding "The members are to be appointed by their respective legislative bodies."

RESOLUTION NO. 66-591

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO, CITY OF CERES, AND COUNTY OF STANISLAUS ESTABLISHING A MODESTO-CERES AREA PLANNING COMMISSION

Introduced by Shastid Seconded by Patton

Ayes: Hughes, Patton, Shastid, Smith, Acting Mayor VanderWall
Noes: None Absent: Mitchell, Mayor Johansen

CONSIDER RENTAL OF HANGAR SPACE BY MODESTO FLYING SERVICE

A memorandum from the Director of Public Works dated September 15, 1966, subject, "Rental of Hangar Space by Modesto Flying Service," indicating difficulty in collecting rents due was entered into the record of the minutes.

Director of Finance Bird stated that he had received a check this afternoon covering the rents due.

The delinquency was discussed by the Council.

A resolution introduced by Councilman Shastid, seconded by Councilman Patton, cancelling the lease of Modesto Flying Service, and terminating the conducting of commercial aviation business at the Modesto City-County Airport, was amended by the following motion:

MOTION

That no steps be taken to terminate lease of Modesto Flying Service for rents due for hangar space at Modesto City-County Airport if the check submitted clears for payment by 5:00 p.m. September 21, 1966; that if the check does not clear, the lease be terminated

Moved by Hughes Seconded by Patton Unanimously carried

Director of Finance Bird was directed to prepare a report for the Council on how payments for overall airport facilities can be improved.

RESOLUTION NO. 66-592

A RESOLUTION REGARDING PAYMENT FOR WEST HALF OF HANGAR NO. 5 - MODESTO FLYING SERVICE

Introduced by Shastid Seconded by Patton

Ayes: Hughes, Patton, Shastid, Smith, Acting Mayor VanderWall
Noes: None Absent: Mitchell, Mayor Johansen

Comments were made that matters of this kind should be resolved by the staff and not brought to the Council.

CONSIDER LEASE AGREEMENT BETWEEN DAROLD JOLLIFF AND THE CITY OF MODESTO FOR OPERATION OF GASOLINE CONCESSION BUSINESS AT THE AIRPORT

A memorandum from Director of Public Works Campbell dated September 15, 1966, "Revised Lease Agreement - Gasoline Concession at Airport," recommending approval of agreement was entered into the record of the minutes.

RESOLUTION NO. 66-593

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND DAROLD JOLLIFF FOR OPERATION OF GASOLINE CONCESSION AT MODESTO CITY-COUNTY AIRPORT

Introduced by Shastid Seconded by Patton

Ayes: Hughes, Patton, Shastid, Smith, Acting Mayor VanderWall
Noes: None Absent: Mitchell, Mayor Johansen

CONSIDER NEW CONTRACT WITH NATTINGER, LOWRY & MARTIN FOR A THREE-YEAR TERM ENDING JUNE 30, 1969

MOTION

That the staff be authorized to prepare the necessary documents for a new contract with Nattinger, Lowry & Martin for auditing services for a three-year period ending June 30, 1969

Introduced by Shastid Seconded by Smith Unanimously carried

RESOLUTION NO. 66-594

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $300 FOR ADDITIONAL FUNDS NEEDED FOR NEW CONTRACT WITH NATTINGER, LOWRY & MARTIN, AUDITORS

Introduced by Shastid Seconded by Hughes

Ayes: Hughes, Patton, Shastid, Smith, Acting Mayor VanderWall
Noes: None Absent: Mitchell, Mayor Johansen

RESOLUTION AUTHORIZING TRANSFER OF $180,000 FROM UNAPPROPRIATED FUND BALANCE OF GENERAL FUND (101) OF THE CITY OF MODESTO TO EXPENDITURE ACCOUNTS OF SPECIAL FUND FOR CAPITAL OUTLAYS (321)

RESOLUTION NO. 66-595

A RESOLUTION AUTHORIZING THE TRANSFER OF ONE HUNDRED EIGHTY THOUSAND AND NO/100THS ($180,000) DOLLARS FROM THE UNAPPROPRIATED FUND BALANCE OF THE GENERAL FUND (FUND NO.101) OF THE CITY OF MODESTO TO EXPENDITURE ACCOUNTS OF THE SPECIAL FUND FOR CAPITAL OUTLAYS (FUND NO. 321)

Moved by Shastid Seconded by Patton

Ayes: Hughes, Patton, Shastid, Smith, Acting Mayor VanderWall
Noes: None Absent: Mitchell, Mayor Johansen

RESOLUTION APPROPRIATING FUNDS FROM THE UNAPPROPRIATED FUND BALANCE OF THE GENERAL FUND (101) TO THE GENERAL RESERVE OF THE GENERAL FUND (60), $65,865

RESOLUTION NO. 66-596

A RESOLUTION APPROPRIATING THE FUNDS FROM THE UNAPPROPRIATED FUND BALANCE OF THE GENERAL FUND (FUND NO. 101) TO THE GENERAL RESERVE OF THE GENERAL FUND

Introduced by Shastid Seconded by Patton

Ayes: Hughes, Patton, Shastid, Smith, Acting Mayor VanderWall
Noes: None Absent: Mitchell, Mayor Johansen

RESOLUTION AMENDING THE 1966-67 FINAL BUDGET TO REVISE THE 1966-67 PROPERTY TAX ESTIMATES

RESOLUTION NO. 66-597

A RESOLUTION AMENDING THE 1966-67 FINAL BUDGET TO REVISE THE 1966-67 PROPERTY TAX REVENUE ESTIMATES

Introduced by Shastid Seconded by Patton

Ayes: Hughes, Patton, Shastid, Smith, Acting Mayor VanderWall
Noes: None Absent: Mitchell, Mayor Johansen

APPROPRIATION TRANSFER, $450, FOR ADDITIONAL FUNDS NEEDED FOR PURCHASE OF CHRYSLER PARK

RESOLUTION NO. 66-598

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $450 FOR ESCROW CHARGES AND PROPERTY TAXES - PURCHASE OF CHRYSLER PARK

Introduced by Shastid Seconded by Patton

Ayes: Hughes, Patton, Shastid, Smith, Acting Mayor VanderWall
Noes: None Absent: Mitchell, Mayor Johansen

CONSIDER APPROPRIATION TRANSFER TO PROVIDE FUNDS FOR INSTALLATION OF HOT GAS BYPASS SYSTEM AT POLICE-COMMUNICATIONS BUILDING

A memorandum from the Director of Public Works dated September 14, 1966, subject, "Police-Communications Building Cooling System," was entered into the record of the minutes. Recommendation was made that $495 be appropriated for installation of a hot gas bypass to provide a solution to a flood-back problem. The memorandum indicated that the architect has offered to pay one-half the cost.

Possible legal action to obtain entire cost of the installation from the architect was discussed by the Council.

RESOLUTION NO. 66-599

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $495 FOR INSTALLATION OF HOT GAS BYPASS SYSTEM AT POLICE-COMMUNICATIONS BUILDING

Introduced by Hughes Seconded by Shastid

Ayes: Hughes, Patton, Shastid, Smith, Acting Mayor VanderWall
Noes: None Absent: Mitchell, Mayor Johansen

MOTION

That the staff be directed to inform the architect that the City holds him responsible for the cost of the installation of the hot gas bypass system; that if the cost of the installation is not paid, necessary legal proceedings will be taken

Introduced by Shastid Seconded by Patton

The motion carried, Councilman Smith dissenting

REPORT ON AN EVALUATION OF STUDENTS EMPLOYED IN THE MODESTO CITY SCHOOLS SUMMER WORK PROGRAM

A memorandum from Norvin R. Spence, Supervisor of Work Experience Education, dated September 2, 1966, subject, "An Evaluation of Students Employed in the Modesto City Schools Summer Work Program," was entered into the record of the minutes.

The report was ordered filed.

NOTICE OF HEARINGS ON OPERATION OF LOCAL AGENCY FORMATION COMMISSION LAW AND DISTRICT REORGANIZATION LAW

A notice of hearings on operation of Local Agency Formation Commission Law and District Reorganization Law set for September 27, 29, and October 3, was entered into the record of the minutes. The City Manager informed the Council members that any suggestions for amendments they might wish to submit at the hearings would be forwarded if presented to the staff.

PRESENTATION OF FINANCIAL STATEMENT FOR PERIOD ENDING AUGUST 31, 1966

The financial statement for the month ending August 31, 1966 was presented to the Council and ordered filed.

REPORT BY COUNCILMAN WILLIAM MITCHELL ON PEOPLE TO PEOPLE CONFERENCE

Due to the absence of Councilman Mitchell, this item was held over for one week.

REMINDER OF LEAGUE OF CALIFORNIA CITIES DINNER MEETING IN STOCKTON, THURSDAY, SEPTEMBER 22, 1966 AT 6:30 P.M.

The Council was reminded of the League of California Cities dinner meeting to be held in Stockton, Thursday, September 22, 1966 at 6:30 p.m.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by Patton Seconded by Hughes Unanimously carried

The meeting adjourned at 6:48 p.m.

ATTEST: _____
REX E. GAILFUS, City Clerk

Modesto City Council
September 26, 1966

The Council of the City of Modesto met in regular session this date at 7:30 P.M. in the Council Chambers, City Hall, 801 11th Street, Modesto, California, Mayor Johansen presiding.

Present: Councilmen: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall
Mayor Johansen

Absent: Councilmen: None

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

Reverend Nathan Gossett gave the invocation.

APPROVAL OF MINUTES

The corrected minutes of August 15, 1966 and the minutes of the regular meetings of August 22 and September 6, 1966 were approved.

LETTER FROM J. G. MEYER, DISTRICT ENGINEER, DIVISION OF HIGHWAYS, STATE OF CALIFORNIA, REGARDING WORKSHOP SESSION ON SCENIC HIGHWAYS

A letter from J. G. Meyer dated September 15, 1966 notifying the City that a workshop session on Scenic Highways will be held in the Stockton Public Library, 665 North El Dorado, Stockton, on October 11, 1966 was entered into the record of the minutes. The letter was ordered filed.

LETTER FROM JOHN PESTANA, PRESIDENT, LIVERMORE ACRES, INC., OFFERING SALE OF 3.719 ACRES OF LAND TO CITY

A letter from John Pestana dated September 20, 1966 offering to sell to the City a 3.719-acre parcel of land adjacent to the Municipal Golf Course for $3,300 per acre, was entered into the record of the minutes.

City Manager Keefe said it was the belief of the staff that the parcel was not worth the asking price to the City; that the City would accept the property at no cost to the City; that there were numerous concrete slabs on the property which would have to be removed at considerable cost; that a small portion of the property could be used for parking, with most of the property on a side hill.

Director of Parks and Recreation Grogan stated that a request had been received from the Golf Club to develop a picnic area on the property, utilizing some of the existing concrete slabs; or that the City might consider effecting a trade for property located north of the parking lot. Miss Grogan stated that there was a large concrete block building on the property in need of repair which could be utilized for a golf course maintenance building.

The City Manager stated that at one time an offer had been made to donate the property to the City if the structures were removed by the City.

A suggestion was made that cost of removal of the structures be estimated, and the staff negotiate further with Livermore Acres, Inc.

By order of the Chair, the matter was referred to the staff for further negotiations as outlined, and report to the Council.

LETTER FROM HY YOUNGHEIM, PRESIDENT, DOWNTOWN MODESTO ASSOCIATION, REGARDING DOWNTOWN PARKING METERS

A letter from Hy Youngheim dated September 22, 1966 stating that the Downtown Modesto Association, at its September 21st meeting recommended to the Council that all one-hour parking meters in the downtown area be

changed to provide for two-hour parking, was entered into the record of the minutes.

The Council discussed the following: Cost of converting the meters ($400); enforcement procedures to eliminate all-day parkers.

MOTION

That the request of the Downtown Modesto Association that one-hour parking meters in the downtown area be changed to provide for two-hour parking be approved

Moved by Shastid Seconded by Smith Unanimously carried

Director of Parking and Traffic Carmody stated that he believed the conversion could be completed by November 1st.

CONSIDER AWARD OF CONTRACT FOR GATE TICKET DISPENSER AT 9TH STREET LOT

RESOLUTION NO. 66-600

A RESOLUTION ACCEPTING THE BID OF TRAFFIC AND PARKING EQUIPMENT CO. FOR GATE TICKET DISPENSER AT EYE STREET ENTRANCE OF 9TH STREET PARKING LOT ($3,975)

Introduced by Shastid Seconded by VanderWall

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

CONSIDER AWARD OF BID FOR TRAFFIC SIGNALS AND STREET LIGHTING AT ROSEBURG AND TULLY, AND AT COLLEGE AND COLDWELL

RESOLUTION NO. 66-601

A RESOLUTION ACCEPTING THE BID OF FERRERO ELECTRIC, INC. FOR CONSTRUCTION OF TRAFFIC SIGNALS AND STREET LIGHTING AT TULLY AND ROSEBURG AVENUES, AND COLLEGE AND COLDWELL AVENUES ($14,554)

Introduced by Smith Seconded by VanderWall

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

CONSIDER AWARD TO LOW BIDDER, L. C. WILLIAMS, INC., FOR FURNISHING CHRISTMAS DECORATIONS FOR STREETS AND MUNICIPAL BUILDINGS

RESOLUTION NO. 66-602

A RESOLUTION ACCEPTING THE BID OF L. C. WILLIAMS, INC. FOR CHRISTMAS DECORATIONS FOR STREETS AND MUNICIPAL BUILDINGS ($6,809.92)

Introduced by Smith Seconded by VanderWall

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

QUADRENNIAL ACTUARIAL VALUATION OF THE CITY'S RETIREMENT SYSTEM

RESOLUTION NO. 66-603

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND COATES, HERFURTH AND ENGLAND, CONSULTING ACTUARIES

Introduced by Smith Seconded by VanderWall

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

ACCEPT AS COMPLETE UNITED STATES STEEL CORPORATION'S CONTRACT FOR INSTALLATION OF SECURITY FENCE AT THE MODESTO CITY-COUNTY AIRPORT

RESOLUTION NO. 66-604

A RESOLUTION ACCEPTING THE CONSTRUCTION OF SECURITY FENCE AT MODESTO CITY-COUNTY AIRPORT

Introduced by Smith Seconded by VanderWall

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

ACCEPT IMPROVEMENTS IN TRADEWINDS SUBDIVISION AND AUTHORIZE CITY CLERK TO FILE NOTICE OF COMPLETION AND RELEASE BOND UPON EXPIRATION OF STATUTORY LIEN PERIOD

RESOLUTION 66-605

A RESOLUTION ACCEPTING IMPROVEMENTS IN TRADEWINDS SUBDIVISION, AND AUTHORIZING RELEASE OF SUBDIVISION BOND UPON EXPIRATION OF STATUTORY LIEN PERIOD

Introduced by Smith Seconded by VanderWall

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

ACCEPT IMPROVEMENTS IN YORKSHIRE GROVE SUBDIVISION, EXCEPT THOSE IMPROVEMENTS COVERED BY LETTER DATED JULY 12, 1966 FROM THE ASST. CITY ENGINEER TO EDWARD G. WYLIE, AND AUTHORIZE CITY CLERK TO FILE NOTICE OF COMPLETION AND RELEASE BOND UPON EXPIRATION OF STATUTORY LIEN PERIOD

RESOLUTION NO. 66-606

A RESOLUTION ACCEPTING IMPROVEMENTS IN YORKSHIRE GROVE SUBDIVISION WITH EXCEPTIONS, AND AUTHORIZING RELEASE OF SUBDIVISION BOND UPON EXPIRATION OF STATUTORY LIEN PERIOD

Introduced by Smith Seconded by VanderWall

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

CONSIDER COOPERATIVE AGREEMENT WITH STATE OF CALIFORNIA REGARDING MATCHING FUND CREDIT FOR WORK PERFORMED ON STATE HIGHWAYS

RESOLUTION NO. 66-607

A RESOLUTION APPROVING COOPERATIVE AGREEMENT BETWEEN THE CITY OF MODESTO AND STATE OF CALIFORNIA, DEPARTMENT OF PUBLIC WORKS, DIVISION OF HIGHWAYS, IN CONNECTION WITH MATCHING FUND CREDIT ON STATE HIGHWAYS WITHIN THE CITY'S JURISDICTION

Introduced by Smith Seconded by VanderWall
Ayes: Hughes,Mitchell,Patton,Shastid,Smith,VanderWall, Mayor Johansen
Noes: None Absent: None

CONSIDER DESIGNATING FRANKLIN STREET AS A TRUCK ROUTE BETWEEN MAZE AND PARADISE

RESOLUTION NO. 66-608

A RESOLUTION DESIGNATING TRUCK ROUTE IN THE CITY OF MODESTO

Introduced by Smith Seconded by VanderWall

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR INSTALLATION OF WATER LINES IN HIGHLAND MANOR NO. 2 SUBDIVISION

RESOLUTION NO. 66-609

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR INSTALLATION OF WATER LINES IN HIGHLAND MANOR NO. 2 SUBDIVISION

Introduced by Smith Seconded by VanderWall

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

October 11, 1966 at 10:00 a.m. in the City Clerk's office was set as the time and place for opening of bids.

APPROVE SUBDIVISION AGREEMENT AND FILING OF FINAL MAP FOR HIGHLAND MANOR NO. 2 SUBDIVISION

RESOLUTION NO. 66-610

A RESOLUTION APPROVING FINAL MAP OF THE HIGHLAND MANOR NO. 2 SUBDIVISION OF THE CITY OF MODESTO

Introduced by Smith Seconded by VanderWall

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

CONSIDER REQUEST FOR SEWER SERVICE EXTENSION TO PROPERTY LOCATED AT 1337 CROWS LANDING ROAD

RESOLUTION NO. 66-611

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND C. AND H. T. JOINT VENTURE FOR SEWER SERVICE EXTENSION TO PROPERTY LOCATED AT 1337 CROWS LANDING ROAD

Introduced by Smith Seconded by VanderWall

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

APPROVE AGREEMENT BETWEEN THE CITY OF MODESTO AND C. AND H. T. JOINT VENTURE FOR CONSTRUCTION OF A SANITARY SEWER TO PROVIDE SEWER SERVICE TO 1337 CROWS LANDING ROAD

RESOLUTION NO. 612

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND C. AND H. T. JOINT VENTURE FOR CONSTRUCTION OF A SANITARY SEWER TO PROVIDE SEWER SERVICE TO 1337 CROWS LANDING ROAD

Introduced by Smith Seconded by VanderWall

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

MATTERS FOR THE GOOD OF THE COMMUNITY

Joe Hart - Farm-City Committee

Mr. Joe Hart expressed his wishes for a successful bond election for expansion of sewage treatment facilities.

Status of Development Research Associates Reports

The City Manager stated that two reports had been received from cities indicating the accomplishments of Development Research Associates and would be made available to the Council.

REPORT ON MODESTO SEWERAGE PROJECT

The City Manager answered the following questions pertaining to the coming bond election for the expansion of sewage treatment facilities: "How would system operating costs and bond charges be paid?" "What would be the cost in additional taxes for the average homeowner?" "Why are industries important to a community?" "How would the proposed sewer project benefit the average Modesto citizen?" "What must be done to make the project plan become a reality?"

DISCUSSION RELATIVE TO PROPOSED CITY-COUNTY LIBRARY POLICY

Mayor Johansen reported briefly on a joint City-County meeting recently held to discuss library policy under the five-county library system. He said he learned at this meeting that the county staff was preparing a new city-county library agreement; that he therefore felt the Council should consider this matter, and give the staff authority to discuss and meet with the County to help determine a new city-county library policy; that it was possible that within the next few weeks the Council itself might wish to offer comments on the future operation of the library, the challenge and problems connected with improving library services, as well as a new facility.

Councilman VanderWall read the following statement: "Now that we have joined with the San Joaquin library system, I believe it is very essential that we proceed immediately in working out a new city-county library policy, a policy that is of material benefit to all county residents, whether they live in the city or county. Discussions relative to this new policy should cover all phases, such as a new library facility, library services, operations, and methods of financing. These discussions should commence at once between city and county officials and their staffs. I believe that the County should take over full responsibility for the operation of the Stanislaus County Library System. I think a fixed amount of every tax dollar should be set aside each year for library services and operations. We should adopt a method whereby we could continually improve our entire county library system and give all our citizens the library services they deserve."

Mayor Johansen said he believed a joint study to be in order to determine future operation of the library.

The City Manager stated that Library and Culture Commission members Don Hynes, David McAuley, William Warner, and Councilman Mitchell (with Mayor Johansen as alternate) had been designated to serve on the City-County Committee to study the library facilities and services; that the County had not yet designated its representatives.

Mayor Johansen said that he would write a letter to the Board of Supervisors requesting the scheduling of a joint meeting at an early date.

Councilman Mitchell spoke briefly on the need for agreement for further operation of the library; the debatable question as to whether school library systems can be coordinated with the City and County; the future function of the Library and Culture Commission, established by the City Charter.

AUTHORIZE APPLICATION TO STATE RECLAMATION BOARD FOR SEWAGE DISPOSAL SITE

A memorandum from the City Manager dated September 22, 1966, subject: "Application to State Reclamation Board for Sewage Disposal Sites," was entered into the record of the minutes.

RESOLUTION NO. 66-613

A RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION TO THE RECLAMATION BOARD OF THE STATE OF CALIFORNIA FOR APPROVAL OF PLANS FOR CONSTRUCTION OF OXIDATION PONDING SYSTEM

Introduced by Mitchell Seconded by Hughes

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

FOOD CONCESSION - NEW DRYDEN PARK CLUBHOUSE 3-40

A memorandum from the Director of Parks and Recreation dated September 22, 1966, subject: "Food Concession - New Dryden Park Clubhouse," with attached letter from Andy Silva indicating that he did not wish to operate the food concession at the new Dryden Park Clubhouse, was entered into the record of the minutes. Recommendation was made that the staff be authorized to prepare specifications and call for bids to obtain an operator for the food concession.

MOTION

That the staff be authorized to prepare specifications and call for bids to obtain an operator for the food concession at the new Dryden Park Clubhouse

Moved by Shastid Seconded by Hughes Unanimously carried

Director of Public Works Campbell stated that he would furnish a report next week on the estimated date of completion of the clubhouse.

Councilman Mitchell suggested that the staff advise Council members when the building is completed and give them an opportunity to inspect the building, with members of the staff and possibly the architect, before the construction is finally accepted. Mr. Campbell stated that construction of the new corporation yard was nearing completion and would be ready for final acceptance within a few weeks. Mr. Keefe stated than an inspection of the corporation yard would also be arranged for the Council.

Upon questioning, Miss Grogan stated that a kitchen, storage room, dishwashing area, eating area, and vent fans were installed in the new clubhouse; that the concessionaire hired would provide special equipment needed to provide light lunches and snacks; and that specifications and call for bids would be presented to the Council within a short time for approval. The staff was directed to set a bid opening date after October 20th.

Miss Grogan stated that a proposal would be submitted to the Council within a short time for chairs and tables for the dining area of the clubhouse.

REPORTS FROM THE PLANNING COMMISSION - None

APPROPRIATION TRANSFERS - None

REPORT BY COUNCILMAN MITCHELL ON PEOPLE TO PEOPLE CONFERENCE 3-103

Councilman Mitchell submitted an oral report on a meeting he recently attended in Washington, D. C. occasioned by the 10th anniversary of the founding of the Town Affiliation Conference. The conference was held in the Department of State International Conference Suites, with a reception in the evening in the Diplomatic Reception Room on the 8th floor, furnished with authentic furniture from the original offices and homes of the first six presidents of the United States. Among the speakers were former President Eisenhour and Career Ambassador George V. Allen. Presiding Officer was Mayor Frank Curran, San Diego, Chairman of the National League of Cities Committee on International Municipal Cooperation.

Councilman Mitchell stated that one of the important elements of business was to perpetuate and strengthen the cities in the program, and it was voted to proceed with the seeking of a charter from Congress for formation of a nonprofit corporation to carry on the project. He said that the program had in the past been sponsored and primarily financed by Hallmark Foundation, which has withdrawn its support; that there has been no opposition in Congress to the bill, but the President has stated that he will veto any congressional charters until Congress establishes some ground rules.

Councilman Mitchell said that he had discussed with Congressman McFall the release of funds under the federal grant approved for the City for expansion of the sewage treatment plant and was assured that the City would be able to have funds released as the project progresses, rather than waiting until the last contract has been let. On the matter of curbside mailboxes, he was informed by Congressman McFall that all communications on this matter were being referred to the Postal Department; that Congressman McFall was not too optimistic that there would be immediate success, since there was a very conscientious effort being made to mechanize the mail system through a desire to get mail delivered within 24 hours anywhere in the United States.

REPORT ON MODESTO'S ANNEXATION PROGRAM

A report on Modesto's Pilot Annexation Program submitted by Ron Garrison, Administrative Aide to Modesto City Attorney, City of Modesto, Summer, 1966, was entered into the record of the minutes.

The City Attorney stated that the report had been discussed by the City Manager, City Attorney, Planning Director, and Mr. Garrison--together with the program in general as conducted during the summer--and pros and cons of continuing the program in some manner; that it was the unanimous conclusion it would be beneficial to continue the program. He recommended that someone be hired to continue the work begun by Mr. Garrison, at least on a half-time basis.

The Council discussed the following:

The proposed inhabited annexation of the Sunrise Addition; effectiveness of sewer agreements where individuals agree to annex yet can vote "no" in an inhabited annexation election; cost of uninhabited annexations; needed changes in annexation laws for city initiation of annexations when over 50% of a block or area has agreed to annex.

Director of Planning Fey stated that an uptodate map was kept indicating all individuals who have been provided sewer service and have signed agreements to annex. The staff was directed to display the map to the Council at the next Council meeting for discussion.

The City Attorney was directed to submit a report to the Council relative to the continuation of the annexation program begun by Mr. Garrison.

RESOLUTION NO. 66-614

A RESOLUTION OF APPRECIATION TO RON GARRISON FOR HIS OUTSTANDING WORK AND EFFORTS IN CONNECTION WITH THE CITY OF MODESTO'S ANNEXATION PROGRAM

Introduced by Mitchell Seconded by VanderWall

Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

REQUEST BY COUNCILMAN MITCHELL TO ATTEND CIVIC SEMINAR IN PALM DESERT OCTOBER 1-3, 1966

The purpose of the seminar was outlined by Councilman Mitchell.

MOTION

That the request of Councilman Mitchell to attend the Civic Seminar in Palm Desert October 1 - 3, 1966 be approved

Moved by Shastid Seconded by Hughes Unanimously carried

ADJOURNMENT MOTION

That the meeting now in session be adjourned

Moved by VanderWall Seconded by Smith Unanimously carried

The meeting adjourned at 8:45 P.M.

ATTEST: [signature]

The Council of the City of Modesto met in regular session this date at 4:00 P.M. in the Council Chambers, City Hall, 801 11th Street, Modesto, California, Mayor Johansen presiding.

Present: Councilmen: Shastid, Smith, VanderWall, Mayor Johansen
(Councilman Hughes arrived at 4:03 P.M.)
Absent: Councilmen: Mitchell, Patton

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

Reverend Bill Winkleman gave the invocation.

APPROVAL OF MINUTES

The minutes of the regular meeting of September 12, 1966 were approved.

LETTER OF THANKS FROM REVEREND JAMES A. DeGROOT, ASST. SUPERINTENDENT OF SCHOOLS, DEPARTMENT OF EDUCATION, DIOCESE OF STOCKTON, FOR FLAT RATE CHARGE FOR WATER SERVICE TO CENTRAL CATHOLIC HIGH SCHOOL

A letter from Reverend DeGroot dated September 26, 1966 thanking the Council for its consideration in approving a request for flat rate charges for water service to Central Catholic High School was entered into the record of the minutes. The letter was ordered filed.

LETTER FROM REVEREND MALCOLM E. McCLENAGHAN, RECTOR, ST. PAUL'S EPISCOPAL CHURCH, REGARDING THE POSSIBLE ACQUISITION OF PROPERTY LOCATED AT CORNER OF 17TH AND DOWNEY STREETS

A letter from Reverend Malcolm E. McClenaghan dated September 22, 1966 regarding acquisition of city-owned property located at the corner of 17th and Downey Streets, was entered into the record of the minutes.

MOTION

That the letter be referred to the Planning Commission for study and report

Moved by VanderWall Seconded by Smith Unanimously carried

LETTER FROM MORRIS M. SHERR, ATTORNEY AT LAW, FRESNO, CALIFORNIA, REGARDING PROPERTY AT MORRIS AND BODEM STREETS AND SENIOR CITIZENS CENTER

A letter from Attorney Morris M. Sherr dated September 22, 1966 requesting notification when the Senior Citizens' request for a proposed center to be located on property at Morris and Bodem Streets is to be considered by the Council, was entered into the record of the minutes.

The City Manager reported that the staff had met with representatives of the Senior Citizens' group and had offered them alternate sites for the proposed center; that the results of their consideration of the alternate sites would be presented to the staff within a week or two. He recommended that the matter be discussed at that time.

Individuals in the audience interested in the matter were told they and Mr. Sherr would be notified when the matter is considered by the Council.

CONSIDER AWARD OF BID FOR CONSTRUCTION OF PUMP HOUSE AT PUMP STATION NO. 33

A memorandum from Director of Public Works Campbell dated September 28, 1966 subject, "Bids for Construction of Pump House at Pump Station No. 33," was entered into the record of the minutes. Recommendation was made that the bid be awarded to Brouwer Brothers of Ripon, the second lowest bidder, due to discrepancies in the bid of Klemm Trucking Co., low bidder.

RESOLUTION NO. 66-615

A RESOLUTION ACCEPTING THE BID OF BROUWER BROTHERS FOR THE CONSTRUCTION OF PUMP HOUSE AT PUMP STATION NO. 33

Introduced by Smith Seconded by VanderWall
Ayes: Hughes, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell, Patton

CONSIDER AWARD TO P. E. VAN PELT, INC., LOW BIDDER, FOR ONE NEW 85-FOOT SNORKEL (AERIAL BOOM TRUCK)

A memorandum from Purchasing Officer Dunham dated September 29, 1966 subject, "Eighty-five foot Snorkel," recommending that P. E. Van Pelt, Inc., be declared the low bidder for an 85-foot Snorkel aerial boom truck at a contract cost of $65,946.40, was entered into the record of the minutes.

RESOLUTION NO. 66-616

A RESOLUTION ACCEPTING THE BID OF P. E. VAN PELT, INC. FOR THE PURCHASE OF ONE NEW 85-FOOT SNORKEL (AERIAL BOOM TRUCK)

Introduced by Hughes Seconded by Shastid
Ayes: Hughes, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell, Patton

RECOMMEND THAT INSTALLATION OF WATER LINE IN PRESCOTT ROAD FROM MT. VERNON DRIVE TO DALE ROAD BE PERFORMED BY CITY FORCES

RESOLUTION NO. 66-617

A RESOLUTION AUTHORIZING WORK TO BE PERFORMED BY CITY FORCES FOR THE INSTALLATION OF WATER LINE IN PRESCOTT ROAD FROM MOUNT VERNON DRIVE TO DALE ROAD

Introduced by Smith Seconded by VanderWall
Ayes: Hughes, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell, Patton

APPROVE AGREEMENT BETWEEN THE CITY OF MODESTO AND HAGER SUPPLY CO. FOR SALE OF DRIED DIGESTED SLUDGE FROM SEWAGE TREATMENT PLANT

RESOLUTION NO. 66-618

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND HAGER SUPPLY CO. FOR SALE OF DRIED DIGESTED SLUDGE FROM SEWAGE TREATMENT PLANT

Introduced by Smith Seconded by VanderWall
Ayes: Hughes, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell, Patton

AGREEMENT BETWEEN CITY AND MODESTO CITY SCHOOL DISTRICT OF STANISLAUS COUNTY WHEREBY CITY AGREES TO OPERATE MODESTO ELEMENTARY SCHOOL DISTRICT PLAYGROUNDS (AFTER-SCHOOL)

RESOLUTION NO. 66-619

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO CITY SCHOOL DISTRICT OF STANISLAUS COUNTY - AFTER-SCHOOL RECREATION PROGRAMS

Introduced by Smith Seconded by VanderWall
Ayes: Hughes, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell, Patton

CONSIDER APPROVAL OF AGREEMENT, AS CHANGED, CREATING A MODESTO-CERES AREA PLANNING ADVISORY COMMITTEE

RESOLUTION NO. 66-620

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO, COUNTY OF STANISLAUS AND CITY OF CERES CREATING A MODESTO-CERES AREA PLANNING ADVISORY COMMITTEE, AND RESCINDING RESOLUTION NO. 66-591

Introduced by Smith Seconded by VanderWall
Ayes: Hughes, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell, Patton

AGREEMENT BETWEEN CITY OF MODESTO AND NATTINGER, LOWRY & MARTIN, CERTIFIED PUBLIC ACCOUNTANTS, PROVIDING FOR RENEWAL OF 3-YEAR CONTRACT FOR AUDITING SERVICES TO CITY FOR FISCAL YEARS 1966-67, 1967-68, AND 1968-69

RESOLUTION NO. 66-621

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND NATTINGER, LOWRY & MARTIN, CERTIFIED PUBLIC ACCOUNTANTS, PROVIDING FOR RENEWAL OF 3-YEAR CONTRACT FOR AUDITING SERVICES TO CITY

Introduced by Smith Seconded by VanderWall
Ayes: Hughes, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell, Patton

CONSIDER REQUEST FOR SEWER SERVICE TO 701 ROSE AVENUE, LOCATED AT SOUTHWEST CORNER OF ROSE AVENUE AND LOCKE ROAD

RESOLUTION NO. 66-622

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND LELAND C. McCAFFERTY AND BEULAH H. McCAFFERTY FOR SEWER SERVICE EXTENSION TO PROPERTY LOCATED AT 701 ROSE AVENUE

Introduced by Smith Seconded by VanderWall
Ayes: Hughes, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell, Patton

CONSIDER REQUEST BY EAST MODESTO INDUSTRIAL WASTE COMPANY TO RENEW AGREEMENT FOR HANDLING INDUSTRIAL WASTE

RESOLUTION NO. 66-623

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND EAST MODESTO INDUSTRIAL WASTE COMPANY - PEAK INDUSTRIAL FLOW

Introduced by Smith Seconded by VanderWall
Ayes: Hughes, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Mitchell, Patton

CONSIDER FURTHER PROPOSED PREZONING OF PROPERTY EAST OF 9TH STREET AND WEST OF CARVER ROAD

By order of the Chair, this item was held over pending receipt of a report from the Planning Commission.

FURTHER CONSIDERATION OF REPORT BY DEVELOPMENT RESEARCH ASSOCIATES AND WILLIS AND ASSOCIATES ON DOWNTOWN MODESTO

The City Manager recommended that this matter be held over pending receipt of further information.

The economic feasibility study proposed by Development Research Associates was discussed by the Council.

The staff was directed to ask Miss Beverly Willis of Willis and Associates, to furnish the Council a concise report on information needed in connection with the feasibility study; what is planned after the information is obtained; whether the proposal submitted by Development Research Associates as presented by Mr. McMahan could be pared down and still furnish sufficient information to satisfy the requirements of Willis and Associates.

MOTION

That further consideration of the report by Development Research Associates and Willis and Associates be set for October 24, 1966 at 8:00 P.M.

Moved by Smith Seconded by VanderWall Unanimously carried

DISCUSSION RELATIVE TO REFURBISHING EYE STREET ARCH

The City Manager read a letter from the Modesto Beautification Committee dated May 12, 1966 (submitted to the Council at the May 16, 1966 council meeting) which recommended that the Eye Street arch be preserved as an historical landmark. Due to the uncertainty of downtown redevelopment, the Committee did not feel that it was in a position to make a recommendation as to whether the arch should be retained in its present location or be moved to another site. A suggestion was made that the grounds and area surrounding the Southern Pacific Depot be utilized as a park, with the arch as a central theme. Request was made that final recommendation be withheld until such time as more information on the downtown redevelopment plan is available, and that the arch be maintained in the best possible condition so as to all times be a credit to the community.

Cost of refurbishing the arch was discussed by the Council. The City Manager stated that a bid of $800 was submitted some time ago for painting the arch.

Mr. Bruce Farish said he was informed by a painter that he would paint the arch for $500. Upon questioning, he said that he believed the arch should either be refurbished or removed.

Director of Public Works Campbell stated that minimum electrical repairs would cost about $200, and would serve for a few years only.

MOTION

That the staff be authorized to obtain informal bids for painting the Eye Street arch

Moved by Hughes Seconded by Smith Unanimously carried

MATTERS FOR THE GOOD OF THE COMMUNITY

Adjournment of October 17th Meeting

Because of council members attending the League of California Cities conference to be held in San Diego October 17 - 19, 1966 which will result in the lack of a quorum at the October 17th council meeting, the City Clerk was directed to adjourn this meeting to October 20, 1966 at 4:00 p.m.

REPORT ON COLLECTION PROCEDURE ON AIRPORT LEASES AND RENTALS

A memorandum from the Director of Finance dated September 21, 1966, subject, "Collection Procedure on Airport Leases and Rentals," was entered into the record of the minutes. The memorandum was ordered filed.

CONSIDER REQUEST BY SHALL DEVELOPMENT COMPANY TO TEST SOIL STERILANTS ON THE MODESTO CITY-COUNTY AIRPORT PROPERTY 3-2

The following documents were entered into the record of the minutes: Letter from Shell Development Company dated September 27, 1966 relative to location for testing soil sterilant herbicides; memorandum from Director of Public Works dated September 29, 1966 subject, "Request by Shell Development Company to Test Soil Sterilants on the Modesto City-County Airport Property."

Recommendation was made by the Director of Public Works that the City grant Shell Development Company permission to use the area at the Airport, as shown on map attached to memorandum, for its soil sterilant test program.

MOTION

That the request of Shell Development Company for permission to use the area at the Modesto City - County Airport as indicated on map attached to memorandum from Director of Public Works dated September 29, 1966, for its soil sterilant test program, be approved

Moved by Shastid Seconded by Smith Unanimously carried

REPORT ON SEWER SERVICE AGREEMENTS

A map of the City of Modesto showing in red the four different categories of sewer service agreements -- areas which have been on sewer service agreements and have since been annexed to the City (65 properties, 21%); those properties which have sewer service agreements, and are connected to the sewer (167 properties - 56%); properties which are under agreement, have applied for but are not yet connected (55 properties - 18%); properties which are connected to the sewer but do not have an agreement (14 properties - 5%).

Upon questioning, Mr. Fey stated that a large majority of the 167 properties which have sewer service agreements and are connected to the sewer were contiguous to the City, but were scattered throughout the community.

Effectiveness of the sewer service agreements was discussed. The City Manager stated that the pending inhabited Sunrise Addition annexation would be a good testing ground, since many properties in the area had sewer service agreements.

The Acting City Attorney was directed to prepare a report on how sewer service agreements could be prepared to be a little more binding and on a broader scale, whereby if agreements were obtained from a certain percentage in the area, the entire area could be annexed.

APPROPRIATION TRANSFERS - None

TRANSPORTATION PLANNING IN STANISLAUS COUNTY - NOTICE OF DINNER MEETING NOVEMBER 2, 1966 AT 7:30 P.M. FROM C. A. BRINK, CHAIRMAN, BOARD OF SUPERVISORS

The City Manager stated that all council members wishing to attend the dinner meeting on transportation planning would be welcomed.

EXECUTIVE SESSION TO CONSIDER ACQUISITION OF 10TH NEAR K PARKING LOT FOR LEASE OR PURCHASE

MOTION

That the meeting be adjourned to executive session to consider acquisition of parking lot located on 10th Street near K Street by lease or purchase
Moved by VanderWall Seconded by Hughes Unanimously carried

The meeting adjourned at 4:47 P.M.

ATTEST: Rex E. Gailfus
REX E. GAILFUS, City Clerk

Modesto City Council
October 10, 1966

The Council of the City of Modesto met in regular session this date at 7:30 p.m. in the Council Chambers, City Hall, 801 11th Street, Modesto, California, Mayor Johansen presiding.

Present: Councilmen: Mitchell, Shastid, Smith, VanderWall, Mayor Johansen
(Councilman Hughes arrived at 7:35 p.m.)
Absent: Councilmen: Patton

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

Reverend William Richards gave the invocation.

MODESTO MUNICIPAL SEWER DISTRICT NO. 1

(a) Filing of statement of all votes cast and certificate of canvass by City Clerk

MOTION
That the state of all votes cast and certificate of canvass by City Clerk be accepted

Moved by Shastid Seconded by Smith Unanimously carried

(b) Resolution confirming canvass by City Clerk of special election held in Modesto Municipal Sewer District No. 1 on October 4, 1966

RESOLUTION NO. 66-624
A RESOLUTION CONFIRMING CANVASS BY CITY CLERK OF SPECIAL ELECTION HELD IN MODESTO MUNICIPAL SEWER DISTRICT NO. 1 ON OCTOBER 4, 1966

Introduced by VanderWall Seconded by Shastid

Ayes: Mitchell, Shastid, Smith, VanderWall, Mayor Johansen

Noes: None Absent: Hughes, Patton

LETTER FROM JAMES F. CULBERTSON, STATE DIRECTOR, LEAGUE OF CALIFORNIA CITIES, REGARDING JOINT MEETING OF CENTRAL VALLEY DIVISION AND SOUTH SAN JOAQUIN DIVISION - AREA-WIDE ASSOCIATION

A letter from State Director James F. Culbertson dated October 3, 1966 indicating that representatives of cities in the Central Valley Division and the South San Joaquin Division of the League of California Cities will hold a joint meeting during the annual conference of the League in San Diego, to discuss possible formation of an area-wide association, was entered into the record of the minutes. The letter was ordered filed.

Councilman Hughes arrived at 7:35 p.m.

LETTER FROM J. G. MEYER, DISTRICT ENGINEER, STATE DIVISION OF HIGHWAYS, REGARDING GOVERNOR'S DESIGN AWARDS PROGRAM FOR 1966

A letter from J. G. Meyer dated October 5, 1966 relative to the Governor's Design Awards Program for 1966, was entered into the record of the minutes. Mr. Meyer indicated that entries could be for public or private projects, with an October 31 deadline.

Councilman Mitchell proposed that an entry be submitted under Item 12, "Leadership," in connection with the recent $7,200,000 sewer bond election which passed by a 12 to 1 margin, which was possible only through total community cooperation--the leadership of Lee Davies and his committee, the cooperation of radio stations, all of the local papers, Chamber of Commerce, numerous civic clubs, and other organizations.

MOTION
That the staff be instructed to file an entry for community leadership in connection with the recent sewer bond election

Moved by Mitchell Seconded by Smith Unanimously carried

LETTER FROM RAY ROEDER, EXECUTIVE SECRETARY, DOWNTOWN IMPROVEMENT DISTRICT, REQUESTING USE OF SIDEWALK AREAS IN THE DOWNTOWN DISTRICT FOR OCTOBER HARVEST FESTIVAL

A letter from Ray Roeder, Executive Secretary, Downtown Improvement District, dated October 5, 1966 requesting permission from the Council to display cars on sidewalks around the County Courthouse the entire length of 11th and 12th, running from I to H Streets during the period of October 20 - 22, was entered into the record of the minutes.

MOTION

That the request be approved subject to approval of the County Board of Supervisors

Moved by VanderWall Seconded by Shastid Unanimously carried

LETTER FROM HY YOUNGHEIM, DOWNTOWN MODESTO ASSOCIATION, ASKING FOR PERMISSION TO CLOSE ALLEY BETWEEN 10TH AND 11TH, RUNNING FROM I TO J STREETS, DURING HARVEST FESTIVAL

A letter from Hy Youngheim dated October 6, 1966 requesting permission to close the alley between 10th and 11th Streets, running from I Street to J Street, for the weekend of October 21 - 23, for an art festival, was entered into the record of the minutes.

MOTION

That the request be approved subject to concurrence of property owners and merchants along the alley

Moved by Shastid Seconded by Smith Unanimously carried

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR CONSTRUCTION OF WADING POOLS AT WESTSIDE PARK AND STANDIFORD PARK

RESOLUTION NO. 66-625

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR CONSTRUCTION OF WADING POOLS AT WESTSIDE PARK AND STANDIFORD PARK

Introduced by Smith Seconded by Shastid

Ayes: Hughes, Mitchell, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Patton

ACCEPT AS COMPLETE A. C. CONSTRUCTION COMPANY'S CONTRACT FOR THE CONSTRUCTION OF IMPROVEMENTS AND LANDSCAPING AT CATHERINE EVERETT PARK

RESOLUTION NO. 66-626

A RESOLUTION ACCEPTING THE CONSTRUCTION OF LAWN, SPRINKLER SYSTEM, AND OTHER IMPROVEMENTS AT CATHERINE EVERETT PARK

Introduced by Smith Seconded by Shastid

Ayes: Hughes, Mitchell, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Patton

CONSIDER LETTER AGREEMENT BETWEEN THE CITY AND WOLVERINE BUILDING SERVICE, INC., SUBDIVIDERS, FOR PARTICIPATION IN THE COST OF A STREET LIGHT IN LIBERINI PARK NO. 1 SUBDIVISION

MOTION

That the letter agreement between the City and Wolverine Building Service, Inc., for participation in the cost of street light in Liberini Park No. 1 Subdivision be approved

Moved by Smith Seconded by Shastid Unanimously carried

RESOLUTION NO. 66-627

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $295 FOR PERIMETER STREET LIGHT FOR LIBERINI PARK NO. 1 SUBDIVISION

Introduced by Smith Seconded by Shastid

Ayes: Hughes, Mitchell, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Patton

CONSIDER AGREEMENT BETWEEN THE CITY OF MODESTO AND M.I.D. FOR INSTALLATION OF 12" WATER LINE ON M.I.D. PROPERTY

RESOLUTION NO. 66-628

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO IRRIGATION DISTRICT FOR INSTALLATION OF 12" WATER LINE ON MODESTO IRRIGATION DISTRICT PROPERTY

Introduced by Smith Seconded by Shastid

Ayes: Hughes, Mitchell, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Patton

RECOMMEND COMMENCEMENT OF ANNEXATION PROCEEDINGS - BELLENITA NO. 2 ADDITION

RESOLUTION NO. 66-629

A RESOLUTION GIVING NOTICE OF THE PROPOSED ANNEXATION TO THE CITY OF MODESTO OF UNINHABITED TERRITORY DESCRIBED HEREIN AND DESIGNATED AS BELLENITA NO. 2 ADDITION AND GIVING NOTICE OF TIME AND PLACE FOR HEARING PROTESTS THERETO

Introduced by Smith Seconded by Shastid

Ayes: Hughes, Mitchell, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Patton

November 7, 1966 at 4:30 p.m. in the Council Chambers, City Hall, was set as the time and place of hearing.

CONSIDER AWARD TO SOLE BIDDER, J. W. SMITH & COMPANY, FRESNO, TO SUPPLY AND INSTALL DOORS FOR AIRPORT HANGAR NO. 2 1-62

A memorandum from the Director of Public Works dated October 6, 1966 subject, "Airport - Doors, Hangar No. 2," was entered into the record of the minutes. The memorandum indicated that the City's insurance covered damage to the door of Hangar No. 2 caused by an employee of Hawk Dusters.

Whether or not the claim should be paid by Hawk Dusters instead of the City's insurance carrier was discussed. The City Manager stated that it was the belief of the staff that the claim should be submitted to the City's carrier; the insurance company could then file a claim against the company or individual causing the damage.

RESOLUTION NO. 66-630

A RESOLUTION ACCEPTING THE BID OF J. W. SMITH & CO., FRESNO, TO SUPPLY AND INSTALL DOORS FOR AIRPORT HANGAR NO. 2

Introduced by Hughes Seconded by Mitchell

Ayes: Hughes, Mitchell, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Patton

FURTHER CONSIDERATION OF PROPOSED PREZONING OF PROPERTY EAST OF 9TH STREET AND WEST OF CARVER ROAD

The proposed prezoning of property located east of 9th Street and west of Carver Road was considered by the Council at a public hearing on September 6, 1966 at 4:30 p.m., and after Council discussion, the hearing was continued and the staff, by order of the Chair, directed to submit a policy recommendation on prezoning, as recommended by Councilman Mitchell, and to discuss the matter of prezoning with the County Planning Staff and Planning Commission.

The City Manager read a memorandum from the City Attorney indicating that in accordance with provisions of the Municipal Code, the council was required to announce its findings and take action on the proposed prezoning: to either approve the prezoning or refer it back to the Planning Commission for further consideration.

A memorandum from Planning Director Fey dated September 29, 1966 subject, "Prezoning," was entered into the record of the minutes.

The following proposed policies relating to the prezoning were suggested by the Council for discussion by the Planning Commission: That a date be set up each year at which time all prezoned properties not yet annexed to the City would be reviewed; that the prezoning automatically expire at the end of the year if annexation proceedings have not been initiated.

The Council discussed the following: The problems involved in automatic expiration of prezoning without action of Council; expenses involved with adoption and publishing of ordinances; necessary city-county cooperation in connection with prezoning.

ORDINANCE NO. 813-C.S. entitled
"AN ORDINANCE AMENDING SECTION MAP 19-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO TO PREZONE CERTAIN PROPERTY LOCATED THEREON. (EAST OF NORTH 9TH STREET, WEST OF CARVER ROAD AND EXTENDING NORTH TO CLAYTON AVENUE)"

was introduced and ordered published as required by the Charter

Moved by Smith Seconded by Mitchell

Ayes: Hughes, Mitchell, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Patton

HEARING ON PROPOSED ANNEXATION OF THE DRY CREEK ADDITION 2-55

Mayor Johansen announced that the hour of 7:45 p.m. had arrived, the time set for consideration of the proposed annexation of the Dry Creek Addition, an 18.578 acre parcel, to the City of Modesto, and opened the hearing.

The City Clerk reported that notice of the proposed annexation was published in the Modesto Bee on September 22, 1966 and notice mailed to the owner of the property on the same date. No written protests were filed with the City Clerk.

Planning Commission Resolution No. 66-90 adopted September 6, 1966 recommending commencement of proceedings for annexation of the Dry Creek Addition to the City of Modesto was entered into the record of the minutes.

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

The proposed annexation was discussed by the Council.

RESOLUTION NO. 66-631
A RESOLUTION ANNEXING UNINHABITED TERRITORY KNOWN AS THE DRY CREEK ADDITION TO THE CITY OF MODESTO

Introduced by Hughes Seconded by Smith

Ayes: Hughes, Mitchell, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Patton

MATTERS FOR THE GOOD OF THE COMMUNITY

Introductions by Mayor Johansen

Mayor Johansen introduced the following:

Lt. Frank Clark, Police Department, covering the meeting for Police Chief Meester; Phil Jones, newly appointed Senior Planner for the City of Modesto.

Acceleration of improved lighting in the City

Councilman Shastid stated that with the accomplishment of a successful sewer bond election, the City should now concentrate on the immediate improvement of lighting, to full municipal standards, in the low-income, poverty areas within the City which have no lighting at all. He said he knew that the question was debatable as to whether

residents in these areas should pay for the lighting, as is done by residents in higher income areas through improvement districts, but the fact remained that these areas could not pay for the lighting; that he believed the Police Department would concur that the incidence of crime in these areas would be sharply minimized with lighting. He suggested that the proposed lighting be accomplished this fiscal year, with work to begin at once; that funds be secured from the General Fund Reserve, and by trimming budgeted projects which could be deferred until next fiscal year.

The City Manager stated that the staff was fully committed for the balance of the fiscal year, and could not take on any additional engineering with the promise to complete it this fiscal year without hiring additional help. He pointed out that it might be difficult to hire competent personnel in view of the employment situation. He outlined the staff work connected with the approved sewer district.

The Council discussed the following: Reactivation of a joint city-M.I.D. committee to discuss municipal lighting; the need of a policy for the lighting of poverty areas; objections to a "crash program"; substandard lighting in county areas adjacent to the City; the fact that some of the poorest tenant-occupied residential areas have high land values BECAUSE OF POTENTIAL FUTURE commercial development, which might very well bear their own cost of lighting; location of unlighted areas within the City; funds budgeted for lighting during the past fiscal year.

MOTION

That the Chairman of the Public Projects Committee appoint a subcommittee to meet with M.I.D. representatives, and with those of the County, and come up with a positive recommendation on how to improve municipal lighting

Moved by Shastid Seconded by VanderWall Unanimously carried

Introduction of Farm-City Advisory Committee representative

Mr. Paul LaVine, representative of the Farm-City Advisory Committee, who was in the audience, was introduced by Mayor Johansen.

Announcement of Fly-In at Modesto City-County Airport

Airport Operator Sham stated that he was informed about two weeks ago by the Air Transport Association that a Fly-In would be held at the Airport. He briefly outlined the planned program, stating that the local Association has agreed to serve free coffee and doughnuts.

Report on California Aeronautical Commission Hearing

Councilman Hughes reported briefly on a California Aeronautical Commission hearing held in Los Angeles last Wednesday morning on the allocation of gasoline tax funds to airports. He said that the hearing was held to establish a formula for expenditure and distribution of the funds; that the plan recommended by Mr. Sham and Councilman Hughes was similar to a plan submitted by Professor Gilfallen from the University of California.

Airport Manager Sham reported that he attended a League of California Cities meeting last Friday and at that time it was unanimously voted that the following formula for the distribution of the gasoline tax funds be recommended: 20% for all publicly owned airports; 20% for the number of aircraft based: 20% for activity on the airport; 20% on the gallonage; 20% to be expended at the discretion of the Aeronautical Director. He said that this recommendation would be presented to the League Board of Directors, then in turn passed on to the Aeronautics Commission.

Report on Civic Seminar held in Palm Desert October 1 - 3, 1966

Councilman Mitchell reported briefly on a Civic Seminar held in Palm Desert October 1 - 3, 1966 organized by the Industry-Education Council, an influential group of top industry leaders and educators who have been working together for a number of years to promote their joint interests. People from the field of education, cities and counties, city council and board of supervisor members were invited. He said that the seminar originally started due to a shortage of scientific personnel being developed in the schools, with industry concerned that the schools were not teaching the right subjects. Since that time, their interests have broadened and it has been recognized

that it is to the interest of industry, particularly those in the technical and scientific fields, that the entire standards of education in the State be raised. Keynote speaker was the Governor of Mexico. Work sessions were held on the subject of tax reform. Bud Carpenter, Director of the League of California Cities, spoke on elected jurisdictions and collective bargaining. Jack M. Merelman, Legal Counsel, County Supervisors' Association, spoke on future relationships and cooperation of elected jurisdictions. Councilman Mitchell said that he had picked up a number of ideas which he has passed on to the Mayor.

New Library

Councilman VanderWall suggested that steps be taken to move forward on plans for a new library. City Manager Keefe stated that the County had not yet appointed a committee to meet with representatives appointed by the City. Mayor Johansen said that if answers were not received to the two letters already written on this matter within a short time, another follow-up letter would be sent.

Death of Mayor of Barranquilla

Mayor Johansen announced the death of Alberto Pumarejo, Mayor of Barranquilla, Modesto's sister city, sometime last week.

RESOLUTION NO. 66-632

A RESOLUTION IN MEMORY OF THE LATE ALBERTO PUMAREJO, MAYOR OF MODESTO'S SISTER CITY OF BARRANQUILLA, COLOMBIA, AND EXTENDING SYMPATHY TO HIS FAMILY AND THE CITIZENS OF BARRANQUILLA

Introduced by Mayor Johansen Seconded by Shastid

Ayes: Hughes, Mitchell, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Patton

Mayor Johansen said that the resolution would be taken to Barranquilla personally by a young lady.

Revitalization of Modesto Sister City Committee

Mayor Johansen commended Dr. John Woolley and Councilman and Mrs. Mitchell for their efforts in revitalizing Modesto's Sister City Committee. He said that in his estimation there was no better way to promote peace throughout the world than through the sister city program.

Councilman Mitchell stated that a meeting was scheduled at Dr. Woolley's home tomorrow evening, with forty people invited to attend, to reactivate the committee.

CONSIDER REQUEST BY PUBLIC WORKS FOR THE ADDITION OF TWO MAINTENANCE MEN IN WATER BUDGET 6-1

The following documents were entered into the record of the minutes: Memorandum from Director of Public Works dated October 5, 1966 subject, "Operation of the Former Bumgardner Water System," recommending authorization for two additional maintenance men positions in the water budget starting November 1, 1966; memorandum from Director of Finance dated October 6, 1966, subject, "Operation of Former Bumgardner Water System," listing financial information relating to the income and expenses of the former Bumgardner water system.

RESOLUTION NO. 66-633

A RESOLUTION APPROVING APPROPRIATION TRANSFER COVERING SALARIES FOR TWO ADDITIONAL EMPLOYEES - PUBLIC WORKS, WATER DEPARTMENT ($8,368, Salaries; $650 Radio, water crew pickup)

Introduced by Smith Seconded by VanderWall

Ayes: Hughes, Mitchell, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Patton

APPROPRIATION TRANSFERS - None

PRESENTATION OF FINANCIAL STATEMENT FOR MONTH OF SEPTEMBER, 1966

Copies of the financial statement for the month of September, 1966 were presented to the Council and ordered filed.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by Smith Seconded by VanderWall Unanimously carried

The meeting adjourned at 8:50 p.m.

ATTEST: Rex E. Gailfus
REX E. GAILFUS, City Clerk

Modesto City Council
October 20, 1966

The Council of the City of Modesto met in adjourned regular session this date at 4:00 P.M. in the Council Chambers, City Hall, Modesto, California, Mayor Johansen presiding.

Present: Councilmen: Hughes, Mitchell, Smith, VanderWall, Mayor Johansen (Councilman Shastid arrived at 4:47 P.M.)

Absent: Councilmen: Patton

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

A moment of silent prayer was observed.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

The minutes of the regular meetings of September 16 and 26, and October 3, 1966 were approved.

LETTER FROM JOSEPH M. GOOD, MANAGER, GREATER MODESTO CHAMBER OF COMMERCE, REGARDING ANNUAL APPROPRIATION

A letter from Joseph M. Good dated October 6, 1966 requesting payment of annual appropriation to the Chamber of Commerce in the amount of $15,000 was entered into the record of the minutes.

MOTION

That payment of annual appropriation in the amount of $15,000 be approved

Moved by Smith Seconded by VanderWall Unanimously carried

LETTER FROM ROBERT B. BRADFORD, TRANSPORTATION AGENCY, STATE OF CALIFORNIA, REGARDING ONE-DAY CONFERENCE ON URBAN TRANSPORTATION TO BE HELD IN LOS ANGELES OCTOBER 26, 1966

A letter from Robert B. Bradford, Administrator of Transportation, dated October 7, 1966 inviting city representatives to attend the one-day conference on Urban Transportation Planning to be held in Los Angeles on October 26, 1966 was entered into the record of the minutes. City Manager Keefe said he did not believe any members of the staff were planning to attend. The letter was ordered filed.

RECOMMENDATION THAT INSTALLATION OF WATER LINES IN HIGHLAND MANOR NO. 2 SUBDIVISION BE PERFORMED BY CITY FORCES

RESOLUTION NO. 66-634

A RESOLUTION AUTHORIZING WORK TO BE PERFORMED BY CITY FORCES FOR INSTALLATION OF WATER LINES IN HIGHLAND MANOR NO. 2 SUBDIVISION

Introduced by Mitchell Seconded by Hughes

Ayes: Hughes, Mitchell, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Patton, Shastid

RESOLUTION INSTRUCTING THE SUPERINTENDENT OF STREETS TO GIVE NOTICE REQUIRING CONSTRUCTION OF CURB AND GUTTER ALONG CERTAIN STREETS IN THE CITY OF MODESTO

RESOLUTION NO. 66-635

A RESOLUTION INSTRUCTING THE SUPERINTENDENT OF STREETS TO GIVE NOTICE REQUIRING CONSTRUCTION OF CURB AND GUTTER ALONG CERTAIN STREETS IN THE CITY OF MODESTO (1533 CARVER ROAD)

Introduced by Mitchell Seconded by Hughes

Ayes: Hughes, Mitchell, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Patton, Shastid

November 7, 1966 at 4:35 P.M. in the Council Chambers, City Hall, was set as time and place of hearing.

CONSIDER ACCEPTING HIGH OFFER OF FEDERAL IRON & METAL CO. FOR SCRAP METAL AND AUTHORIZE SALE

RESOLUTION NO. 66-636
A RESOLUTION ACCEPTING THE BID OF FEDERAL IRON & METAL CO. FOR PURCHASE OF SCRAP METAL FROM CITY OF MODESTO

Introduced by Mitchell Seconded by Hughes

Ayes: Hughes, Mitchell, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Patton, Shastid

APPROVE SUBDIVISION AGREEMENT AND FINAL MAP OF CAMPOS VERDES SUBDIVISION

RESOLUTION NO. 66-637
A RESOLUTION APPROVING THE FINAL MAP OF THE CAMPOS VERDES SUBDIVISION OF THE CITY OF MODESTO

Introduced by Mitchell Seconded by Hughes

Ayes: Hughes, Mitchell, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Patton, Shastid

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR INSTALLATION OF WATER LINES IN CAMPOS VERDES SUBDIVISION

RESOLUTION NO. 66-638
A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR INSTALLATION OF WATER LINES IN CAMPOS VERDES SUBDIVISION

Introduced by Mitchell Seconded by Hughes

Ayes: Hughes, Mitchell, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Patton, Shastid

November 1, 1966 at 10:00 A.M. was set as the time and place for opening of bids.

ACCEPT IMPROVEMENTS IN GREENBRIER NO. 1 SUBDIVISION AND AUTHORIZE CITY CLERK TO FILE NOTICE OF COMPLETION AND RELEASE BOND UPON EXPIRATION OF STATUTORY LIEN PERIOD

RESOLUTION NO. 66-639
A RESOLUTION ACCEPTING IMPROVEMENTS IN GREENBRIER NUMBER ONE SUBDIVISION AND AUTHORIZING RELEASE OF SUBDIVISION BOND UPON EXPIRATION OF STATUTORY LIEN PERIOD

Introduced by Mitchell Seconded by Hughes

Ayes: Hughes, Mitchell, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Patton, Shastid

APPROVE SPECIFICATIONS AND CALL FOR BIDS FOR FOOD CONCESSION AT DRYDEN PARK MUNICIPAL GOLF COURSE CLUBHOUSE

Director of Parks and Recreation Grogan outlined the terms of the specifications and call for bids for the food concession at Dryden Park Municipal Golf Course clubhouse.

Miss Grogan was questioned on the following conditions listed in the specifications: Hours of operation of food concession to correspond with the hours that the golf course is operating, Miss Grogan stating that this was intended to be a minimal requirement and would not restrict the concessionaire to hours of operation of the golf course only; the necessity of requiring a profit and loss statement; price control of concessions; amending the agreement to designate "an exclusive food and beverage concession" and restricting the alcoholic beverage to beer; requirement of a periodic price list from concessionaire; exclusive vending machine rights; term of the contract (5 years); payment of utilities by City.

The staff was directed to check into the addition of a clause which will permit the City right of entry and operation of the concession in the event of financial failure; to indicate that hours of operation to correspond with the hours the golf course is operating, is a minimal requirement; to amend the specifications to designate "an exclusive food and beverage concession" and spelling out the beverages permitted.

Miss Grogan was informed that if the specification revisions were completed in sufficient time, the call for bids could be presented to the Council for approval under "Matters for the Good of the Community" at the October 24th meeting.

Councilman Shastid arrived at 4:47 P.M.

MATTERS FOR THE GOOD OF THE COMMUNITY

Status of Reactivation of Forward Modesto Executive Committee

Upon questioning, Paul Birmingham stated that because of Mr. Fred Johnson's illness, he has been unable to progress with the reactivation of the Executive Committee of the Forward Modesto Committee.

Status of Property behind McMahan's

Upon questioning, Director of Parking and Traffic stated that there had as yet been no agreement with the landlord to expand city parking lot operations at this location; that there was mutual agreement for expansion, but no agreement in terms of rental fees. He pointed out that this has not become a factor, the factor being the inability to tear down the building because of an adjacent building, which is to remain, not having a wall sufficient to sustain it without the support given by the building to be demolishe

Freeway Landscaping

The City Manager read a memorandum from the Director of Parking and Traffic relative to freeway landscaping and rest stops. The memorandum indicated that Robert Bradford, State of California Transportation Agency, has not yet received an opinion from the Attorney as to whether the provision of a rest stop requires a change in Highway Commission policy, a legislative act, or a constitutional change; that he would keep the city informed. Mr. Keefe said that the staff was continuing its efforts on early freeway landscaping.

The staff was directed to pass the above information on to Assemblyman Veneman. The City Manager stated that an appointment would be set up with Mr. Erreca, preferably in Mr. Erreca's office.

Curbside Mailboxes

Councilman Mitchell reported that the League of California Cities adopted a resolution commending the U. S. Postmaster for a change in federal policy on mailbox installations and recommendation made that cities contact their local postmasters, indicating their preference for house deliveries of mail.

MOTION

That the City Attorney be directed to prepare a resolution indicating to our local postal authorities that the City selects the option of house deliveries instead of curbside deliveries of mail

Moved by Mitchell Seconded by Smith Unanimously carried

Status of Downtown Plan

Upon questioning, the City Clerk stated that further consideration of a report by Development Research Associates and Willis and Associates was set for hearing October 24 at 8:00 P.M.

ACCEPTANCE OF ANNUAL AUDIT REPORT FOR FISCAL YEAR ENDING JUNE 30, 1966 AND AUTHORIZATION OF PAYMENT OF ANNUAL FEE

MOTION

That the audit report submitted by Nattinger, Lowry & Martin for the fiscal year ended June 30, 1966 be accepted and payment of annual fee in the amount of $1,800 authorized

Moved by Shastid Seconded by VanderWall Unanimously carried

SUBMISSION OF PHASE A REPORT BY JENKS AND ADAMSON ON SEWER EXPANSION PROGRAM

Since several councilmen did not receive the report submitted by Jenks and Adamson in sufficient time before the meeting for review, Mayor Johansen suggested that the matter be held over for general discussion at the October 24th meeting.

Attorney James P. Mower, representing Reclamation District No. 2091, registered a formal protest against the selection of Site 5 for installation of sewage treatment facilities. He said that the 1,200 acres under consideration under Site 5 were located within the boundaries of Reclamation District No. 2091, and were owned by Halewood, Inc. He stated that the area was too wet to get rid of ponding; that the reclamation district was formed because of flood and overflow problems in this area; that sewage disposal facilities on the proposed site would be damaging to adjoining properties because water would seep down into a sandy area 80 feet in depth and be distributed underground, perhaps as far as one to three miles in all directions, creating sinking problems which might result in damage actions by land owners. He said that Mr. Chase, one of the owners of Halewood, Inc., and a member of the Board of Trustees of the Reclamation District, had communicated with Mr. Coleman, of either the State Corps of Engineers or State Reclamation Board, Sacramento, who indicated that state representatives would be in the area next week to survey Site 5, and would like to have a city representative present when the field trip is made.

Mr. Mower was questioned by the Council as to the source of his information relative to the statement that engineering studies revealed a ten-foot layer of top soil and perhaps as much as 80 feet of sand at Site 5. He stated that the information was furnished by Mr. Chase at a board meeting of Reclamation District No. 2091, who apparently spoke from information obtained from surveys from a source unknown to Mr. Mower; that if such a survey was available, he was sure that it would be made available to Jenks and Adamson.

The staff was directed to request that a representative of Jenks and Adamson be present when the state survey of Site 5 is conducted.

CONSIDER CANCELLATION OF CONTRACT FOR JANITORIAL SERVICE - POLICE COMMUNICATIONS BUILDING

The following documents were entered into the record of the minutes: Memorandum from Chief of Police dated October 11, 1966, subject, "Janitorial Service: Police Building," outlining specific instances of United Maintenance Company's failure to fulfill the requirements of a contract with the city for

the maintenance of the police-communications building; memorandum from the Purchasing Officer dated October 18, 1966, subject, "Janitorial Service - Police Communications Building," suggesting alternate proposals for janitorial service at the police-communications building.

RESOLUTION NO. 66-640

A RESOLUTION AUTHORIZING CITY MANAGER TO SERVE 30-DAY NOTICE OF TERMINATION OF CONTRACT BETWEEN CITY OF MODESTO AND UNITED MAINTENANCE COMPANY

Introduced by Shastid Seconded by Hughes

Ayes: Hughes, Mitchell, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Patton

Mr. Renee, owner of a janitorial service, requested an opportunity to submit a bid for the janitorial service upon termination of the present contract.

CONSIDER REVISION OF POLICE PROPERTY CLERK CLASSIFICATION AND SALARY RANGE

MOTION

That the revision of the classification and salary range of Police Property Clerk be approved

Moved by Shastid Seconded by Mitchell Unanimously carried

RESOLUTION NO. 66-641

A RESOLUTION AMENDING RESOLUTION NO. 66-460 ENTITLED "A RESOLUTION ESTABLISHING SALARY SCHEDULES AND FIXING THE COMPENSATION OF POSITIONS IN THE CITY SERVICE"

Introduced by Shastid Seconded by Smith

Ayes: Hughes, Mitchell, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Patton

CONSIDER NEGOTIATING LEASE OF SOUTHERN PACIFIC PROPERTY FOR CITY PARKING LOT

A memorandum from Director of Parking and Traffic dated October 13, 1966, subject, "S. P. Depot Parking Area - Authorization to Negotiate," was entered into the record of the minutes. Recommendation was made that negotiations be authorized with the Southern Pacific for the leasing of additiona parking lot area.

MOTION

That the staff be directed to proceed with lease negotiations with Southern Pacific Co. for parking area between I and L streets on the east side of the S. P. tracks

Moved by Shastid Seconded by Hughes Unanimously carried

Councilman Smith asked that consideration be given to the provision of a free off-street parking area in the downtown district, suggesting that this was perhaps the time and place. The proposal was discussed by the Council. Upon questioning, Director of Parking and Traffic Carmody stated that it was planned to retain the landscaped area, with the hope that it would be further enhanced by AB-103 beautification funds.

CONSIDER LANDSCAPING AT POLICE-COMMUNICATIONS BUILDING 5-92

A memorandum from Director of Parks and Recreation Grogan dated September 26, 1966, subject, "Landscaping around Police-Communications Building," was entered into the record of the minutes. Certain improvements totaling $1,140 for labor and materials were recommended ($365 for materials; $775, labor).

RESOLUTION NO. 66-642
A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $365 FOR IMPROVEMENT OF LANDSCAPING - POLICE-COMMUNICATIONS BUILDING

Introduced by Hughes Seconded by Smith

Ayes: Hughes, Mitchell, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Patton

APPROPRIATION TRANSFERS - None

APPROVE SUBDIVISION AGREEMENT AND FINAL MAP OF SKYLANE PARK UNIT NO. 4. SUBDIVISION

At the request of the City Manager, and with the unanimous consent of the Council, this item was carried over for one week.

REPORT ON RATE INCREASE - GARBAGE COLLECTION

A memorandum from the Deputy City Manager dated October 11, 1966, subject "Report on Request for Rate Increase - Garbage Collection," was entered into the record of the minutes. This report was requested by the Council at its August 1, 1966 meeting at which time the Council considered a letter from John Borghello, Modesto Garbage Company; H. E. Sanders, Sanders Garbage Service and Leroy Gilton, Airport Garbage Company, requesting that the Council consider a garbage collection rate increase.

Attorney A. Friedman, representing the garbage interests, stated that a temporary increase of 50¢ per month was granted by the County; that it was his understanding that this was a minimum raise; that any further increase would depend upon the location of the County dump site.

Mr. Friedman said that after several conferences, it was the considered opinion of the operators of the three garbage companies that the request for a raise should be reduced to 25¢ per month. He pointed out that the Modesto Garbage Company would be operating at a loss of about $30,000 a year without the profit derived from paper sales; that $22 per ton was derived at the present time from the sale of paper. He briefly outlined the need for the requested rate increase.

Mr. Friedman and Deputy Manager Ray were questioned by the Council on various aspects of the requested increase and the report submitted.

Mr. Friedman said that the 25¢ per month increase requested would provide revenue in the amount of $34,000; that it was proposed to spend the following: $34,000 for wage increases; $2,600 to provide an additional one week's vacation; $9,000 for salary increases for managing partners; $2,500 for salary increases for office employees; depreciation on new equipment, $10,000; total cost, about $58,000 per year.

Mr. Borghelli spoke briefly on the importance of keeping competent personnel turnover at a minimum.

MOTION

That the staff be directed to prepare the necessary documents which will increase garbage pickup rates 10% of the current rates, as follows: 10¢ per month increase - 1 can once a week; 15¢ per month increase - 2 cans once a week; 20¢ per month increase - 1 can twice a week, effective December 1, 1966; that the increases be subject to further review when a landfill site is selected

Moved by Smith Seconded by VanderWall

The motion carried, Councilman Shastid dissenting.

REPORT TO COUNCIL FROM PLANNING COMMISSION REGARDING GOLF COURSE PROPOSALS

A letter from Elwood Schroeder, Acting Chairman, Planning Commission, dated October 6, 1966 recommending that the Council take no action on the proposals of Max Hanney and Alfred Terry for golf course sites, was entered into the record of the minutes.

The letter was ordered filed.

CANCELLATION OF CITY-UNITED MAINTENANCE CO. CONTRACT - POLICE COMMUNICATIONS BUILDING JANITORIAL SERVICE (Continued) 7-50

Mr. James O'Brien, doing business as United Maintenance Company, stated that he was willing to cooperate with the Police Chief on the maintenance of the police-communications building provided he was told what the Chief wished done. He pointed out that it was difficult to maintain the police building on the same basis as the city hall because the city hall is open only 8 hours a day, 5 days per week; the police building is open 24 hours a day, 7 days a week; that the contract specifies that the building be cleaned once a day; that it was impossible to keep the building clean 24 hours a day by a once-a-day cleaning.

The City Manager suggested that Mr. O'Brien meet with the Police Chief and the City Manager October 21, 1966 at 10:00 A.M.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by VanderWall Seconded by Smith Unanimously carried

The meeting adjourned at 6:35 P.M.

ATTEST: _____
REX E. GAILFUS, City Clerk

Modesto City Council
October 24, 1966

The Council of the City of Modesto met in regular session this date at 7:30 P.M. in the Council Chambers, City Hall, 801 11th Street, Modesto, California, Mayor Johansen presiding.

Present: Councilmen: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen

Absent: Councilmen: Shastid

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

Reverend Lee Wright gave the invocation.

LETTER OF APPRECIATION FROM T. H. CARTER, MANAGER-DIRECTOR, RELATIVE TO CITY EMPLOYEE PARTICIPATION AT INTERNATIONAL CONFERENCE OF BUILDING OFFICIALS

A letter from T. H. Carter dated October 13, 1966 expressing appreciation to the City Council for permitting Leo Muth, building official, to attend the 44th Annual Business meeting in Fresno, California, was entered into the record of the minutes.

The letter was ordered filed.

LETTER FROM KENNETH RAGSDALE, 1154 MITCHELL ROAD, REQUESTING APPROVAL FOR LEASE OF UNUSED AIRPORT PROPERTY

A letter from Kenneth Ragsdale dated October 17, 1966 requesting the lease of property (approximately 76.2 acres) at the end of the City-County Airport, was entered into the record of the minutes. An offer of $25 per year for lease of the land was made.

By order of the Chair, the letter was referred to the staff for negotiation with Mr. Ragsdale for a more reasonable rental.

LETTER TO MAYOR JOHANSEN CONGRATULATING CITY ON ITS FINE ACCIDENT PREVENTION RECORD

A letter from R. A. Young, State Compensation Insurance Fund dated October 18, 1966 congratulating the City on its fine accident prevention record achieved in the 1965-66 California Cities Employee Safety Contest, was entered into the record of the minutes. Modesto earned third place among the cities composed of 301 to 600 employees, with an injury frequency rate of 19.64.

RESOLUTION NO. 66-643

A RESOLUTION CONGRATULATING MODESTO CITY EMPLOYEES FOR THEIR FINE ACCIDENT PREVENTION RECORD

Introduced by VanderWall Seconded by Smith

Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

LETTER FROM U. S. DEPARTMENT OF LABOR, NEIGHBORHOOD YOUTH CORPS, INFORMING COUNCIL THAT AGREEMENT HAS BEEN FULLY EXECUTED

A letter from Jack Howard, Administrator, U. S. Department of Labor, Neighborhood Youth Corps, Washington, D. C. dated October 14, 1966 forwarding fully executed copy of the City's Neighborhood Youth Corps Agreement, was entered into the record of the minutes. The letter was ordered filed.

ADOPTION OF ORDINANCE NO. 813-C.S. APPROVING PREZONING, SECTION MAP 19-3-9, NORTH 9TH STREET

ORDINANCE NO. 813-C.S. entitled "AN ORDINANCE AMENDING SECTION MAP 19-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO TO PREZONE CERTAIN PROPERTY LOCATED THEREON (EAST OF NORTH 9TH STREET, WEST OF CARVER ROAD AND EXTENDING NORTH TO CLAYTON AVENUE)"

introduced October 10, 1966 and having been published as required by the Charter, was moved and adopted.

Moved by Mitchell Seconded by Hughes

Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

ACCEPT IMPROVEMENTS IN CRANBROOK COLONY NO. 1 SUBDIVISION EXCEPT THOSE IMPROVEMENTS COVERED BY LETTER DATED OCTOBER 13, 1966

RESOLUTION NO. 66-644
A RESOLUTION ACCEPTING IMPROVEMENTS IN CRANBROOK COLONY NO. 1 SUBDIVISION, WITH EXCEPTIONS, AND AUTHORIZING RELEASE OF SUBDIVISION BOND UPON EXPIRATION OF STATUTORY LIEN PERIOD

Introduced by Hughes Seconded by Mitchell

Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

CONSIDER REQUEST FOR SEWER SERVICE TO PROPERTY AT 1601 COOLIDGE AVENUE LOCATED ON THE NORTHWEST CORNER OF COOLIDGE AVENUE AND MORENE WAY

RESOLUTION NO. 66-645
A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND HOLLIS I. MC FARLAND AND WANDA J. MC FARLAND FOR SEWER SERVICE EXTENSION TO PROPERTY LOCATED AT 1601 COOLIDGE AVENUE

Introduced by Hughes Seconded by Mitchell

Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

ACCEPT OFFER FROM ST. MARY'S COLLEGE AND AUTHORIZE SALE OF 15 SURPLUS OBSOLETE CAST IRON LIGHT STANDARDS AT $12.50 EACH

RESOLUTION NO. 66-646
A RESOLUTION AUTHORIZING THE SALE OF CAST IRON LIGHT STANDARDS TO ST. MARY'S COLLEGE FOR $12.50 EACH

Introduced by Hughes Seconded by Mitchell

Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

CONSIDER APPROVAL OF AGREEMENT BETWEEN JENKS AND ADAMSON AND MODESTO ENGINEERS ASSOCIATION FOR ENGINEERING SERVICES, MODESTO SEWERAGE PROJECT

Deputy Manager Ray said that the agreement between Jenks and Adamson and Modesto Engineers' Association provides for the use of the services of six local engineering firms which have joined together to work on the Modesto sewerage project - for surveys, plotting of field notes, and other engineering services to be performed under the direction of Jenks and Adamson. He recommended that the Council approve the agreement, subject to confirmation by the Economic Development Administration.

Mr. Paul Birmingham spoke briefly in connection with the proposed agreement.

RESOLUTION NO. 66-647
A RESOLUTION APPROVING AGREEMENT BETWEEN JENKS AND ADAMSON AND MODESTO ENGINEERS ASSOCIATION FOR ENGINEERING SERVICES, MODESTO SEWERAGE PROJECT

Introduced by VanderWall Seconded by Hughes

Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

APPROPRIATION TRANSFERS - None

REPORT ON FIRE PREVENTION WEEK ACTIVITIES

Memorandum from the Fire Chief dated October 17, 1966, subject, "Fire Prevention Week Activities," was entered into the record of the minutes and ordered filed.

REPORT BY JENKS AND ADAMSON ON INCLUSION OF TRI-VALLEY PLANT NO. 2 INTO THE MODESTO SEWER SYSTEM

A letter from Jenks and Adamson, Consulting Sanitary and Civil Engineers, dated October 7, 1966, subject, "Sewerage Works Improvements - Effect of Proposed Inclusion of Tri-Valley Plant No. 2 into the Modesto Sewer System," was entered into the record of the minutes.

The letter listed the results of a review and analyses of the proposal of Tri-Valley Growers that their McHenry plant (Cannery No. 2) be included within the Modesto Sewerage System. This report was requested by the City.

MOTION

That the matter be referred to the staff for further discussion with Tri-Valley Growers

Moved by Mitchell Seconded by Smith Unanimously carried

MATTERS FOR THE GOOD OF THE COMMUNITY

Submission of Phase A Report by Jenks and Adamson on Sewer Expansion Program

Copies of Phase A Report submitted by Jenks and Adamson were distributed to the Council for their review last week.

Mr. Ray reported briefly on a meeting with the Economic Development Administration in Seattle last week, stating that one point discussed and agreed upon was moving up the time schedule of the last units, beginning with No. 5 through No. 10, by four months. He said that this was urged upon the City by E.D.A.; that it placed an additional burden on the engineers, but was advantageous to the City; that this change would be made insofar as the report was concerned.

Mr. Ray stated that a problem was also encountered with respect to the interpretation of the grant agreement - E.D.A. indicating that according to the terms of the grant agreement it was necessary for the City to acquire options on all lands or easements thereon which might be needed for the entire project and have them approved, before the City could obtain authorization to purchase or acquire any one parcel. He said that this would be a severe problem to the City due to the size and scheduling of the projects; that a letter had been forwarded requesting an amendment to this provision of the grant agreement.

Upon questioning, Mr. Ray said that representatives of the Army Engineers would be in Modesto next Wednesday (October 26) to make a survey of Site 5; that Mr. Campbell, Mr. Ray, and a representative of Jenks and Adamson would be present; that Mr. Wells, of Bartle Wells Associates, financial consultants, has indicated that he believed the

desirable time to call for bids for the bonds was in April. Mr. Ray said that information must be provided E.D.A. to assure that all funds are available to carry out the project before the first contract is let; that this meant that all of the bonds would have to be sold at one time.

MOTION

That the report be accepted and the staff authorized to proceed with the work

Moved by VanderWall Seconded by Smith Unanimously carried

FURTHER CONSIDERATION OF REPORT BY DEVELOPMENT RESEARCH ASSOCIATES AND WILLIS AND ASSOCIATES ON DOWNTOWN MODESTO

This matter was considered by the Council at its meetings of September 6th, September 19th, and October 3rd, 1966, at which time the staff was directed to obtain certain information from Willis and Associates and Development Research Associates.

Mr. John McMahan of Development Research Associates, stated that he had indicated in a letter dated October 6, 1966 to the City Manager that they would be willing to set a maximum fee of $14,000 if their revitalization program was confined to the downtown business district core of twenty blocks - an area bounded by L Street on the northwest, 14th Street on the northeast, H Street on the southeast, and 9th Street on the southwest. With the reduction in area, Mr. McMahan said that the maximum fee could be reduced from the maximum of $17,000 to the maximum of $14,000.

Upon questioning, Mr. McMahan said that their basic objective was to formulate a revitalization program for the downtown area that could be physically implemented in terms of merchandising decisions; in terms of promotion; in the sense of attracting new retail facilities to the downtown area which presently do not exist. He said that Miss Willis and her associates were primarily concerned with the physical implementation; Development Research Associates would anticipate specific recommendations to the property owners, merchants, and to the City, trying to isolate the areas of responsibility in each of these particular cases--what can realistically be done, the benefits to be derived from the programs, and any existing negative problems.

Louis Wolff, partner, Development Research Associates, said that his firm believed the downtown area of a community had a wider identification than just a retail function. He mentioned the clearance program of decaying properties implemented by the City, saying that if the program was not carried to its logical conclusion, that of redevelopment, a drastic half-way measure had occurred; that tools were necessary to bring together both public and private enterprise. He emphasized the importance of primary original research, stating that his firm was not interested in collecting secondary data stored in the City's files; that the end result of the study might be a recommendation for contraction rather than expansion; that his firm's concern was retail sales per square foot - not necessarily spreading out the downtown area any further than it is today; that another area of concern was the non-retail functions of the downtown area which tend to separate this area from outlying regional or community shopping areas. He expressed the opinion that the downtown area should have more of a purpose than competing or stopping new retail developments in outlying areas.

Mr. Wolff was questioned by the Council in connection with studies conducted by Development Research Associates in other cities; who paid for their services, Mr. Wolff stating that in most cases the expenditure was made by the cities, although his firm preferred to have an input from the benefiting area such as the merchants, property owners, etc., as this indicated an interest; extent of consultations after presentation of the study, Mr. Wolff stating that two or three meetings were allowed within the original fee at the end of the study to explain the findings to the community --a presentation to the city council, to the property owner

group, and to the merchants business group; that work beyond this was generally on an on-call hourly basis. Mr. Wolff was also questioned on absentee property owner cooperation.

Mr. Wolff outlined the scope of the proposed study.

Miss Beverly Willis of Willis and Associates, pointed out that although her group was listed with Development Research Associates on the agenda, it was not involved in the study and fee under council consideration. She explained that Willis and Associates' involvement with the City occurred through various circumstances and that her group had invested about 247 hours of principle time totaling $6,425, and 92 hours of drafting time, totaling $1,150; that her group had recommended the hiring of Development Research Associates after interviewing three other firms, primarily because of their willingness to come up with recommendations to implement a program, their creative ability, their approach in dealing with other firms, plus experience.

Miss Willis referred to a plan presented to the AB-103 Committee involving the conversion of alleys into malls. She said that she had had several sessions with the AB-103 group, which has voted to retain Willis and Associates to implement the program, contingent upon council action on the proposed study of Development Research Associates; that a fee of $5,000 has been quoted the AB-103 Committee. She said that in connection with the mall development, each individual property will have to spend between 2 and 3 thousand dollars to change their store area to face it towards the mall; that the downtown property owners she has met with to date have indicated a desire to participate. She asked that the council act favorably on the request of Development Research Associates to make a marketing study.

Mayor Johansen stated that he had been extremely disappointed in the lack of property owner participation; that he had received no letters, no telephone calls, or personal contacts; that this apparent lack of interest had contributed partly to the Council holding the proposed study in abeyance.

Ray Roeder, executive secretary, Downtown Improvement District, read into the record a letter from John Hoge, Chairman, Downtown Improvement District, dated October 24, 1966, which indicated that the Downtown Improvement District board members voted unanimously to recommend to the City Council the acceptance of a permanent beautification proposal by Willis and Associates of San Francisco at a cost of $5,000 to the District, the recommendation being contingent upon the Council first taking steps to retain a firm to prepare a market survey of the downtown area such as proposed by Development Research Associates. The letter was filed with the City Clerk.

Upon questioning by Robert Bomberger, Mr. McMahan stated that implementation of the study would be shared in many ways--specific items which the City could and should do--closing and opening streets, closing alley ways, street furniture, beautification, etc.; in the private area, implementation would fall under two categories - one of an organizational nature, and in many communities the main thrust carried by a development corporation of all of the property owners, in some cases, with merchant participation; the private developer himself. This question was discussed by the Council.

Mr. Robert Bomberger said that as a property owner and taxpayer, he hated to see $19,000 spent for a study and nothing done with it; that before he would be in favor of it, he wished to be convinced that the City or someone would see that the recommendations were carried out. He stated that he did not have a solution to the downtown problem, but did not feel that it would be solved by a report unless it was economically feasible and put into operation; that he did not think the City should approve the study unless it was fully prepared to follow through. He expressed the opinion that the proposed study would be slanted, and any interested large

chain organization or merchandiser would have its own impartial study made. Mr. Bomberger also pointed out the differences in value of downtown property as opposed to commercial property in outlying areas, saying that the land upon which Thrifty Drug Store is located is assessed at $11 per square foot, while Albertson's, Inc. purchased its property on McHenry Avenue for $1.50 per square foot. He said it was extremely difficult to talk a tenant into a building on $11 per square foot land when the same building can be constructed on $1.50 per square foot land. He pointed out that there was a high percentage of out-of-town owners of downtown property, a high percentage of older owners who were satisfied with things as they were, plus properties in trust with banking institutions, leaving a small number of property owners with whom to work. He said that it was possible that the proposed study would be convincing enough to overcome these problems.

Mr. Roeder read the beautification proposal submitted by Willis and Associates to the Downtown Improvement District which the board members voted unanimously to recommend to the Council for acceptance at a cost of $5,000, contingent upon the approval of the study by Development Research Associates. He said that if the study was not approved by the Council, the Downtown Improvement District would probably turn to other types of beautification.

Mr. Bomberger questioned the wisdom of the AB-103 committee recommending acceptance of Willis and Associates' proposal without checking with other firms, and before council action on the proposal submitted by Development Research Associates. He said that if the AB-103 contracted with Willis and Associates it was possible that they would be working in direct contradiction to the findings of Development Research Associates. He expressed doubt that Willis and Associates could attract tenants in the downtown area.

Mr. McMahan said that Willis and Associates would not proceed before a preliminary report was submitted by his group.

Upon questioning by the Council, Mr. Bomberger stated he did not believe the proposed study would be of value to the downtown property owners; that in his opinion it was a matter of simple economics - the eight to one ratio between the cost of downtown land versus land in outlying areas.

Councilman Smith expressed his support for the proposed study by Development Research Associates.

Mayor Johansen stated that Councilman Shastid had expressed a desire to be present when Council action was taken on the proposed study.

Councilman VanderWall stated that he felt that the proposed study provided the possible means of carrying out improvement plans for the downtown area in view of demolition of buildings under the City's unsafe structure code.

Councilman Mitchell suggested that Development Research Associates be retained for the limited survey; that thought be given to submitting a proposal to downtown property owners that they contribute at least 25% of the cost of the proposed economic survey. However, he stated that property owner participation would delay the proposed study; that even with 50% participation, the City would probably lose considerably more from the sustained devaluation of property and loss of sales tax revenue during the period the project was delayed while trying to obtain participation. For this reason he recommended that the study be paid for from the City's General Fund.

Councilman Patton expressed concern over implementation of the proposed study.

Mayor Johansen stated that in his own mind he was not sure that there

was enough property owner interest to go ahead with the marketability study at this time. After discussion as to whether it was possible to notify all property owners in the downtown area of the council's feelings and requesting an expression of property owner interest, the staff was directed to place this matter on the agenda of the November 14th meeting and through the news media, invite all property owners to be present at the meeting to indicate their interest in the proposed marketability study. Mayor Johansen said he felt that the study should be made, and as rapidly as possible; that the Council should go on record offering to take a leadership role, but with some assurance that the property owners would be willing to participate, possibly financially. It was his opinion that this was absolutely a must to assure successful programs resulting from the proposed study.

Mr. McMahan was asked the additional cost to carry the proposed study to G Street instead of H Street. He stated that he would study the question and present the answer to the City Manager by correspondence.

A suggestion was made that a report showing the percentage of AB-103 revenue contributed by property owners through their own businesses in the downtown area would be helpful information to the Council.

MOTION

That the Council invite the downtown property owners and merchants to participate with the City by discussion at a council meeting to be held November 14, 1966 at 8:00 P.M., the Council's intent being to make a decision as to whether the proposed study by Development Research Associates will be approved; that the Council goes on record that it feels the study should be made.

Moved by VanderWall Seconded by Smith Unanimously carried

Upon questioning, Mr. McMahan said that the per diem rates for his staff for future work would be between $10 and $20 per hour, which rates included all expenses other than exceptional ones.

With the unanimous consent of the Council, Mayor Johansen said that he would communicate the Council's feelings to members of the AB-103 and the group of downtown property owners who were attempting to organize.

MATTERS FOR THE GOOD OF THE COMMUNITY

Plan for Airport Development - Report by Councilman Mitchell

Councilman Mitchell asked that the Council appoint a council member to substitute as a member of the Public Projects Committee to consider the Airport development plan, during the absence of Councilman Shastid. He also asked for council approval to refer the proposed plan to the Planning Commission for their comments.

Mayor Johansen stated that the Public Relations Committee had under consideration the request of Gottschalk Music Center Flying Club to construct its own office space at the Airport; that the Public Relations Committee planned to place this item on the agenda of the November 7th meeting, in the event that a recommendation was received from the Public Projects Committee on the Airport development plan prior to that time. Councilman Patton expressed willingness to serve as a substitute member of the Public Projects Committee to study the airport plan.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by VanderWall Seconded by Smith Unanimously carried

The meeting adjourned at 10:24 P.M.

ATTEST: [signature] Page 7 10/24/66
REX E. GAILFUS, City Clerk

Modesto City Council
November 7, 1966

The Council of the City of Modesto met in regular session this date at 4:00 P.M. in the Council Chambers, City Hall, 801 11th Street, Modesto, California, Mayor Johansen presiding.

Present: Councilmen: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen

Absent: Councilmen: Shastid

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

Reverend Burton Reed gave the invocation.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

The minutes of the regular meeting of October 10, 1966 and adjourned regular meeting of October 20, 1966 were approved.

INTRODUCTION OF GIRL SCOUT TROOP NO. 411

Mayor Johansen welcomed to the council meeting members of Girl Scout Troop 411 who were present with their leaders, Mrs. Marilyn Nelson and Mrs. Helena Richards.

LETTER FROM ALBERTSON'S, INC., FOOD CENTER, NORTHWEST CORNER OF BOWEN AND MC HENRY AVENUES, REGARDING INCINERATOR INSTALLATION

A letter from Albertson's, Inc., Food Center, dated October 9, 1966 proposing the use of an incinerator at Albertson's Food Center located at the northwest corner of Bowen and McHenry Avenues, was entered into the record of the minutes.

Director of Planning Fey stated that Condition No. 9 of Council Resolution No. 66-288 reads "There shall be no incineration on the premises," the same condition as established in an earlier Planning Commission resolution approving an H-1 use permit. Upon questioning as to whether this was a standard condition for any grocery store in a residential area, Mr. Fey stated that this was the first time that a grocery store of this nature had been brought into an H-1 use permit where specific types of conditions were established; that this matter was referred to the Fire Chief at the time the application was submitted to the Planning Commission.

Fire Chief Everett said that there was considerable discussion at the Planning Commission meeting regarding incineration; that to the best of his recollection there was no particular discussion on various types of incinerators. He said he pointed out to the Planning Commission at that time that as a matter of a general working policy of the Fire Department, which seemed to fit in with the wishes and desires of the community, the Fire Department had not been permitting commercial incinerator installations for the past ten years; that the few in existence were there prior to that time, coming in as a part of an annexation of a particular area where an incinerator existed. He stated that the general agreement between the representative of Albertson's, Inc. was that they would abide with this policy. Mr. Everett was questioned on the fire hazards involved with garbage collection and garbage incineration; city regulations pertaining to incineration, Mr. Everett stating that basic regulations of the City permit incineration.

MOTION

That the matter be referred to the staff for report

Moved by Hughes Seconded by Mitchell

The motion carried, Councilman Smith dissenting.

Mrs. Alberta Martone, 2302 Kirkwood, asked that she, and other interested members of the community, receive adequate notice of the time this matter would again be considered by the Council. She said she did not believe that a large incinerator would be compatible with the adjacent residential neighborhood. She questioned the introduction of new incineration practices since this matter was considered last July.

Mrs. Martone said this might be the time for the community to bring up the matter of a wall constructed by Albertson's, Inc. which ends in the middle of a street.

Vincent Sciabica, 216 Northgate Drive, said he had been informed that the wall was constructed to the Albertson's, Inc. property line, which was ten feet short of crossing Northgate Drive; that several residents in the area have offered to contribute funds to complete the wall across the street; that it was his understanding at the original hearings the wall would be extended across the street.

Director of Planning Fey said that continuation of the wall would be taken care of when property to the north is developed; that no application had been filed for a use permit for development of the property.

The staff was directed to arrange a meeting with a representative of Albertson's, Inc., residents in the area, and members of the staff after receipt of a report from the Fire Chief on the incinerator proposed to be installed. Chief Everett was asked to include in his report whether the proposed incinerator would produce smoke, odors, or other objectional features.

The City Clerk was directed to place this item on the agenda of the November 14th meeting.

LETTER FROM JOHN J. MC FALL REGARDING DOOR-TO-DOOR MAIL DELIVERY AND A NEWS RELEASE

A letter from Congressman John J. McFall dated October 18, 1966 announcing that Postmaster General O'Brien has rescinded the previous Post Office Department policy banning door-to-door delivery in new subdivisions, with copy of a news release attached, was entered into the record of the minutes and ordered filed.

RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO REQUESTING MODESTO POSTMASTER, DANIEL J. TAYLOR, TO PROVIDE DOOR-TO-DOOR MAIL DELIVERY IN THE CITY OF MODESTO

RESOLUTION NO. 66-648

A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO REQUESTING MODESTO POSTMASTER, DANIEL J. TAYLOR, TO PROVIDE DOOR-TO-DOOR MAIL DELIVERY IN THE CITY OF MODESTO

Introduced by Smith Seconded by Hughes

Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

COPY OF LETTER FROM JAMES P. MOWER, ATTORNEY FOR RECLAMATION DISTRICT NO. 2091, TO RECLAMATION BOARD, STATE OF CALIFORNIA, REGARDING SITE NO. 5 FOR MODESTO SEWAGE DISPOSAL PLANT

A copy of a letter from Attorney James P. Mower to the State Reclamation Board, subject, "Reclamation District No. 2091, Modesto Sewage Disposal Plant," dated October 27, 1966 was entered into the record of the minutes and ordered filed.

HEARING ON PROPOSED ANNEXATION OF THE BELLENITA NO. 2 ADDITION

Mayor Johansen announced that the hour of 4:30 P.M. had arrived, the time set for consideration of the proposed annexation of Bellenita No. 2 Addition to the City of Modesto, and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Bee on October 20, 1966 and mailed to the owners and interested parties on the same date. No written protests were filed with the City Clerk.

Planning Commission Resolution No. 66-101 adopted October 4, 1966 recommending commencement of proceedings for the annexation of the uninhabited territory, 20.094 acres, was entered into the record of the minutes.

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

RESOLUTION NO. 66-649

A RESOLUTION ANNEXING UNINHABITED TERRITORY KNOWN AS THE BELLENITA NO. 2 ADDITION TO THE CITY OF MODESTO

Introduced by Hughes Seconded by Mitchell

Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

HEARING ON REQUIREMENT OF CURB AND GUTTER AT 1533 CARVER (BLOCK 6108, Lot 1)

Mayor Johansen announced that the hour of 4:35 P.M. had arrived, the time set for consideration of the required construction of curb and gutter at 1533 Carver, Blk 6108, Lot 1, and opened the hearing.

The City Clerk reported that notice of the hearing was posted by the Public Works Department on October 21, 1966 and notice mailed to the owner, Mr. R. L. Van Horn, Jr., on the same date.

Director of Public Works Campbell stated that this was the only single property left in the block requiring curb and gutter.

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

RESOLUTION NO. 66-650

A RESOLUTION ORDERING THE WORK OF CONSTRUCTION OF CURB AND GUTTER ALONG CERTAIN STREETS IN THE CITY OF MODESTO (1533 CARVER ROAD)

Introduced by VanderWall Seconded by Smith

Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

MATTERS FOR THE GOOD OF THE COMMUNITY

Letter from Jack Schall, Chairman, Crime Study Committee, requesting appointment of three additional members

Mayor Johansen proposed the names of Mrs. Jeanette Roddy and Ed Russell to serve on the Crime Committee, as requested by Mr. Schall.

RESOLUTION NO. 66-651

A RESOLUTION CONFIRMING APPOINTMENTS TO THE CRIME STUDY COMMITTEE (Mrs. Jeanette Roddy and W. Ed Russell)

Introduced by Smith Seconded by Patton

Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

Resignation of City Clerk, Rex E. Gailfus

Mayor Johansen read a letter from City Clerk, Rex E. Gailfus, submitting his resignation as City Clerk and Auditor effective December 31, 1966. The Council members commended Mr. Gailfus for his 24 years of loyal service and expressed regret at the resignation.

Status of request of Senior Citizens for Clubhouse site

Upon questioning by Councilman Hughes, the City Manager stated that the Senior Citizens' group has temporarily withdrawn its request for a clubhouse site on Morris Avenue, until such time as final determination is made by the group as to where the new center will be located.

The City Manager stated the staff did not recommend that the center be located on the Community Center park site since this was needed for recreational purposes; that the staff had so informed representatives of the group; that the group was considering other sites at the present time without reaching agreement.

LETTER FROM C. A. BRINK, CHAIRMAN, BOARD OF SUPERVISORS, REGARDING CONSTRUCTION OF A SIPHON ON SUNRISE AVENUE

A letter from C. A. Brink, Chairman, Board of Supervisors, Stanislaus County, dated October 31, 1966, subject, "Sunrise Avenue Siphon," was entered into the record of the minutes. The letter indicated that there was included within the Stanislaus County Budget for 1966-67 an appropriation for the construction of a siphon on Sunrise Avenue at the Modesto Irrigation District Lateral No. 4; that contract plans and specifications were prepared for the projects, the bids opened October 18, 1966, and a low bid of $32,270 received. Since the project was within the area proposed to be annexed to the City of Modesto under the Sunrise Addition, request was made that the City contribute one-half the cost of the structure, or $16,135.

Mr. Brink spoke briefly in support of the request.

The Council discussed the following: The need for construction of the siphon to eliminate a hazardous condition; outcome of the proposed inhabited Sunrise Addition annexation; the fact that in the event of an annexation of the area, the City will not receive tax benefits for at least two years; whether or not the $16,135, or one-half the cost of the project, constituted the City's fair share of the cost; the possibility of working out an agreement with the County for it to proceed with the construction, the City to later pay a portion of the costs in the event the annexation is approved.

Mr. Brink pointed out that the County would take care of the approaches and engineering costs (between $10,000 and $12,000).

MOTION

That the city staff be authorized to negotiate with the county staff relative to the City's proportionate share of the cost of the bridge in the event the Sunrise Addition annexation is approved

Moved by Hughes Seconded by VanderWall Unanimously carried

LETTER FROM HARRY D. FREEMAN, DEPUTY DIRECTOR, STATE DEPARTMENT OF PUBLIC WORKS REGARDING LANDSCAPING WORK FOR FREEWAY ROUTE 99

A letter from Harry D. Freeman, State Department of Public Works, dated October 24, 1966, indicating that the freeway landscaping project through Modesto was being considered for inclusion in the 1967-68 budget, was entered into the record of the minutes. The letter was ordered filed.

LETTER AND REPORT FROM J. G. MEYER, DISTRICT ENGINEER, STATE DEPARTMENT OF PUBLIC WORKS, REGARDING CONTROL OF JUNKYARDS 4-110

A letter from J. G. Meyer dated October 25, 1966, with papers attached pertaining to the control of junkyards and acquisition of scenic areas, was entered into the record of the minutes. The letter was ordered filed.

LETTER FROM PAUL V. BIRMINGHAM, CIVIL ENGINEER, REGARDING THE REQUEST OF A. & L. ENTERPRISES FOR PERMANENT AND TEMPORARY SEWER INSTALLATION AT OLD OAKDALE ROAD AND SYLVAN AVENUE

A letter from Paul V. Birmingham, Civil Engineer, dated November 1, 1966 requesting permission to construct a temporary lift station and sewer installations in connection with the development of a 40-acre parcel of land located at the southwest corner of Old Oakdale Road and Sylvan Avenue, was entered into the record of the minutes. The City Manager stated that the staff thought the proposal feasible.

MOTION

That the matter be referred to the staff to work with Mr. Birmingham

Moved by Hughes Seconded by Smith Unanimously carried

LETTER FROM CARMEN SABATINO, DIRECTOR, MODESTO BASKETBALL ASSOCIATION, REGARDING JOINING WITH THE CITY RECREATION DEPARTMENT FOR BOYS' BASKETBALL PROGRAM

A letter from Carmen Sabatino dated November 3, 1966 requesting city co-sponsorship of the Modesto Basketball Association, which has been formed to allow boys in the 5th, 6th, 7th and 8th grades to play basketball every Saturday for approximately 10 weeks, was entered into the record of the minutes.

Mr. Sabatino stated that he believed the funds needed averaged out to about $10 per boy per year; that the Association could raise about $2,000 of the needed funds, and the hope expressed that the City could contribute a like amount.

MOTION

That the matter be referred to the staff to work with Mr. Sabatino and report back to the Council on the definite amount of matching funds requested.

Moved by Mitchell Seconded by Smith Unanimously carried

FURTHER CONSIDERATION OF LOSHER LEASE - 10TH NEAR K STREET PARKING LOT

MOTION

That the extension of Losher lease for 10th near K Street parking lot be approved to February 1, 1967 in accordance with memorandum from Director of Parking and Traffic dated October 25, 1966

Moved by Mitchell Seconded by Smith Unanimously carried

PRESENTATION OF ANNUAL FINANCIAL REPORT FOR 1965-66 FISCAL YEAR

MOTION

That the annual financial report for 1965-66 fiscal year be approved as presented

Moved by Mitchell Seconded by Smith Unanimously carried

PRESENTATION OF FINANCIAL STATEMENT FOR MONTH OF OCTOBER 1966

MOTION

That the financial statement for month of October 1966 be accepted

Moved by Mitchell Seconded by Smith Unanimously carried

CONSIDER AWARD OF BID FOR WADING POOLS - WESTSIDE PARK AND STANDIFORD PARK

RESOLUTION NO. 66-652

A RESOLUTION ACCEPTING THE BID OF WOLVERINE BUILDING SERVICE, INC. FOR CONSTRUCTION OF WADING POOLS AT WESTSIDE PARK AND STANDIFORD PARK ($21,990)

Introduced by VanderWall Seconded by Smith

Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR CONSTRUCTION OF TRAFFIC SIGNALS AND STREET LIGHTING AT TULLY AND BRIGGSMORE AND COLLEGE AND ROSEBURG

RESOLUTION NO. 66-653

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR CONSTRUCTION OF TRAFFIC SIGNALS AND STREET LIGHTING AT TULLY AND BRIGGSMORE AND AT COLLEGE AND ROSEBURG

Introduced by VanderWall Seconded by Smith

Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

December 7, 1966 at 2:00 P.M. in the City Clerk's office was set as the time and place for opening of bids.

RECOMMENDATION THAT INSTALLATION OF WATER LINES IN CAMPOS VERDES SUB-DIVISION BE PERFORMED BY CITY FORCES

RESOLUTION NO. 66-654

A RESOLUTION AUTHORIZING WORK TO BE PERFORMED BY CITY FORCES FOR INSTALLATION OF WATER LINES IN CAMPOS VERDES SUBDIVISION

Introduced by VanderWall Seconded by Smith

Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

AUTHORIZE EXTENSION OF LEASE FOR BROUGHTON BRANCH LIBRARY

RESOLUTION NO. 66-655

A RESOLUTION AUTHORIZING EXERCISE OF OPTION TO EXTEND LEASE OF PREMISES OCCUPIED BY BROUGHTON BRANCH LIBRARY (June 1, 1967 - May 31, 1968)

Introduced by VanderWall Seconded by Smith

Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

RESOLUTION AMENDING BUDGET FOR CITY OF MODESTO FOR FISCAL YEAR ENDING JUNE 30, 1967

RESOLUTION NO. 66-656

A RESOLUTION AMENDING THE BUDGET FOR THE CITY OF MODESTO FOR THE FISCAL YEAR ENDING JUNE 30, 1967 (Federal subvention of $44,300)

Introduced by VanderWall Seconded by Smith

Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

ACCEPT AS COMPLETE FERRERO ELECTRIC, INC., CONTRACT FOR THE INSTALLATION OF STREET LIGHTING MATERIALS AT VARIOUS INTERSECTIONS AND RAILROAD CROSSINGS

RESOLUTION NO. 66-657

A RESOLUTION ACCEPTING THE INSTALLATION OF STREET LIGHTING MATERIALS AT VARIOUS INTERSECTIONS AND RAILROAD CROSSINGS BY FERRERO ELECTRIC, INC. (authorizing City Clerk to file notice of completion)

Introduced by VanderWall Seconded by Smith

Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

ANNUAL RECREATION AGREEMENT BETWEEN COUNTY OF STANISLAUS AND CITY OF MODESTO

RESOLUTION NO. 66-658

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND COUNTY OF STANISLAUS FOR COMMUNITY RECREATION PROGRAM FOR FISCAL YEAR 1966-67 (14,767.50 for expenditure by City on community recreation)

Introduced by VanderWall Seconded by Smith

Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

CONSIDER AIRPORT LEASE AGREEMENT BETWEEN HAWKE FLYING SERVICE AND CITY FOR RENTAL OF TIE-DOWN AREA

RESOLUTION NO. 66-659

A RESOLUTION APPROVING LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND HAWKE FLYING SERVICE FOR LEASE OF TIE-DOWN AREA AT MODESTO MUNICIPAL AIRPORT

Introduced by VanderWall Seconded by Smith

Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

APPROVE SUBDIVISION AGREEMENT AND FINAL MAP OF SKYLANE PARK UNIT NO. 4 SUBDIVISION

At the request of the City Clerk and with the unanimous consent of the Council, this item was removed from the agenda.

RESOLUTION SETTING DATE FOR HEARING ON APPEAL FROM DECISION OF THE PLANNING COMMISSION DENYING A ZONE CHANGE FOR PROPERTY AT THE NORTHEAST CORNER OF BRIGGSMORE AND TULLY

RESOLUTION NO. 66-660

A RESOLUTION SETTING TIME AND PLACE FOR HEARING REQUEST OF DON PEDRO REALTY FOR APPEAL TO THE DECISION OF THE PLANNING COMMISSION--DENIAL OF REZONING, PROPERTY LOCATED AT NORTHEAST CORNER OF BRIGGSMORE AVE. AND TULLY ROAD

Introduced by VanderWall Seconded by Smith

Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

November 28, 1966 at 7:45 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

AGREEMENTS IN CONNECTION WITH PLANNING COMMISSION RESOLUTION NO. 66-92 ENTITLED "A RESOLUTION APPROVING THE TENTATIVE PARCEL MAP OF PROPERTY LOCATED BETWEEN EVERGREEN AVENUE AND WEST ORANGEBURG AVE. ADJACENT TO GARRISON SCHOOL (DON PEDRO REALTY COMPANY)"

(a) Agreement between City and Trustees of Lakewood Memorial Park Endowment Care Fund as to Parcel A referred to in Resolution No. 66-92

RESOLUTION NO. 66-661

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND TRUSTEES OF LAKEWOOD MEMORIAL PARK ENDOWMENT CARE FUND FOR COMPLIANCE WITH CONDITIONS CONTAINED IN PLANNING COMMISSION RESOLUTION NO. 66-92

(Curb and gutter and sidewalk requirement)

Introduced by VanderWall Seconded by Smith

Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

(b) Agreement between City and U. Z. and Geneva R. Brannon as to Parcel B referred to in Resolution 66-92

RESOLUTION NO. 66-662

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND U. Z. BRANNON AND GENEVA R. BRANNON FOR COMPLIANCE WITH CONDITIONS CONTAINED IN PLANNING COMMISSION RESOLUTION NO. 66-92

Introduced by VanderWall Seconded by Smith

Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

CONSIDER REQUEST BY DEVELOPER OF SHERWOOD MANOR NO. 3 SUBDIVISION TO ACCEPT IMPROVEMENTS ON A PORTION OF THE SUBDIVISION FOR MAINTENANCE

RESOLUTION NO. 66-663

A RESOLUTION ACCEPTING IMPROVEMENTS ON A PORTION OF SHERWOOD MANOR NO. 3 SUBDIVISION FOR MAINTENANCE BY THE CITY OF MODESTO

Introduced by VanderWall Seconded by Smith

Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

RECOMMEND AMENDMENT TO SECTION 31-3-9 OF THE ZONING MAP (PARADISE PLAZA SHOPPING CENTER)

RESOLUTION NO. 66-664

A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO SECTION 31-3-9 OF THE ZONING MAP (PARADISE PLAZA SHOPPING CENTER)

Introduced by VanderWall Seconded by Smith

Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

November 28, 1966 at 7:55 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

RECOMMEND AMENDMENT TO SECTION 5-4-9 OF THE ZONING MAP (JOHN PESTANA)

RESOLUTION NO. 66-665

A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO SECTION 5-4-9 OF THE ZONING MAP (JOHN PESTANA)

Introduced by VanderWall Seconded by Smith

Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

December 5, 1966 at 4:15 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

RECOMMEND AMENDMENT TO SECTION 15-3-9 OF THE ZONING MAP AND RESCINDING OF P-D (23) (ELLIS)

RESOLUTION NO. 66-666

A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO SECTION 15-3-9 OF THE ZONING MAP (ELLIS)

Introduced by VanderWall Seconded by Smith

Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

December 5, 1966 at 4:30 P.M. in the Council Chambers, City Hall was set as the time and place of hearing.

APPROPRIATION TRANSFER - STREET LIGHT AT NORTHEAST CORNER McHENRY AND TOKAY (QUINTANA AGREEMENT) (LLOYD OVERHOLTZER)

RESOLUTION NO. 66-667

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $450 FOR STREET LIGHT INSTALLATION AT THE SOUTHEAST CORNER OF McHENRY AND TOKAY AVENUE

Introduced by VanderWall Seconded by Smith

Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

APPROPRIATION TRANSFER PROVIDING INTERIM FINANCING FOR MUNICIPAL SEWER DISTRICT - $50,000

RESOLUTION NO. 66-668

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $50,000 TO PROVIDE INTERIM FINANCING FOR MUNICIPAL SEWER DISTRICT

Introduced by VanderWall Seconded by Smith

Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR FOOD CONCESSION AT DRYDEN PARK MUNICIPAL GOLF COURSE CLUBHOUSE

RESOLUTION NO. 66-669

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR FOOD CONCESSION AT DRYDEN PARK MUNICIPAL GOLF COURSE CLUBHOUSE

Introduced by Hughes Seconded by VanderWall

Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

November 22, 1966 at 10:00 A.M. in the City Clerk's office was set as the time for opening of bids.

AN ORDINANCE AMENDING SECTION 5-5.25 OF CHAPTER 5 OF TITLE V OF THE MODESTO MUNICIPAL CODE RELATING TO RATES FOR COLLECTION OF GARBAGE IN THE CITY OF MODESTO

ORDINANCE NO. 814-C.S. entitled
"AN ORDINANCE AMENDING SECTION 5-5.25 OF CHAPTER 5 OF TITLE V OF THE MODESTO MUNICIPAL CODE RELATING TO RATES FOR COLLECTION OF GARBAGE IN THE CITY OF MODESTO"

was introduced and ordered published as required by the Charter.

Moved by Smith Seconded by Hughes

Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

CONSIDER APPOINTMENT OF MODESTO REPRESENTATIVES TO THE MODESTO-CERES AREA PLANNING ADVISORY COMMITTEE

RESOLUTION NO. 66-670
A RESOLUTION CONFIRMING APPOINTMENT OF COUNCILMEN PATTON AND VANDERWALL AS MODESTO REPRESENTATIVES TO THE MODESTO-CERES AREA PLANNING ADVISORY COMMITTEE

Introduced by Mitchell Seconded by Smith

Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

FURTHER CONSIDERATION OF CITY POLICY CONCERNING PARKING METERS

Mayor Johansen, representing the Public Relations Committee, submitted the following recommendations regarding a policy for on-street parking meters: (1) Freeze the present number of on-street parking meters at their present level unless a compelling new need arises; (2) That those meters now in operation producing an average of less than $20 per year per meter in a given block be removed; (3) That personnel on meter control be reduced to two officers on a six-day week between 10:00 A.M. and 5:00 P.M.

The Council discussed recommendation No. (2) - whether it was the intent that meters be removed on both sides of the block or one side of the block only.

MOTION
That the Council accepts as its policy the recommendations of the Public Relations Committee enumerated above; that Recommendation (2) be amended to indicate that meters can be removed on one side of the block only

Moved by Hughes Seconded by Mitchell Unanimously carried

Mayor Johansen stated that he would inform the property owners and merchants with whom the Public Relations Committee had met, of the newly adopted policy.

RESOLUTION AUTHORIZING FILING OF APPLICATION WITH THE HOUSING AND HOME FINANCE AGENCY FOR A GRANT TO ACQUIRE OPEN SPACE LAND FOR THE BELLENITA NEIGHBORHOOD PARK

RESOLUTION NO. 66-671
A RESOLUTION AUTHORIZING FILING OF APPLICATION WITH THE HOUSING AND HOME FINANCE AGENCY, UNITED STATES OF AMERICA, FOR GRANT TO ACQUIRE OPEN-SPACE LAND FOR THE BELLENITA NEIGHBORHOOD PARK

Introduced by Mitchell Seconded by Smith

Ayes: Mitchell, Smith, VanderWall, Mayor Johansen
Noes: Hughes, Patton Absent: Shastid

AUTHORIZE SALE AND REMOVAL OF CITY PARKING SIGN 6-08

A memorandum from the Director of Parking and Traffic dated October 25, 1966, subject, "City Parking Sign at the Southeast Corner of 9th and J Streets," indicating that the landlord, Carl Lewis, no longer desired the sign, was entered into the record of the minutes. Recommendation was made that the Finance Department be authorized to advertise the sign for sale to the highest bidder. Original cost of the sign was $1,000. Mr. Lewis' request was discussed by the Council.

By order of the Chair, Director of Parking and Traffic Carmody was directed to ask Mr. Lewis to appear before the Council at an early future meeting to discuss the matter.

CONSIDER REGULATIONS RELATING TO THE MODESTO CITY-COUNTY AIRPORT

Councilman Mitchell expressed the opinion that he felt that Section 2 of the proposed ordinance relating to general regulations of the Modesto City-County Airport, placed an undue restriction on the rights of ownership of personal property.

Airport Manager Sham stated there were five fixed base operators at the Airport in the business of renting, selling or leasing aircraft; that you couldn't have every individual at the airport competing against them. Mr. Sham was questioned by the Council.

ORDINANCE NO. 815-C.S. entitled
"AN ORDINANCE AMENDING SECTION 7-3.113 OF ARTICLE 1 OF CHAPTER 3 OF TITLE VII OF THE MODESTO MUNICIPAL CODE AND ADDING SECTIONS 7-3.106.1, 7-3.115, 7-3.116 AND 7-3.117 THERETO, RELATING TO GENERAL REGULATIONS OF THE MODESTO CITY-COUNTY AIRPORT"

was introduced and ordered published as required by the Charter.

Moved by Hughes Seconded by Patton

Ayes: Hughes, Patton, Smith, VanderWall, Mayor Johansen
Noes: Mitchell Absent: Shastid

RESOLUTION NO. 66-672
A RESOLUTION ESTABLISHING FLYING CLUB PERMIT FEES FOR FLYING CLUBS OPERATING ON THE MODESTO CITY-COUNTY AIRPORT

Introduced by Hughes Seconded by Patton

Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

LETTER FROM JESSIE SMALLWOOD, EXECUTIVE DIRECTOR, COMMUNITY ACTION COMMISSION, REGARDING WESTSIDE NEIGHBORHOOD CENTER, INC.

A letter from Jessie Smallwood, Executive Director, Stanislaus County Community Action Commission, dated October 20, 1966, with proposal for the Westside Neighborhood Center, Inc. attached, was entered into the record of the minutes. Mrs. Smallwood requested that the Council review the proposal and give a letter of support and honest appraisal of the program. An answer to Mrs. Smallwood's letter by the Director of Parks and Recreation was furnished the Council.

MOTION
That the Council indicates its endorsement of the letter prepared by the Director of Parks and Recreation in answer to Mrs. Smallwood's letter

Moved by VanderWall Seconded by Smith Unanimously carried

REPORT BY PUBLIC PROJECTS COMMITTEE ON AIRPORT MASTER PLAN

Councilman Mitchell, representing the Public Projects Committee, spoke briefly on a proposed Airport Master Plan.

A drawing of the proposed Airport Master Plan was displayed and discussed by Director of Public Works Campbell.

MOTION
That the proposed Airport Master Plan be referred to the Planning Commission for review and recommendation

Moved by VanderWall Seconded by Patton Unanimously carried

CONSIDER FURTHER REQUEST BY GOTTSCHALK MUSIC CENTER FLYING CLUB FOR AIRPORT OFFICE SPACE 8-70

Mayor Johansen said that the request of Gottschalk Music Center Flying Club for office facilities at the Airport had been referred to the Public Relations Committee for recommendation; that consideration had been withheld until such time as the Airport Master Plan was prepared. The recommendation of the Committee is incorporated in the following motion.

MOTION

That the matter be referred to the Planning Commission immediately; that the staff be instructed to prepare an agreement, at the earliest possible date, between Mr. Gottschalk and the City to permit construction of the office facilities at the place discussed with and approved by staff members

Moved by VanderWall Seconded by Patton Unanimously carried

Mr. Gottschalk said he was prepared to proceed immediately with his plans. The City Attorney stated that an agreement could be prepared for council consideration in two weeks.

REPORT FROM THE COMMITTEE TO STUDY CRIME RECOMMENDING THAT THE CITY COUNCIL AUTHORIZE THEM TO BEGIN ORGANIZING A CRIME-PREVENTION PROGRAM

A memorandum from Mr. Jack Schall, Chairman, Crime Study Committee, dated November 3, 1966 with report entitled, "Proposed Crime-Prevention Program, City of Modesto," attached was entered into the record of the minutes. Mr. Schall outlined the first phase of a "Crime Stop" type program aimed at the community and its involvement in crime. He said that the first phase was really to alert the citizens toward their responsibility and ask their participation in the program. Request was made that the Committee be authorized to call a public meeting Wednesday, November 16, 1966 at 8:00 P.M. in the Council Chambers, with all interested organizations--both public and private--invited to send representatives.

MOTION

That the report be accepted, and the use of the Council Chambers on November 16, 1966 at 8:00 P.M. approved as requested

Moved by VanderWall Seconded by Smith Unanimously carried

Councilman Hughes was excused from the meeting at 6:20 P.M.

REPORT ON ELECTRICAL REPAIRS AND PAINTING OF ARCH OVER EYE STREET 9-39

A memorandum from the Director of Public Works dated October 24, 1966, subject, "Electrical Repairs and Painting of the Arch over 'I' Street," was entered into the record of the minutes. Recommendation was made that the Council be asked to authorize electrical repairs and painting of the arch at a total estimated cost of $800. A low bid of $584 for painting of the arch has been received from John A. Houston, 868 Openshaw Road, Modesto.

MOTION

That electrical repairs and painting of the Arch be approved as recommended by the Director of Public Works in memorandum dated October 24, 1966

Moved by Smith Seconded by Mitchell Unanimously carried

RESOLUTION NO. 66-673

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $800 FOR REFURBISHING OF "I" STREET ARCH

Introduced by Smith Seconded by VanderWall

Ayes: Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Hughes, Shastid

REPORT FROM CHAMBER OF COMMERCE REGARDING BUS SERVICE

A letter from Raymond F. Whitgrove, President, Greater Modesto Chamber of Commerce, dated November 7, 1966 submitting conclusions and recommendations in connection with the local bus situation, was read into the record of the minutes by Mr. Whitgrove. Recommendation was made that the City provide an annual subsidy to a private operator to the extent indicated in the survey (2¢ on the tax, or approximately $16,000); that if a subsidy is granted, the city exercise a measure of control on equipment, routes, schedules and general operations; that an independent engineering study of necessity and desirability of bus service be undertaken, provided 2/3 of the cost can be met through federal grant, and the city portion not to exceed $4,000. Several reports were attached to the letter.

The City Clerk reported that petitions requesting that bus service be retained, bearing 576 signatures had been filed with the City Clerk.

Mr. Whitgrove was questioned by the Council.

Mr. Kleinenbroich, owner of Modesto Motor Bus Service, said it was his intention to continue with the Oakdale-Riverbank stage line on a curtailed route.

George Motts, representing the City of Oakdale, said that he was present as an interested spectator.

Upon questioning, Mr. Kleinenbroich said he was not asking for a subsidy, but for new equipment; that a lot of his patrons were daily users of buses - shoppers, store clerks, etc.; that he did not believe his present equipment would serve adequately for more than one year; that he was unable to meet an insurance premium due in about ten days; that if the City was able to obtain federal funds for the purchase of new buses, he would furnish the operational costs and keep in operation until the new buses were available if this was not beyond six months; that upon order, the buses could be made available within 60 to 90 days.

Mr. Kleinenbroich said he would like to purchase four new Ford Coachettes, costing about $10,000 delivered; that if the City contributed $15,000 and the federal government $30,000, $40,000 would purchase the buses and the remaining $5,000, plus trade-in allowance for old equipment, would go into a fund for additional equipment. He stated that under this plan he would not be permitted to make a profit, but would be guaranteed a certain amount for salary.

Mr. Kleinenbroich's proposal was discussed by the Council.

Director of Parking and Traffic Carmody stated that the Public Utilities Commission would make a financial study without cost whenever a fare increase was requested.

Mr. Whitgrove pointed out that a federal grant was available for an independent study of necessity and desirability of bus service on a 2/3 - 1/3 basis.

Edith Lee, 1343 Port Avenue; and Dill Senne, West Orangeburg; asked that the bus service be retained as a service to the elderly who were physically unable to drive cars.

MOTION

That the staff be authorized to prepare an application for a federal grant for the purchase of four buses and to bring it back to the council for final approval

Moved by VanderWall Seconded by Smith Unanimously carried

MOTION

That the staff request the P. U. C. to make the necessary studies discussed; that when the staff presents the application for federal funds, they also bring back an agreement covering future operation of the buses

Moved by VanderWall Seconded by Smith Unanimously carried

LETTER AND REPORT ON FREEWAY-FOUNTAIN RESTSTOPS

A memorandum from Director of Parking and Traffic Carmody dated October 28, 1966, subject, "Legal Opinion Regarding our Freeway-Fountain-Rest Stop," was entered into the record of the minutes. Attached was a letter from the California Highway Commission and a memorandum opinion from its legal counsel, indicating that the State did not need to charge the City market value for the intended use of the two sites. No action was taken by the Council.

LETTER FROM JOHN G. VENEMAN, ASSEMBLYMAN

A letter from Assemblyman John G. Veneman dated November 1, 1966 offering his assistance in the City's attempt to obtain rest stop sites from the State was entered into the record of the minutes.

REPORT ON FENCE AT DEL WEBB FIELD

A memorandum from the Director of Public Works dated November 3, 1966, subject, "Fence at Del Webb Field," was entered into the record of the minutes. No recommendation was made as to the type of fence which should be constructed, but indication was made that construction should begin early in January if the fence is to be complete in all respects in time for the baseball season. The following types of fencing were suggested: Chain link fencing, estimated cost $7,300, plus $875 if the City provides the panels; plain chain link with plywood panels, estimated cost $7,150, plus $875 if the City provides panels; wood fence with steel posts, estimated cost $9,100; concrete block wall, estimated cost $20,200; fence similar to that which exists, $9,100.

The Council discussed the various types of fencing suggested, plus maintenance costs for each type of fencing.

By order of the Chair, the matter was held over for one week and the City Clerk directed to ask Mr. Burton to be present at the next meeting.

FURTHER REPORT ON JANITORIAL SERVICE, POLICE-COMMUNICATIONS BUILDING

The City Manager reported that the contract between United Maintenance Co. and the City for janitorial services for the Police-Communications Center building has been terminated effective November 22, 1966.

Deputy Manager Ray said that a bid of $1,040 per month had been obtained from Dan's Janitorial Service; the use of city personnel, two janitors, would cost $1,080 per month, which included supplies and amortization of the equipment which would need to be purchased at a cost of between $1,000 and $1,200. He said it was the staff's belief that the best alternative was for the City to provide its own personnel, equipment, and materials for maintenance of the police building; that if approved by the Council, recruitment would begin immediately and an appropriation transfer placed on next week's agenda for council approval.

MOTION

That the recommendation of the staff that the City provide its own personnel, equipment, and materials for maintenance of the police-communications center building be approved.

Moved by VanderWall Seconded by Smith Unanimously carried

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by VanderWall Seconded by Smith Unanimously carried

The meeting adjourned at 7:45 P.M.

REX E. GAILFUS, City Clerk

Modesto City Council
November 14, 1966

The Council of the City of Modesto met in regular session this date at 7:30 P.M. in the Council Chambers, City Hall, 801 11th Street, Modesto, California, Mayor Johansen presiding.

Present: Councilmen: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Absent: Councilmen: Shastid

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

Reverend George Telle gave the invocation.

LETTER FROM RICHARD F. OLSEN, PRESIDENT, MODESTO AND EMPIRE TRACTION CO., REQUESTING AUTHORIZATION TO CONSTRUCT, MAINTAIN AND OPERATE TRACK DOWN THE CENTER OF "B" STREET

A letter from Richard F. Olsen, President, Modesto and Empire Traction Co., dated November 4, 1966 requesting authorization to construct, maintain and operate one standard gage railroad track down the center line of "B" Street from the easterly line of 12th Street to a point intersecting track west of 9th Street, was entered into the record of the minutes.

By order of the Chair, the letter was referred to the staff for report and recommendation.

LETTER FROM HOWARD G. LAZAR, 1444 DEL VALE, MODESTO, PROPOSING PURCHASE OF OLIVES ON CALIFORNIA-FRANKLIN PARK

A letter from Howard G. Lazar, dated November 1, 1966 requesting the olives at California-Franklin park for home use, was entered into the record of the minutes.

MOTION

That Mr. Lazar be granted permission to pick the olives at the park without cost

Moved by Smith Seconded by VanderWall Unanimously carried

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR INSTALLATION OF WATER LINES ON CALIFORNIA AVENUE BETWEEN WASHINGTON STREET AND FRANKLIN STREET

RESOLUTION NO. 66-674

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE INSTALLATION OF WATER LINES ON CALIFORNIA AVENUE BETWEEN WASHINGTON STREET AND FRANKLIN STREET

Introduced by Mitchell Seconded by Smith
Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

November 29, 1966 at 10:10 A.M. in the City Clerk's office was set as the time and place for opening of bids.

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR INSTALLATION OF WATER LINES IN BLOCK 308-A AT ROSELAWN AVENUE

RESOLUTION NO. 66-675

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE INSTALLATION OF WATER LINES IN BLOCK 308-A AT ROSELAWN AVENUE

Introduced by Mitchell Seconded by Smith
Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

November 29, 1966 at 10:00 A.M. in the City Clerk's office was set as the time and place for opening of bids.

APPROVAL OF AGREEMENT WITH EDWARD BELLING AS EXECUTIVE SECRETARY OF THE DOWNTOWN IMPROVEMENT DISTRICT

RESOLUTION NO. 66-676

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND EDWARD BELLING AS EXECUTIVE SECRETARY OF THE DOWNTOWN IMPROVEMENT DISTRICT FOR TWO MONTHS (NOVEMBER 15, 1966 THROUGH JANUARY 15, 1967)

Introduced by Mitchell Seconded by Smith
Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

RECOMMEND THE CLOSING TO VEHICULAR TRAFFIC OF ALMA AVENUE BETWEEN ORANGEBURG AND MARIAN AVENUES

RESOLUTION NO. 1035-S.P.
RESOLUTION OF INTENTION NO. 299

A RESOLUTION OF INTENTION TO CLOSE TO VEHICULAR TRAFFIC ALMA AVENUE BETWEEN ORANGEBURG AND MARIAN AVENUES, IN THE CITY OF MODESTO

Introduced by Mitchell Seconded by Smith
Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

December 12, 1966 at 7:45 P.M. in the Council Chambers was set as the time and place of hearing.

RECOMMEND CITY-OWNED ROADWAY ALONG THE NORTH SIDE OF LEGION PARK BE OFFICIALLY NAMED "LEGION PARK DRIVE"

RESOLUTION NO. 66-677

A RESOLUTION NAMING THE CITY-OWNED ROAD ALONG THE NORTH SIDE OF LEGION PARK BETWEEN SOUTH SANTA CRUZ AVENUE AND CONEJO AVENUE AS LEGION PARK DRIVE

Introduced by Mitchell Seconded by Smith
Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

APPROPRIATION TRANSFER - JANITORIAL SERVICE AT POLICE-COMMUNICATIONS CENTER BUILDING

RESOLUTION NO. 66-678

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $7,454 FOR JANITORIAL SALARIES AND SUPPLIES AT POLICE-COMMUNICATIONS BUILDING

Introduced by Mitchell Seconded by Smith
Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

ADOPTION OF ORDINANCE NO. 814-C.S. RELATING TO RATES FOR GARBAGE COLLECTION

ORDINANCE NO. 814-C.S. entitled

"AN ORDINANCE AMENDING SECTION 5-5.25 OF CHAPTER 5 OF TITLE V OF THE MODESTO MUNICIPAL CODE RELATING TO RATES FOR COLLECTION OF GARBAGE IN THE CITY OF MODESTO"

introduced November 7, 1966 and having been published as required, was moved and adopted.

Moved by Hughes Seconded by VanderWall
Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

FURTHER CONSIDERATION OF REQUEST BY J. CARL HORNBERGER, M.D., PRESIDENT, MODESTO SYMPHONY ORCHESTRA, FOR FINANCIAL ASSISTANCE FOR THE SYMPHONY ORCHESTRA

(a) Communications from J. Carl Hornberger

Letters from Dr. J. Carl Hornberger dated September 4 and November 7, 1966 requesting financial assistance from the City for the Modesto Symphony Orchestra were entered into the record of the minutes. In his letter of November 7, Dr. Hornberger itemized receipts during the 1966-67 season up to November 14, 1966 amounting to $14,705, plus $975 from contributions by individual donors and service clubs. Request was made that the City donate funds to match the private and service club donations, not to exceed $1,200 per year.

Dr. Hornberger spoke briefly in support of the request. Upon questioning as to a possible increase in the cost of tickets, Dr. Hornberger said that although the tickets were very inexpensive, there were many people who found it difficult to budget this amount; that the Symphony Guild was opposed to an increase in the cost of tickets; that it was proposed that beginning with the next season, a proposal be submitted to those vitally interested in the symphony to purchase patron tickets at $25 per season for a pair of tickets instead of $14.

The possibility of a coordinating council for the various cultural groups in the City was discussed.

A resolution was introduced by Councilman Smith, seconded by Councilman VanderWall, that the City provide matching funds this fiscal year equal to the amount obtained by donations from private and organizational donors.

A motion introduced by Councilman Mitchell to amend the resolution by providing that the funds contributed by the City not exceed $1,000 died for the lack of a second.

A motion introduced by Councilman VanderWall, seconded by Councilman Smith, amending the proposed resolution to set a limit of $1,200 on the amount contributed to the Modesto Symphony Orchestra, failed to carry, Councilmen Hughes and Patton and Mayor Johansen dissenting.

A motion introduced by Mayor Johansen, seconded by Councilman Mitchell, amending the proposed resolution to set a limit of $975 to be contributed to the Orchestra carried, Councilmen Hughes and Patton dissenting.

RESOLUTION NO. 66-679

A RESOLUTION APPROVING FINANCIAL ASSISTANCE FOR THE MODESTO SYMPHONY ORCHESTRA IN THE AMOUNT OF $975 FOR FISCAL YEAR 1966-67

Introduced by Smith Seconded by VanderWall
Ayes: Mitchell, Smith, VanderWall, Mayor Johansen
Noes: Hughes, Patton Absent: Shastid

Dr. Hornberger was directed to submit any future request for a contribution at the time the annual budget is under consideration.

HEARING ON "MARKET FEASIBILITY STUDY" OFFERED BY DEVELOPMENT RESEARCH ASSOCIATES OF LOS ANGELES 3-51

Mayor Johansen announced that the hour of 8:00 P.M. had arrived, the time set for consideration of a proposed market feasibility study of the downtown area, offered by Development Research Associates, and opened the hearing.

The following correspondence relating to the proposed study was filed with the City Clerk and entered into the record of the minutes:

Letters favoring the proposed study: From Hy Youngheim, President, Downtown Modesto Association; John Pappas; John E. Griffin; George Gagos and Don West, Co-Chairmen, Downtown Modesto Association; Mary Alice Creighton; Harry Kullijian; D. S. Green, Asst. Vice President, Real Property Management Department, Wells Fargo Bank.

Letter expressing interest in the proposed study: Herman Goldwyn, 1060 Crenshaw Boulevard, Los Angeles 8, California.

Phone calls opposing the study: Mrs. Caesar Cavanna; Anna Biggon, 710 13th Street.

Letter opposing the study: John L. Ward.

A letter from the Trustee of the Jacob Kullman Estate Trust, Mills Building, San Francisco, indicating that no one involved in the Trust would be able to attend the meeting, was entered into the record of the minutes.

The proposed study by Development Research Associates was reviewed by the City Manager. He read into the record of the minutes a letter from John McMahan, Development Research Associates. The letter indicated that the cost of the survey would be $14,700 in the event the boundary of the district was moved to G Street instead of H Street.

Mr. McMahan was questioned by the Council on similar work done for other cities.

The following people spoke in favor of the proposed study: Robert Moon, 804 Carmel Drive, member of the Downtown Modesto Association Property Owners Committee (about 30 members), who read into the record a resolution of the Committee recommending that the City approve the proposed study; George Gagos, 225 El Rio Avenue.

PRESENTATION OF CERTIFICATES OF MERIT BY DR. HERNANDO BARRIOS ANGULA, BARRANQUILLA, COLOMBIA

The hearing was interrupted to introduce Dr. and Mrs. Hernando Barrios Angulo, visitors from Barranquilla, Colombia, Modesto's sister city; Mr. Robert Stewart, interpreter; Mrs. William Mitchell and Dr. John Woolley, both active in the Sister City program. Dr. Angulo, in behalf of the mayor of Colombia, presented certificates of merit to Dr. John Woolley and Councilman William Mitchell in recognition of their constant efforts to maintain the sister city relationship between Modesto and Barranquilla.

CONTINUATION OF MARKET FEASIBILITY STUDY CONSIDERATION

The following spoke in support of the proposed study: Joe Saletta, 206 Griswold Avenue, who requested that consideration be given at this time to the relaxing of property owner parking requirements in the downtown area, as it was his opinion that sufficient parking existed to warrant consideration; Jules Loeb, owner of Loeb's Department Store.

Syd Losher, 1201 Country Club Drive, said he was neither for nor against the proposed study. He discussed the high assessment value of land in the downtown area which he felt was an obstacle in attracting new construction.

Frank Andrews expressed his opposition to the proposed study.

John Hoge, 312 Harrow Court, explained the AB-103 Committee's position in connection with the proposed study. He said the Committee viewed the entire project as a three-phase program - Phase 1, the feasibility study; phase 2, the renderings of Willis & Associates; phase 3, expending of funds by property owners on the basis of the feasibility survey and renderings of Willis & Associates.

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

The Councilmen expressed their views on the proposed study.

Director of Planning Fey said it was his recommendation that the proposed study be approved.

MOTION

That the City Attorney be authorized to prepare an agreement hiring Development Research Associates to make a market feasibility study at a cost of $14,700, to become effective at the earliest possible time, with the boundary extended to G Street

Moved by Smith Seconded by Mitchell Unanimously carried

ADOPTION OF ORDINANCE NO. 815-C.S. - CITY-COUNTY AIRPORT REGULATIONS

ORDINANCE NO. 815-C.S. entitled

"AN ORDINANCE AMENDING SECTION 7-3.113 OF ARTICLE 1 OF CHAPTER 3 OF TITLE VII OF THE MODESTO MUNICIPAL CODE AND ADDING SECTIONS 7-3.106.1, 7-3.115, 7-3.116, AND 7-3.117 THERETO, RELATING TO GENERAL REGULATIONS OF THE MODESTO CITY-COUNTY AIRPORT"

introduced November 7, 1966 and having been published as required, was moved and adopted.

Moved by Hughes Seconded by VanderWall
Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

MATTERS FOR THE GOOD OF THE COMMUNITY

Frank Andrews - Request for Funds for Humane Society

Mr. Andrews asked that the City contribute $100 for the animal shelter run by Mrs. McCready. He said that he would submit a like request to the County Board of Supervisors. No action was taken by the Council.

Request of Sr. Students, Modesto High School, for use of Sidewalk Area, Sears

A letter from Darrell Beck and Joyce Quaresma requesting permission to use the sidewalk area at Sears Store for a bake sale December 3, 1966 was entered into the record of the minutes.

MOTION

That the request of Darrell Beck and Joyce Quaresma for use of the sidewalk area at Sears Store for a cake sale be approved

Moved by Hughes Seconded by Smith Unanimously carried

Request for use of Council Chambers - Frank Andrews

Frank Andrews requested use of the council chambers from time to time for meetings of the Humane Society fund drive. He was directed to furnish the staff a letter listing the dates of the proposed meetings and the number of people involved. Mayor Johansen said that if nothing out of the ordinary was involved, the matter could be handled by the staff without coming back to the Council.

Site No. 5 - Remote Sewage Disposal

The City Manager reported that the City's request for Site No. 5 for a remote sewage disposal site would be heard by the State Reclamation Board next Thursday. Deputy Manager Ray said that with authorization of the Council, application had been made to the Board for permits for three sites; that since the choice was narrowed down to one primarily because of economic and engineering factors, the General Manager of the Board of Reclamation thought it advisable for the City to withdraw its other two applications.

MOTION

That the staff be authorized to withdraw applications for two of the proposed remote sewage disposal sites

Moved by Hughes Seconded by Mitchell Unanimously carried

Approval of appropriation transfer - Modesto Symphony Orchestra

RESOLUTION NO. 66-680

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $975 FOR MODESTO SYMPHONY ORCHESTRA FOR FISCAL YEAR 1966-67

Introduced by VanderWall Seconded by Smith
Ayes: Mitchell, Smith, VanderWall, Mayor Johansen
Noes: Hughes, Patton Absent: Shastid

Approval of appropriation transfer - Furniture, Downtown Improvement District Office

RESOLUTION NO. 66-681
A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $1,480 FOR FURNITURE FOR DOWNTOWN IMPROVEMENT DISTRICT OFFICE

Introduced by Smith Seconded by VanderWall
Ayes: Hughes, Mitchell, Patton, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Shastid

The meeting recessed at 9:55 P.M. and reconvened at 10:03 P.M.

CONSIDER FURTHER THE MATTER OF FENCE IMPROVEMENT AT DELL WEBB FIELD

Bob Gagliardi, owner of the Modesto Reds team, said that a concrete block fence was of course desirable, but listed reasons why he did not believe this type of fencing feasible at this time. It was his opinion that Alternate No. 2, wood fence with steel posts costing $9,100 was the most feasible and economical, and would require less upkeep. He asked that council action be withheld for one week to enable him to get a cost estimate on a galvanized tin heavy gauge fence, which might save the City money, and also to enable him to check the wind resistance of this type fence.

Upon questioning, Mr. Gagliardi said he would have no objections to different types of fencing around the ball park. He pointed out the danger to the players caused by the concrete light standards within the field. He suggested that the new fence be located inside of the poles.

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

FURTHER CONSIDERATION OF PROPOSED SALE AND REMOVAL OF CITY PARKING SIGN ON PARKING LOT AT 9TH AND I STREETS (LEWIS)

At the request of the City Manager, and with the unanimous consent of the Council, this item was removed from the agenda. The City Manager stated that Mr. Lewis had withdrawn his objections to the location of the sign.

FIXED ASSETS INVENTORY FOR JUNE 30, 1966

MOTION
That the annual inventory of all city land, buildings, improvements, furnishings, equipment, and construction in progress be approved and accepted

Moved by Hughes Seconded by Smith Unanimously carried

FURTHER CONSIDERATION OF REQUEST BY ALBERTSON'S INC. FOOD CENTER, NORTHWEST CORNER OF BOWEN AND MC HENRY AVENUES, REGARDING INCINERATOR INSTALLATION

The following documents were entered into the record of the minutes: Letter from Mrs. Elwyn Miller, Jr. dated November 9, 1966 opposing the incinerator; letter from Messrs. James Martone, Thomas L. Domitrovich, and C. Demergasso dated November 11, 1966 opposing the incinerator; letter of opposition from Robert J. Fuxa dated November 9, 1966; memorandum from Fire Chief Everett dated November 10, 1966 subject, "Report on Incinerator Investigation," indicating that based upon the Fire Department's investigation, it was not practical nor possible to suggest that the use of the Pacific Coast incinerator No. CSN-400 or any alternate incinerator could be operated without producing some smoke and odor.

MOTION

That the request of Albertson's, Inc. Food Center requesting permission to install an incinerator on its property located at the northwest corner of Bowen and McHenry Avenues be denied

Moved by Hughes Seconded by Smith Unanimously carried

REPORT ON CAPITAL IMPROVEMENT EXPENDITURES

The following documents were entered into the record of the minutes: Memorandum from the City Manager dated November 8, 1966, subject, "Capital Improvement Expenditures"; memorandum from Director of Public Works dated November 8, 1966, subject, "Current Status of Projects."

The reports were ordered filed.

REPORT ON CAPITAL IMPROVEMENT PROJECTS 11-52

A memorandum from Mayor Johansen dated November 14, 1966 subject, "Capital Improvement Projects," was entered into the record of the minutes. The memorandum listed capital improvement projects now under construction or already completed and a suggested list of improvements to satisfy the cultural needs of all social and economic groups in the City. The Mayor proposed that the Council consider asking the Executive Committee of the Forward Modesto Committee to make the necessary determinations relative to the planning, establishment of priority, development of a time schedule, and determination of methods of payment. The Council was asked to submit additional suggestions to the proposed projects.

Councilman Mitchell suggested that a list of the proposed projects be submitted to both the County and M.I.D. so that they could indicate projects which might be done cooperatively.

The staff was directed to place this item on next week's agenda for further suggestions and discussion.

REPORT ON TUOLUMNE RIVER PARK

Councilman VanderWall reported briefly on a recent boat tour with members of the city and county staffs along the area proposed for the Tuolumne River Area Park. The area was indicated on a map by Director of Parks and Recreation Grogan.

As a member of the Tuolumne Area Park Committee, the recommendations of Councilman VanderWall were approved by the Council as outlined in the following motion:

MOTION

That the Council declares its intent to share with the County on a 50-50 basis the cost of a landscape architect who has had previous experience in designing a regional park in excess of 50 acres; that the City declares its intent to share with the County on a 50-50 basis the cost of developing a topographical survey

Moved by Mitchell Seconded by VanderWall Unanimously carried

FURTHER REPORT ON STANISLAUS COUNTY BOARD OF SUPERVISORS' REQUEST FOR CITY PARTICIPATION IN CONSTRUCTION OF SUNRISE AVENUE SIPHON

The City Manager reported that he had met with County Director of Public Works Barhite last Friday; that after much consideration he told Mr. Barhite that he would recommend to the Council that the City share $5,000 of the cost of the Sunrise Avenue siphon if annexation of the Sunrise Addition is successful.

MOTION

That the Council declares its intent to share in the cost of the Sunrise Avenue siphon in the amount of $5,000 if the pending Sunrise Addition annexation is successful

Moved by Hughes Seconded by Mitchell Unanimously carried

EXECUTIVE SESSION TO DISCUSS PERSONNEL

MOTION

That the Council adjourn to executive session to discuss personnel matters

Moved by Hughes Seconded by VanderWall Unanimously carried

The meeting adjourned at 10:38 P.M.

ATTEST: _____
REX E. GAILFUS, City Clerk

Modesto City Council
November 21, 1966

The Council of the City of Modesto met in regular session this date at 4:00 P.M. in the Council Chambers, City Hall, 801 11th Street, Modesto, California, Mayor Johansen presiding.

Present: Councilmen: Hughes, Mitchell, Smith, VanderWall, Mayor Johansen
(Councilmen Patton and Shastid arrived at 4:07 P.M.)

Absent: Councilmen: None

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

A moment of silent prayer was observed.

LETTER OF RESIGNATION FROM MODESTO CITY PLANNING COMMISSIONER A. E. FREEBORN

A letter from A. E. Freeborn dated November 9, 1966 submitting his resignation from the Modesto City Planning Commission was entered into the record of the minutes.

RESOLUTION NO. 66-682

A RESOLUTION COMMENDING A. E. FREEBORN FOR SERVICE RENDERED TO THE CITY OF MODESTO AS A MEMBER OF THE CITY PLANNING COMMISSION

Introduced by VanderWall Seconded by Smith
Ayes: Hughes, Mitchell, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Patton, Shastid

Councilmen Patton and Shastid arrived at 4:07 P.M.

LETTER OF RESIGNATION FROM THE PERSONNEL COMMISSION FROM NORMAN THIEL

RESOLUTION NO. 66-683

A RESOLUTION COMMENDING NORMAN THIEL FOR SERVICE RENDERED TO THE CITY OF MODESTO AS A MEMBER OF THE PERSONNEL COMMISSION

Introduced by Smith Seconded by Mitchell
Ayes: Hughes, Mitchell, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Patton, Shastid

LETTER FROM SALVATION ARMY REQUESTING PERMISSION FOR ELECTRIC WIRE ACROSS STREET IN CONNECTION WITH ANNUAL ARMY KETTLE DURING THE CHRISTMAS HOLIDAYS

A letter from Captain John F. Potts, Commanding Officer, Salvation Army, dated November 9, 1966 requesting permission to have an electric wire strung across the street at the same time the City installs Christmas decorations, was entered into the record of the minutes. This will permit a talking kettle, with the speaker in an upstairs office space across the street to talk to people as they pass.

MOTION

That the request of the Salvation Army be approved, subject to approval of the Public Works Department

Moved by Hughes Seconded by Shastid Unanimously carried

COMMUNICATION FROM OWNERS OF PROPERTY ON UPPER McHENRY AVENUE REQUESTING INSTALLATION OF FIRE HYDRANT

A letter from Michael Masellis and John Engle dated November 17, 1966 agreeing to jointly pay $1,000 toward installation of 400 feet of 10 inch main and fire hydrant at the south edge of property at 3120 McHenry Avenue if their fire protection class is reduced from No. 9 to No. 4, was entered into the record of the minutes.

The City Manager reported that the staff had contacted the Fire Underwriters; that it was determined by a visit to the City that if the main was installed in this area a Class 4 classification could be obtained. Cost of the installation is $2,000, the City to pay one-half the cost. The request was discussed by the Council.

MOTION

That the staff be authorized to prepare a letter agreement with Michael Masellis and John Engle for the requested installation of 400 feet of 10" main and fire hydrant

Moved by Smith Seconded by Shastid Unanimously carried

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR CONSTRUCTION OF A 12" STORM DRAIN IN EAST ORANGEBURG AVE. BETWEEN McHENRY AVE. AND THE EAST CITY LIMITS

RESOLUTION NO. 66-684

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR CONSTRUCTION OF A 12" STORM DRAIN IN EAST ORANGEBURG AVENUE BETWEEN McHENRY AVENUE AND THE EAST CITY LIMITS

Introduced by Smith Seconded by VanderWall
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

December 6, 1966 at 10:00 A.M. in the City Clerk's office was set as the time and place for opening of bids.

RESOLUTION NO. 66-685

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $6,000 FOR CONSTRUCTION OF A 12" STORM DRAIN IN EAST ORANGEBURG AVENUE BETWEEN McHENRY AND THE EAST CITY LIMITS

Introduced by Smith Seconded by VanderWall
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

APPROVE SPECIFICATIONS AND CALL FOR BIDS FOR FURNISHING ONE HORIZONTAL TYPE DESANDING UNIT FOR PUMP STATION NO. 11

RESOLUTION NO. 66-686

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR FURNISHING OF ONE HORIZONTAL TYPE DESANDING UNIT FOR PUMP STATION NO. 11

Introduced by Smith Seconded by VanderWall
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

December 13, 1966 at 10:00 A.M. in the City Clerk's office was set as the time and place for opening of bids.

ACCEPT IMPROVEMENTS IN LIB ERINI PARK NO. 2 SUBDIVISION AND AUTHORIZE CITY CLERK TO FILE NOTICE OF COMPLETION

RESOLUTION NO. 66-687

A RESOLUTION ACCEPTING IMPROVEMENTS IN LIBERINI PARK NO. 2 SUBDIVISION AND AUTHORIZING RELEASE OF SUBDIVISION BOND UPON EXPIRATION OF STATUTORY LIEN PERIOD

Introduced by Smith Seconded by VanderWall
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

COMPLETE ACQUISITION OF BELLENITA SCHOOL PARK SITE

RESOLUTION NO. 66-688

A RESOLUTION AUTHORIZING COMPLETION OF PURCHASE OF BELLENITA SCHOOL PARK SITE

Introduced by Smith Seconded by VanderWall
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

RESOLUTION INSTRUCTING THE SUPERINTENDENT OF STREETS TO GIVE NOTICE REQUIRING CONSTRUCTION OF SIDEWALKS ALONG CERTAIN STREETS IN THE CITY OF MODESTO

RESOLUTION NO. 66-689

A RESOLUTION INSTRUCTING THE SUPERINTENDENT OF STREETS TO GIVE NOTICE REQUIRING CONSTRUCTION OF SIDEWALK ALONG CERTAIN STREETS IN THE CITY OF MODESTO (ORANGEBURG AVENUE)

Introduced by Smith Seconded by VanderWall
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

December 12, 1966 at 7:50 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

CONSIDER LETTER AGREEMENT BETWEEN THE CITY OF MODESTO AND EDWARD G. WYLIE AND VIRGINIA LEE WYLIE FOR PARTICIPATION IN COST OF STREET LIGHT IN YORKSHIRE GROVE SUBDIVISION

MOTION

That the proposed letter agreement between the City of Modesto and the subdividers of Yorkshire Grove Subdivision be approved

Moved by Smith Seconded by VanderWall Unanimously carried

RESOLUTION NO. 66-690

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $230 FOR PARTICIPATION IN THE COST OF A PERIMETER STREET LIGHT IN YORKSHSHIRE GROVE SUBDIVISION

Introduced by Smith Seconded by VanderWall
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

CONSIDER LETTER AGREEMENT BETWEEN THE CITY AND WOLVERINE BUILDING SERVICE, INC., SUBDIVIDERS, FOR PARTICIPATION IN THE COST OF A STREET LIGHT IN CRANBROOK COLONY NO. 1 SUBDIVISION

MOTION

That the letter agreement between the City and Wolverine Building Service, Inc., subdividers, for participation in the cost of a street light in Cranbrook Colony No. 1 Subdivision be approved

Moved by Smith Seconded by VanderWall Unanimously carried

RESOLUTION NO. 66-691

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $69 FOR PARTICIPATION IN THE COST OF A PERIMETER STREET LIGHT IN CRANBROOK COLONY NO. 1 SUBDIVISION

Introduced by Smith Seconded by VanderWall
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

APPROVE AGREEMENT BETWEEN THE CITY OF MODESTO AND ARTHUR C. HIATT FOR THE CONSTRUCTION OF A SANITARY SEWER TO PROVIDE SEWER SERVICE TO 821 AND 822 EL VECINO AVENUE

RESOLUTION NO. 66-692

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND ARTHUR C. HIATT FOR THE CONSTRUCTION OF A SANITARY SEWER TO PROVIDE SEWER SERVICE TO 821 AND 822 EL VECINO AVENUE

Introduced by Smith Seconded by VanderWall
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

RECOMMEND AMENDMENT TO SECTION 17-3-9 OF THE ZONING MAP (TISMENAKIS, DAMAS, DAMAS, & BALL P-D (28)

RESOLUTION NO. 66-693

A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO SECTION 17-3-9 OF THE ZONING MAP (Tismenakis, Damas, Damas & Ball)

Introduced by Smith Seconded by VanderWall
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

December 12, 1966 at 8:00 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

APPROPRIATION TRANSFER - WIDENING OF TULLY FROM BOWEN TO WOODROW

RESOLUTION NO. 66-694

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $2,500 FOR IMPROVEMENT OF TULLY ROAD FROM BOWEN TO WOODROW

Introduced by Smith Seconded by VanderWall
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

INTRODUCTION OF GIRL SCOUT TROOP NO. 454

Mayor Johansen welcomed Girl Scout Troop No. 454, present at the meeting under the supervision of Mrs. Joyce Schieferstein and Mrs. Melvin Frank.

REPORT ON CAPITAL IMPROVEMENT PROJECTS

The following documents were entered into the record of the minutes: Memorandum from City Manager dated November 8, 1966 subject, "Capital Improvement Expenditures," and memorandum from Mayor Johansen dated November 14, 1966 subject, "Capital Improvement Projects," listing improvements needed to satisfy the cultural needs of all social and economic groups in the City.

Mayor Johansen cited the need to take steps within the coming months to program needed capital improvements. At the last meeting, Mayor Johansen asked that the Council propose additional projects; that if agreement was reach with the suggested method of handling, the Executive Committee of the Forward Modesto Committee be asked to establish priorities, to calendar, and establish methods of financing the proposed projects.

Councilman Mitchell suggested a Public Transportation Center, where the railroad, bus lines, taxi companies, and service to the air lines could be centered in one area.

Mayor Johansen stated this item involved the downtown plan with which the Council and Planning Commission would definitely be involved in; that with the hiring of Development Research Associates for a market feasibility study, there was bound to be some overlapping; that it might be well for the Council to not consider the downtown plan until after receipt of the Development Research study.

Councilman Shastid expressed the opinion that adequate city lighting was as essential a service need as the police building, city hall, corporation yard, or park development, and said he hoped that funds would be allocated from limited capital improvement funds to permit the improvement of lighting at a more rapid pace.

Councilman Smith suggested that the proposed programming of capital

improvements be held over until Spring after receipt of the feasibility study and presentation of the downtown plan.

Councilman Mitchell pointed out the importance of having sufficient funds available to complete the sewage disposal project before contracts are let for additional major capital improvements.

City Manager Keefe stated that establishment of priorities for the projects listed in the Mayor's memorandum would be of assistance to the staff from the standpoint of advance planning.

Councilman Mitchell reported briefly on renewal of negotiations with the M.I.D. on improvement of city lighting. He stated that progress had been made earlier in the year, with the M.I.D. reducing the City's electrical bill about $6,000 a year; that a meeting was proposed for next week, schedules permitting.

Upon questioning, Mayor Johansen said that the M.I.D. has expressed willingness to work with the City on drainage problems when such problems are presented by the City.

Frank Andrews suggested restraint and practicability in expenditure of funds for capital improvements.

MOTION

That the Executive Committee of the Forward Modesto Committee be asked to set up a plan for the City to follow, as outlined in the memorandum from Mayor Johansen dated November 14, 1966 - to assign priorities, calendar, and suggest methods of financing the capital improvement projects listed (See amendment below establishing time limit)

Moved by VanderWall Seconded by Hughes

The motion carried, Councilman Patton dissenting.

A public opinion poll by the Jr. Chamber of Commerce or other interested civic organization was suggested; also suggested was a poll of business people by the AB-103 Committee, and a poll through the Modesto Bee.

It was Councilman Patton's opinion that priority for the projects should be determined by the Council, and as soon as possible.

MOTION

That the above motion be amended to ask for a report by April 1, 1967
Moved by Smith Seconded by Shastid

The motion carried, Councilman Patton dissenting.

MATTERS FOR THE GOOD OF THE COMMUNITY

Frank Andrews - Request for $100 for Humane Society

Mr. Andrews asked that the Council contribute $100 for the Humane Society animal shelter operated by Mrs. McCready.

By order of the Chair, the request was referred to the staff.

Resignation of Councilman VanderWall effective December 8, 1966

A letter of resignation from Councilman VanderWall effective December 8, 1966 was read into the record of the minutes by Mayor Johansen.

FURTHER CONSIDERATION OF FENCE IMPROVEMENT AT DEL WEBB FIELD

A memorandum from the Director of Public Works dated November 3,

1966 subject, "Fence at Del Webb Field," was entered into the record of the minutes. This matter was considered by the Council at the November 14th meeting and held over for one week to permit representatives of the Modesto Baseball Club to get a cost estimate on a galvanized tin heavy gauge fence with a view to saving the City money.

The City Manager stated that the Engineering Department, the Parks and Recreation Department, and the Modesto Baseball Club had reached agreement and recommended that Alternate 2 be constructed - - a wood fence with steel posts, at a cost of about $9,100; that it was the consensus that the galvanized tin fence would not be suitable.

Bob Burton, representing the Baseball Club, said the ball club planned to prime and paint the inside of the panels with advertising matter.

Frank Reynolds, Assistant Director of Public Works, said that although the Public Works Department had not yet made a recommendation, he personally preferred a chain link fence which would still provide security in the event the plywood fell down. He pointed out that the cost estimates for the various types of fences listed did not include costs of painting; that it was his understanding that the Parks Department would take care of the painting of the paneling which did not carry advertising.

Mr. Burton said that any decision of the Council would be satisfactory to the ball club.

The relative merits of Alternates 1A and 1B were discussed.

MOTION

That the staff's recommendation for Alternate 1A be approved - combination of plain chain link and rustake, as manufactured by U. S. Steel, Cyclone Fence Division; that the City assume the cost of the plywood advertising panels at an additional cost of about $875, subject to Department of Public Works' approval of the plywood paneling.

Moved by Patton Seconded by Shastid Unanimously carried

CONSIDER LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND GOTTSCHALK FLIGHT CENTER FOR LEASE OF PROPERTY AND CONSTRUCTION OF OFFICE AT CITY COUNTY AIRPORT

A memorandum from the Director of Public Works dated November 17, 1966 subject, "Airport - Gottschalk Office Building," was entered into the record of the minutes. Recommendation was made that the lease agreement as proposed be approved by the Council.

Mr. Gottschalk recommended that the block wall proposed to be constructed by the City be installed at the same time the building is constructed. He said that construction of the building would begin in about two or three weeks, with completion anticipated in about March or April.

MOTION

That the staff be authorized to solicit bids for the construction of a block wall to separate the proposed office from the runway

Moved by Hughes Seconded by Shastid Unanimously carried

RESOLUTION NO. 66-695

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND GOTTSCHALK MUSIC CENTER FLYING CLUB FOR CONSTRUCTION OF OFFICE BUILDING AT MODESTO CITY-COUNTY AIRPORT

Introduced by Hughes Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

REQUEST FOR REFUND, BUSINESS LICENSE, $393.09, GEMINI DISTRIBUTING COMPANY

A memorandum from the Director of Finance dated November 15, 1966 subject, "Request for Refund, Business License - Gemini Distributing Company," recommending that the requested refund of $393.09 be approved on the basis of a staff review which found the request to be valid, was entered into the record of the minutes.

RESOLUTION NO. 66-696

A RESOLUTION AUTHORIZING THE REFUND OF BUSINESS LICENSE FEE IN AMOUNT OF $393.09 (Gemini Distributing Company)

Introduced by Hughes Seconded by VanderWall
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

AGREEMENT BETWEEN CITY OF MODESTO AND DEVELOPMENT RESEARCH ASSOCIATES PROVIDING FOR AN ECONOMIC FEASIBILITY STUDY

RESOLUTION NO. 66-697

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND DEVELOPMENT RESEARCH ASSOCIATES FOR AN ECONOMIC FEASIBILITY STUDY

Introduced by Smith Seconded by VanderWall
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

CONSIDER REQUEST FOR ADDITIONAL T-HANGAR AT AIRPORT

A memorandum from the Airport Manager dated October 12, 1966 subject, "Airport T-Hangars," was entered into the record of the minutes. Recommendation was made that the Council consider construction of twelve hangars early in Spring of 1967 at an estimated cost of $33,000, to accommodate fixed base operators needing hangar space.

Airport Operator Sham said that on three occasions in the past, advance rent has been paid by lessors for three years to apply to the cost of the hangars; that he believed he could obtain five year leases; that construction was desired next July or August.

The request was discussed by the Council.

The City Manager stated that T-Hangars were already budgeted in the Capital Improvement budget for construction during fiscal year 1967-68.

Councilman Patton suggested that a policy be established between the Airport Manager and Director of Public Works whereby requests for T-Hangars could be brought to the Council for consideration in an emergency situation, where lessors have agreed to pay advance rent in a reasonable amount towards construction of the hangars; otherwise, that the hangars be budgeted under the capital improvement program. Councilman Shastid suggested that the advance rent be 100%.

No action was taken by the Council.

REPORT AND RECOMMENDATION FROM PLANNING COMMISSION ON AIRPORT MASTER PLAN

MOTION

That the location of the Gottschalk Flying Club building to the north of the new administration building as shown on the Airport Master Plan be approved

Moved by Hughes Seconded by Shastid Unanimously carried

A letter from J. Wier offering suggestions for the airport was entered into the record of the minutes and referred to the Director of Public Works.

REPORT FROM STATE HIGHWAY ENGINEER ON INTENTION TO RELINQUISH HIGHWAY RIGHT OF WAY

The report was briefly outlined by Assistant Director of Public Works Frank Reynolds. Director of Public Works Campbell stated that the report was in accordance with the freeway agreement entered into between the City and the State a number of years ago. No action was taken by the Council.

QUARTERLY REPORT FROM GREATER MODESTO CHAMBER OF COMMERCE

The quarterly report from the Greater Modesto Chamber of Commerce for the quarter ending September 1966 was entered into the record of the minutes and ordered filed.

EXECUTIVE SESSION

MOTION

That the Council adjourn to executive session to consider a replacement for Councilman VanderWall
Moved by Smith Seconded by Hughes Unanimously carried

The meeting adjourned at 6:02 P.M.

ATTEST: REX E. GAILFUS, City Clerk

Modesto City Council
November 28, 1966

The Council of the City of Modesto met in regular session this date at 7:30 P.M. in the Council Chambers, City Hall, 801 11th Street, Modesto, California, Mayor Johansen presiding.

Present: Councilmen: Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
(Councilman Hughes arrived at 7:52 P.M.)

Absent: Councilmen: None

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

Reverend Tom Champness gave the invocation.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

The minutes of the regular meeting of October 24, 1966 were approved.

LETTER FROM LOS BANOS CHAMBER OF COMMERCE REGARDING A DONATION OF FUNDS FOR PROMOTION OF THE SAN LUIS SITE FOR THE 1969 NATIONAL BOY SCOUT JAMBOREE

A letter from Mel Soares and Al Cooper, President and Manager respectively of the Los Banos Chamber of Commerce, dated November 9, 1966 requesting a $200 contribution to promote the San Luis site for the 1969 National Boy Scout Jamboree, was entered into the record of the minutes.

The Council discussed the following: Use of funds derived from the hotel-motel tax for the requested contribution; whether or not the requested $200 would be a proper expenditure from the revolving convention fund allocated to the Chamber of Commerce; distance from Modesto of the proposed site; whether or not it would be a proper city expenditure.

MOTION

That the letter be referred to the Chamber of Commerce for study and recommendation, indicating that the Council feels the proposed Jamboree will be of benefit to the City (amended below)

Moved by Mitchell Seconded by Patton Unanimously carried

MOTION

That the letter be referred to the Chamber of Commerce to make a recommendation as to whether the Jamboree will benefit the community; if considered of benefit to the City, use funds from the revolving fund for promotions

Moved by Shastid Seconded by Patton

The motion carried, Councilman Mitchell dissenting.

LETTER FROM STANISLAUS COUNTY TAXPAYERS' ASSOCIATION ADVISING COUNCIL OF ANNUAL BANQUET

A letter from Executive Director John L. Martin dated November 18, 1966, notifying the council of the annual banquet to be held on December 6th at the Elk's Lodge, was entered into the record of the minutes and ordered filed.

LETTER FROM MODESTO FLYING CIRCUS REQUESTING AMENDMENT TO AGREEMENT PERTAINING TO FLYING SITE LOCATED AT CONEJO AVENUE

A letter from Elwyn Johnson, President, Modesto Flying Circus, dated November 18, 1966 requesting renewal of an agreement with the City and suggesting agreement revisions, was entered into the record of the minutes.

By order of the Chair, the letter was referred to the staff for report and recommendation.

LETTER FROM LAURENCE H. DeWITT RESIGNING FROM BOARD OF ELECTRICAL EXAMINERS

A letter from Laurence H. DeWitt resigning from the Board of Electrical Examiners effective November 30, 1966 was entered into the record of the minutes.

RESOLUTION NO. 66-698

A RESOLUTION COMMENDING LAURENCE H. DeWITT FOR SERVICE RENDERED TO THE CITY OF MODESTO AS A MEMBER OF THE BOARD OF ELECTRICAL EXAMINERS

Introduced by Shastid Seconded by VanderWall
Ayes: Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Hughes

REPORT OF SUPERINTENDENT OF STREETS ON COST OF INSTALLATION OF SIDEWALK ON THE SOUTH SIDE OF BLOCK 6077 ON WEST ORANGEBURG AVENUE

RESOLUTION NO. 66-699

A RESOLUTION SETTING TIME AND PLACE FOR HEARING REPORT OF SUPERINTENDENT OF STREETS ON COST OF INSTALLATION OF SIDEWALK ON THE SOUTH SIDE OF BLOCK 6077 ON WEST ORANGEBURG AVENUE

Introduced by Shastid Seconded by Smith
Ayes: Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Hughes

December 5, 1966 at 4:40 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

DESIGNATE ALLEY BETWEEN SHERIDAN, CHICAGO, PARADISE AND HUDSON AS ONE-WAY SOUTHEASTERLY

RESOLUTION NO. 66-700

A RESOLUTION AMENDING SECTION 1 (b) OF RESOLUTION NO. 62-29 ENTITLED "A RESOLUTION ESTABLISHING ONE-WAY STREETS AND ALLEYS AND ANGLE PARKING IN THE CITY OF MODESTO AND RESCINDING RESOLUTION NO. 59-191 ENTITLED 'A RESOLUTION ESTABLISHING PARKING METER ZONES, ONE-WAY STREETS AND ALLEYS AND ANGLE PARKING IN THE CITY OF MODESTO AND RESCINDING ALL PRIOR RESOLUTIONS AND REGULATIONS RELATING THERETO', AND RESCINDING ALL SUBSEQUENT RESOLUTIONS AND REGULATIONS RELATING THERETO", AND RESCINDING RESOLUTION NO. 66-447

Introduced by Shastid Seconded by Smith
Ayes: Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Hughes

APPROVE AGREEMENT BETWEEN THE CITY OF MODESTO AND WOLVERINE BUILDING SERVICE, INC., FOR THE CONSTRUCTION OF A SANITARY SEWER ON ROSE AVENUE TO SERVE LIBERINI PARK NO. 1 SUBDIVISION

RESOLUTION NO. 66-701

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND WOLVERINE BUILDING SERVICE, INC., FOR CONSTRUCTION OF SANITARY SEWER ON ROSE AVENUE TO SERVE LIBERINI PARK NO. 1 SUBDIVISION

Introduced by Shastid Seconded by Smith
Ayes: Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Hughes

APPROPRIATION TRANSFER OF $600 FOR DAMAGED PARKING METERS

RESOLUTION NO. 66-702

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $600 FOR DAMAGED PARKING METERS (Vandalism)

Introduced by Shastid Seconded by Smith
Ayes: Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: Hughes

REPORT ON NEW BUSES FOR MODESTO MOTOR BUS SERVICE

A report from the Director of Parking and Traffic dated November 23, 1966, subject, "Progress Report - Bus Application - Federal Assistance," was entered into the record of the minutes. No action was taken by the Council. The report was ordered filed.

REPORT ON DRYDEN GOLF COURSE PRO CONTRACT

A memorandum from the Director of Parks and Recreation dated November 25, 1966, subject, "Review and Recommendation - Golf Professional's Contract for Dryden Golf Course," was entered into the record of the minutes. The following proposal was presented for council consideration: (1) That the City enter into a separate agreement for the food concession at Dryden; (2) That Mr. Silva provide custodial service and general supervision of the building areas not covered by the food concession agreement; that all other conditions set forth in the existing contract remain the same.

Director of Parks and Recreation Grogan recommended that the new agreement be for a period of one year, and that it be reviewed at the end of that period.

MOTION

That the recommendation of the Director of Parks and Recreation in memorandum dated November 25, 1966 for the golf professional's contract be approved

Moved by Smith Seconded by Shastid Unanimously carried

Signups for Playing Golf

Upon questioning by Councilman Patton, Golf Pro Silva stated that under present rules one person can take only three starting times and must be there on Monday morning; that starting times are taken at 7:30 by phone.

Miss Grogan stated that starting time rules were being formalized in view of increased play at the courses and would be presented to the Council within a short time.

Councilman Hughes arrived at 7:52 P.M.

REPORT ON DRYDEN GOLF COURSE FOOD CONCESSION 2-29

Miss Grogan reported that two bids were received for the Dryden Clubhouse food concession. She recommended that the bids be rejected on the basis that one bid was not signed, and the other bidder failed to furnish an adequate plan of operation and experience sheet. She recommended that the staff be authorized to negotiate an agreement for the food concession.

RESOLUTION NO. 66-703

A RESOLUTION REJECTING ALL BIDS FOR THE OPERATION OF A FOOD CONCESSION AT THE DRYDEN PARK MUNICIPAL GOLF COURSE CLUBHOUSE AND AUTHORIZING THE STAFF OF THE CITY OF MODESTO TO NEGOTIATE FOR A VENDOR TO OPERATE A FOOD CONCESSION AT DRYDEN PARK MUNICIPAL GOLF COURSE CLUBHOUSE

Introduced by Patton Seconded by Hughes
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

REPORT ON DRYDEN GOLF COURSE - MISCELLANEOUS IMPROVEMENTS

A memorandum from the Director of Parks and Recreation dated November 25, 1966, subject, "Miscellaneous improvements - Dryden Golf Course," was entered into the record of the minutes. Listed were improvements needed at Dryden Golf Course costing approximately $3,140 in connection with the new Dryden Park Clubhouse, which is nearing completion.

MOTION

That the miscellaneous improvements for Dryden Golf Course listed in memorandum from Director of Parks and Recreation dated November 25, 1966 be approved

Moved by VanderWall Seconded by Patton Unanimously carried

RESOLUTION NO. 66-705

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $3,140 FOR VARIOUS IMPROVEMENTS AT DRYDEN GOLF COURSE

Introduced by VanderWall Seconded by Patton
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

HEARING ON APPEAL FROM DECISION OF THE PLANNING COMMISSION DENYING ZONE CHANGE (DON PEDRO REALTY CO.)

Mayor Johansen announced that the hour of 7:45 P.M. had arrived, the time set for consideration of the appeal of Don Pedro Realty Co. to the decision of the Planning Commission denying a zone change from R-1 to P-D Zone, property located at the northeast corner of Tully Road and Briggsmore Avenue, and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Bee on November 17, 1966 and notices posted and distributed in the area on November 16, 1966. A letter of protest to the proposed rezoning was filed with the City Clerk by Coralaire Garden Apartments, located at 1839 Tully Road, and entered into the record of the minutes.

Planning Commission Resolution No. 66-104 denying an application for an amendment to Section 17-3-9 of the zoning map as requested by Don Pedro Realty was entered into the record of the minutes.

Director of Planning Fey stated that the planned development proposed two uses - a service station to be constructed on or before October 1, 1968 and completed on or before March 1, 1969; the second use, an office building proposed to be started on or before October 1, 1969 and completed on or before October 1, 1970. He said the parcel comprised approximately 1½ acres. A layout of the development plan was shown the Council, with two points of access on Tully Road and one point of ingress on Briggsmore Avenue. The rezoning application was denied by the Planning Commission for the following reasons: Neighborhood commercial needs are adequately served by existing commercial zoning and development in the area; commercial zoning should not exceed the amount of commercial zoning that is necessary to serve the surrounding neighborhoods; single-family uses front and side on this parcel to the east and north and should limit its potential development to compatible residential uses. Mr. Fey said that the Planning Commission has recommended an R-3 use for this property.

Paul Birmingham, representing the applicant, Don Pedro Realty, referred to a petition signed by 84 residents in the area, and filed with the Planning Commission which indicated that they had no objections to the requested rezoning, to which was attached a map showing the location of the residences of the individuals signing the petition. He said he felt the petition pertinent to the hearing and expected it to be passed on to the Council by the Planning Commission. Mr. Fey said that his staff was not able to locate the petition and map.

Mr. Birmingham spoke briefly in support of the proposed rezoning. He said that a Shell service station was proposed for the property, plus an office building to be occupied by Don Pedro Realty.

Mr. Birmingham was questioned by the Council on ingress and egress to the proposed development; number of offices in the proposed office building and their intended uses.

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

The Council discussed the following: Possible establishment of precedent for location of service stations if application was approved; amount of traffic generated by a service station; access rights on Briggsmore Avenue; proximity of developed commercial areas in the neighborhood; incompatibility of service stations in residential areas.

Mr. Ivan Albert, real estate representative for Shell Oil, Fresno, said that a service station did not necessarily generate traffic, but a location was chosen to tap existing traffic.

RESOLUTION NO. 66-706
A RESOLUTION REFERRING THE DENIAL OF AMENDMENT TO SECTION 17-3-9 OF THE ZONING MAP BACK TO THE PLANNING COMMISSION FOR FURTHER STUDY (DON PEDRO REALTY)

Introduced by Patton Seconded by Hughes
Ayes: Hughes, Patton, VanderWall, Mayor Johansen
Noes: Mitchell, Shastid, Smith Absent: None

Mr. Birmingham stated that a duplicate map showing the location of the residences of the individuals approving the rezoning would be furnished the Council if the original map is not located.

HEARING ON PROPOSED AMENDMENT TO SECTION 31-3-9 OF THE ZONING MAP (PARADISE PLAZA SHOPPING CENTER) 7-100

Mayor Johansen announced that the hour of 7:55 P.M. had arrived, the time set for consideration of the proposed rezoning of property located to the west of Franklin Street and Sutter Avenue, north of Chicago Avenue and south of Briggs Avenue, from Neighborhood Commercial Zone, C-1 to General Commercial Zone, C-2, and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Bee on November 17, 1966 and notices posted and distributed in the area on November 16, 1966. No written protests were filed with the City Clerk.

Planning Commission Resolution No. 66-106 recommending to the Council an amendment to Section 31-3-9 to approve the requested rezoning from C-1 to C-2 was entered into the record of the minutes.

Director of Planning Fey was questioned by the Council on justification for the proposed rezoning.

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

ORDINANCE NO. 816-C.S. entitled
"AN ORDINANCE AMENDING SECTION MAP 31-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (PARADISE PLAZA SHOPPING CENTER)"

was introduced and ordered published as required by the Charter.

Moved by Hughes Seconded by Mitchell
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

MATTERS FOR THE GOOD OF THE COMMUNITY

Status of improvements in front of SOS Club

Upon questioning of Councilman VanderWall, Director of Parks and Recreation Grogan stated that funds for improvements in front of the

SOS Club were being held in trust; that she had discussed this matter with the new manager of the Club a short time ago; that she had reviewed some of the plans presented by the SOS architect, and was sure that the City could expect some action shortly.

RESOLUTION COMMENDING COUNCILMAN VANDERWALL

Mayor Johansen read into the record a resolution commending Councilman VanderWall who has resigned from the Council effective December 8, 1966.

RESOLUTION NO. 66-704
A RESOLUTION COMMENDING RICHARD VANDERWALL FOR HIS DEDICATED SERVICES AND INVALUABLE CONTRIBUTION TO THE CITY OF MODESTO AND ITS CITIZENS

Introduced by Mayor Johansen Unanimously seconded
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

A gift from the council members was presented to Councilman VanderWall.

SUGGESTED PROCEDURES FOR FILLING POSITION OF CITY CLERK

A memorandum from the City Manager dated November 18, 1966 outlining steps to advertise for applicants for the position of City Clerk was entered into the record of the minutes and ordered filed.

ACCEPTANCE OF NEW CORPORATION YARD EXCEPT FOR INSTALLATION OF AN EXHAUST HOSE

A memorandum from the Director of Public Works dated November 25, 1966, subject, "Completion of Construction Work at New Corporation Yard by Contractor, Henry Beuving and Son, Inc.," indicating that all work in connection with this project was completed by the contractor on November 25, 1966 with the exception of the installation of an exhaust hose in the service shop, was entered into the record of the minutes.

RESOLUTION NO. 66-707
A RESOLUTION ACCEPTING THE CONSTRUCTION OF NEW CORPORATION YARD EXCEPT FOR INSTALLATION OF EXHAUST HOSE

Introduced by Hughes Seconded by Smith
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, VanderWall, Mayor Johansen
Noes: None Absent: None

CONSIDER APPROVAL OF WORK BY WOODWARD-CLYDE-SHERARD AND ASSOCIATES TO CONDUCT SOILS INVESTIGATIONS AT THE EXISTING TREATMENT PLANT SITE AND AT REMOTE PONDING SITE 5

A memorandum from the Director of Public Works dated November 25, 1966, subject, "Sewerage Works Improvements - Soil Tests - Existing Plant Site and Remote Ponding Site 5," indicating that soil investigations are necessary to enable Jenks and Adamson to proceed with the engineering design of various facilities involved in the sewerage works improvements, was entered into the record of the minutes.

MOTION
That soil investigations by the firm of Woodward-Clyde-Sherard and Associates of San Jose at the existing plant site and remote ponding site No. 5 be approved
Moved by Hughes Seconded by Smith Unanimously carried
Councilman VanderWall was excused from the meeting.

EXECUTIVE SESSION TO CONSIDER CITY COUNCIL APPOINTMENT

The Council went into executive session at 10:37 P.M. to consider an appointment to the Council to fill the unexpired term of Councilman VanderWall, reconvening at 10:45 P.M.

RESOLUTION NO. 66-708

A RESOLUTION APPOINTING LEE H. DAVIES TO THE VACANCY EXISTING IN THE OFFICE OF COUNCILMAN OF THE CITY OF MODESTO (Effective December 12, 1966)

Introduced by Mitchell Seconded by Shastid
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, Mayor Johansen
Noes: None Absent: VanderWall

Mayor Johansen stated that Mr. Davies would continue to serve as Chairman of the Human Rights Commission until a successor is appointed.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by Mitchell Seconded by Shastid
Ayes: Hughes, Mitchell, Patton, Shastid, Smith, Mayor Johansen
Noes: None Absent: VanderWall

The meeting adjourned at 10:55 P.M.

ATTEST: _____
REX E. GAILFUS, City Clerk

Modesto City Council
December 5, 1966

The Council of the City of Modesto met in regular session this date at 4:00 P.M. in the Council Chambers, City Hall, 801 11th Street, Modesto, California, Acting Mayor VanderWall presiding.

Present: Councilmen: Hughes, Patton, Smith, Acting Mayor VanderWall
Councilman Shastid arrived at 4:15 P.M.

Absent: Councilmen: Mitchell, Mayor Johansen

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

Reverend Hubert Byrd gave the invocation.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

The minutes of the regular meetings of November 7, 14 and 21, 1966 were approved.

LETTER FROM MARTIN SCHUELLER TO JOHN KEEFE REGARDING CITY REPRESENTATION ON THE URBAN TRANSPORTATION PLANNING COMMITTEE

A letter from Martin L. Schueller, Director of Planning, Stanislaus County Planning Commission, dated November 22, 1966, requesting that two city councilmen be appointed to represent the City on the Urban Transportation Planning Committee, was entered into the record of the minutes.

MOTION

That the request be referred to Mayor Johansen and authority given him to appoint two council members to represent the City on the Urban Transportation Planning Committee

Moved by Smith Seconded by Patton Unanimously carried

LETTER FROM OLIVER DEATSCH OF MODESTO BAND OF STANISLAUS COUNTY, INC., REQUESTING PAYMENT OF 1966-67 ANNUAL APPROPRIATION TRANSFER

A letter from Oliver E. Deatsch dated November 25, 1966 requesting payment of $1,550 budgeted for the Modesto Band of Stanislaus County, Inc., for fiscal year 1966-67 was entered into the record of the minutes.

MOTION

That payment of 1966-67 annual appropriation to Modesto Band of Stanislaus County in the amount of $1,550 be approved

Moved by Smith Seconded by Hughes Unanimously carried

LETTER OF RESIGNATION FROM THE FARM-CITY ADVISORY COMMITTEE - HARVEY PHILLIPS

A letter from Harvey Phillips dated November 25, 1966 submitting his resignation as a member of the Farm-City Advisory Committee was entered into the record of the minutes.

RESOLUTION NO. 66-709

A RESOLUTION COMMENDING HARVEY PHILLIPS FOR SERVICE RENDERED THE CITY OF MODESTO AS A MEMBER OF THE FARM-CITY ADVISORY COMMITTEE

Introduced by Hughes Seconded by Patton
Ayes: Hughes, Patton, Smith, Acting Mayor VanderWall
Noes: None Absent: Mitchell, Shastid, Mayor Johansen

LETTER REGARDING USE OF CITY HALL CONFERENCE ROOM (LABOR COMMISSIONER)

A letter from Sigmund Arywitz, Labor Commissioner, Department of Industrial Relations, dated November 16, 1966 requesting use of a conference room in the City Hall as a hearing room when necessary to hold hearings in the county seat for legal reasons, was entered into the record of the minutes.

MOTION

That the staff be authorized to permit the Department of Industrial Relations to use a city hall conference room on an emergency basis

Moved by Hughes Seconded by Smith Unanimously carried

LETTER FROM CHAMBER OF COMMERCE REGARDING BOY SCOUT JAMBOREE AT LOS BANOS

The following document was entered into the record of the minutes: A letter from Raymond F. Whitgrove, President, dated December 1, 1966 stating that the Executive Committee of the Chamber had reviewed the request for funds to assist in obtaining the 1969 Boy Scout Jamboree at the San Luis site, and felt that the event would have an impact on the local community and came within the intent and purposes of the Convention Fund; that with approval of the Council or its liaison representative, $200 would be appropriated to the Los Banos Chamber from the Convention Fund.

MOTION

That the Chamber of Commerce be authorized to appropriate $200 for the Los Banos Chamber of Commerce for promoting the 1969 Boy Scout Jamboree at the San Luis site

Moved by Hughes Seconded by Smith Unanimously carried

MOTION

That the City Manager be authorized to write a letter to the Modesto Bee explaining the intent of the convention fund allocated to the Chamber of Commerce for promotional purposes

Moved by Hughes Seconded by Patton Unanimously carried

The City Manager said he would obtain a report from the Chamber on the status of the convention fund.

LETTER FROM ARTHUR J. WYLIE OFFERING A STRIP OF LAND FOR SALE TO THE CITY OF MODESTO

A letter from Wylie Development Company dated November 30, 1966 offering to sell a narrow strip of land adjoining the southern boundary of Catherine Everett School at a cost of $269.85, was entered into the record of the minutes.

The City Manager reported that, after review of the offer by the staff, it recommended that the offer be refused on the basis that acquisition would be of no advantage to the City.

MOTION

That the offer be refused and suggestion made to Mr. Wylie that he offer the land to adjacent property owners

Moved by Hughes Seconded by VanderWall Unanimously carried

LETTER FROM STANISLAUS COUNTY HOUSING AUTHORITY CONCERNING LEASED HOUSING

A letter from Walter W. Thompson, Executive Director, Housing Authority, County of Stanislaus dated December 1, 1966 with copies of suggested forms for a resolution approving application of the provision of Section 23 of the

United States Housing Act of 1937, as amended to locality, attached, for council consideration, was entered into the record of the minutes. The letter indicated that the Board of Supervisors approved an appropriate resolution at its regular meeting of November 29, 1966.

The City Manager read into the record of the minutes a letter from the County Administrator to the Board of Supervisors relative to the provisions of the Housing Act.

Mr. Walter Thompson, Executive Director, Stanislaus County Housing Authority, stated that other communities have approved application; that he had heard of no opposition to the program; that it was hoped that it would upgrade substandard housing whereby the owner would receive a higher rental which would enable him to cover costs of bringing the homes up to standard.

Mr. Thompson was questioned by the Council. He said that Council consent was a federal requirement, and would permit the Housing Authority to lease houses within the City and also enable it to make a feasibility survey.

With the unanimous consent of the Council, this matter was held over for one week and the staff directed to furnish the Council additional information on the matter.

Councilman Shastid arrived at 4:15 P.M.

LETTER FROM CITIZENS' CULTURAL CENTER COMMITTEE, INC., REGARDING USE OF THE VACANT POLICE BUILDING ON 10TH STREET FOR TEMPORARY MUSEUM

A letter from Heidi L. Warner, Chairman, dated December 1, 1966 requesting the use of the vacant police building on 10th Street for a temporary museum was entered into the record of the minutes.

The City Manager said that the staff did not propose to use the building in the future, except that the Christmas decorations would probably be stored there. Eventual disposition of the property was discussed, either by sale or conversion to a parking lot. Mr. Keefe recommended that if the request were approved by the Council, term of the agreement be for one year, to continue after that time on a month-to-month basis.

Mrs. Warner was questioned on plans for the proposed museum.

Mr. Keefe said that safety conditions of the building would be carefully checked.

By order of the Chair, the City Attorney was directed to prepare an agreement for use of the building as a museum.

HEARING ON AMENDMENT TO SECTION 5-4-9 OF THE ZONING MAP (JOHN PESTANA) 2-52

Acting Mayor VanderWall announced that the hour of 4:15 P.M. had arrived, the time set for consideration of the application of John Pestana for an amendment to Section 5-4-9 of the zoning map, to reclassify from R-1 to R-2, property located on the south side of Roselawn Avenue, east of Colorado Avenue, and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Bee on November 23, 1966 and notices posted and distributed in the area on November 25, 1966. No written protests were filed with the City Clerk.

Planning Commission Resolution No. 66-112 recommending to the Council that Section 5-4-9 of the zoning map be amended to approve the requested rezoning was entered into the record of the minutes.

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

ORDINANCE NO. 817-C.S. entitled
"AN ORDINANCE AMENDING SECTION MAP 5-4-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (PESTANA)"

was introduced and ordered published as required by the Charter.

Moved by Hughes Seconded by Smith
Ayes: Hughes, Patton, Shastid, Smith, Acting Mayor VanderWall
Noes: None Absent: Mitchell, Mayor Johansen

RECOMMEND THAT INSTALLATION OF WATER LINE IN BLOCK 308-A AT ROSELAWN AVENUE BE PERFORMED BY CITY FORCES

With the unanimous consent of the Council, this item was removed from the agenda pending possible clearance of state license for low bidder.

RECOMMEND THAT INSTALLATION OF WATER LINE IN CALIFORNIA AVENUE BETWEEN WASHINGTON AND FRANKLIN STREETS BE PERFORMED BY CITY FORCES

With the unanimous consent of the Council, this item was removed from the agenda pending possible clearance of state license for low bidder.

RESOLUTIONS WITHDRAWING CERTAIN DESCRIBED TERRITORIES FROM THE FOLLOWING FIRE PROTECTION DISTRICTS BY REASON OF THEIR ANNEXATION TO THE CITY OF MODESTO

SALIDA FIRE PROTECTION DISTRICT

RESOLUTION NO. 66-711
A RESOLUTION WITHDRAWING CERTAIN DESCRIBED TERRITORY FROM THE SALIDA FIRE PROTECTION DISTRICT BY REASON OF ITS ANNEXATION TO THE CITY OF MODESTO

Introduced by Smith Seconded by Shastid
Ayes: Hughes, Patton, Shastid, Smith, Acting Mayor VanderWall
Noes: None Absent: Mitchell, Mayor Johansen

EMPIRE FIRE PROTECTION DISTRICT

RESOLUTION NO. 66-712
A RESOLUTION WITHDRAWING CERTAIN DESCRIBED TERRITORY FROM THE EMPIRE FIRE PROTECTION DISTRICT BY REASON OF ITS ANNEXATION TO THE CITY OF MODESTO

Introduced by Smith Seconded by Shastid
Ayes: Hughes, Patton, Shastid, Smith, Acting Mayor VanderWall
Noes: None Absent: Mitchell, Mayor Johansen

BURBANK-PARADISE FIRE PROTECTION DISTRICT

RESOLUTION NO. 66-713
A RESOLUTION WITHDRAWING CERTAIN DESCRIBED TERRITORY FROM THE BURBANK-PARADISE FIRE PROTECTION DISTRICT BY REASON OF ITS ANNEXATION TO THE CITY OF MODESTO

Introduced by Smith Seconded by Shastid
Ayes: Hughes, Patton, Shastid, Smith, Acting Mayor VanderWall
Noes: None Absent: Mitchell, Mayor Johansen

McHENRY DRY CREEK FIRE PROTECTION DISTRICT

RESOLUTION NO. 66-714
A RESOLUTION WITHDRAWING CERTAIN DESCRIBED TERRITORIES FROM THE McHENRY-DRY CREEK FIRE PROTECTION DISTRICT BY REASON OF THEIR ANNEXATION TO THE CITY OF MODESTO

Introduced by Smith Seconded by Shastid
Ayes: Hughes, Patton, Shastid, Smith, Acting Mayor VanderWall
Noes: None Absent: Mitchell, Mayor Johansen

WOODLAND FIRE PROTECTION DISTRICT

RESOLUTION NO. 66-715
A RESOLUTION WITHDRAWING CERTAIN DESCRIBED TERRITORIES FROM THE WOODLAND FIRE PROTECTION DISTRICT BY REASON OF THEIR ANNEXATION TO THE CITY OF MODESTO

Introduced by Smith Seconded by Shastid
Ayes: Hughes, Patton, Shastid, Smith, Acting Mayor VanderWall
Noes: None Absent: Mitchell, Mayor Johansen

ACCEPT AS COMPLETE JOHNSON PUMP COMPANY CONTRACT FOR THE FURNISHING OF ONE DEEP WELL PUMP AND ELECTRICAL EQUIPMENT FOR PUMP STATION NO. 25

RESOLUTION NO. 66-716
A RESOLUTION ACCEPTING AS COMPLETE JOHNSON PUMP COMPANY CONTRACT FOR THE FURNISHING OF ONE DEEP WELL PUMP AND ELECTRICAL EQUIPMENT FOR PUMP STATION NO. 25

Introduced by Smith Seconded by Shastid
Ayes: Hughes, Patton, Shastid, Smith, Acting Mayor VanderWall
Noes: None Absent: Mitchell, Mayor Johansen

ACCEPT AS COMPLETE OLSEN BROS. CONTRACT FOR THE CONSTRUCTION OF DRYDEN PARK GOLF COURSE CLUBHOUSE

RESOLUTION NO. 66-717
A RESOLUTION ACCEPTING THE CONSTRUCTION OF DRYDEN PARK GOLF COURSE CLUBHOUSE

Introduced by Smith Seconded by Shastid
Ayes: Hughes, Patton, Shastid, Smith, Acting Mayor VanderWall
Noes: None Absent: Mitchell, Mayor Johansen

LETTER FROM CLELAND C. NORET, 211-B McHENRY AVENUE, REQUESTING A VARIANCE PERMIT FOR PAVING AT 120 EAST GRANGER AVENUE

RESOLUTION NO. 66-718
A RESOLUTION SETTING TIME AND PLACE FOR HEARING REQUEST OF CLELAND C. NORET FOR VARIANCE TO PERMIT INSTALLATION OF ASPHALT OFF-STREET PARKING AREA IN PUBLIC RIGHT OF WAY (120 EAST GRANGER AVENUE)

Introduced by Smith Seconded by Shastid
Ayes: Hughes, Patton, Shastid, Smith, Acting Mayor VanderWall
Noes: None Absent: Mitchell, Mayor Johansen

APPROPRIATION TRANSFER OF $898 FROM GENERAL RESERVE TO PERSONNEL BUDGET TO COVER ADDITIONAL SALARY

RESOLUTION NO. 66-719
A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $898 TO PERSONNEL BUDGET TO COVER ADDITIONAL SALARY OF PERSONNEL OFFICER

Introduced by Smith Seconded by Shastid
Ayes: Hughes, Patton, Shastid, Smith, Acting Mayor VanderWall
Noes: None Absent: Mitchell, Mayor Johansen

APPROVE SPECIFICATIONS AND CALL FOR BIDS FOR RECONSTRUCTION OF CURBS AND GUTTERS, SIDEWALKS, DRIVEWAYS, AND ALLEY APPROACHES AT VARIOUS LOCATIONS IN THE CITY 2-97

Director of Public Works Campbell stated that the proposed specifications and call for bids covered the improvement of existing curbs and gutters, sidewalks, driveways, and alley approaches which have been damaged throughout the community by the growth of tree roots and on which complaints have been received. Mr. Campbell explained the circumstances under which the City assumes responsibility for repair of driveways damaged by tree roots.

RESOLUTION NO. 66-720

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE RECONSTRUCTION OF CURBS AND GUTTERS, SIDEWALKS, DRIVEWAYS, AND ALLEY APPROACHES AT VARIOUS LOCATIONS IN THE CITY OF MODESTO

Introduced by Hughes Seconded by Patton
Ayes: Hughes, Patton, Shastid, Smith, Acting Mayor VanderWall
Noes: None Absent: Mitchell, Mayor Johansen
Bid opening date in City Clerk's office: December 21, 1966 at 10:00 A.M.

HEARING ON AMENDMENT TO SECTION 15-3-9 OF THE ZONING MAP (ELLIS) 3-9

Acting Mayor VanderWall announced that the hour of 4:30 P.M. had arrived, the time set for consideration of the application of Lance Ellis for an amendment to Section 15-3-9 of the zoning map, to rezone from P-D (23) and R-1, to R-2 and C-1, a 4-acre parcel of property located at the southwest corner of Old Oakdale Road and Celeste Drive, and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Bee on November 23, 1966 and notices posted and distributed in the area on November 28, 1966. No written protests were filed with the City Clerk.

Planning Commission Resolution No. 66-102 adopted October 25, 1966 recommending the rescinding of P-D (23) and an amendment to Section 15-3-9 of the zoning map was entered into the record of the minutes.

Director of Planning Fey stated that the planning staff recommended to the Planning Commission that the rezoning be denied because it felt this area deserved more study; that the timing of the zoning was such that any zoning for R-2 and C-1 at this time would be premature and that there were other factors involved with Briggsmore-Northern and other developments occurring in this area that the staff felt should be resolved before a neighborhood commercial area is established in this vicinity. Mr. Fey was questioned by the Council on the relation of the proposed neighborhood shopping center to the General Plan.

The Council discussed the following: The importance of preventing strip zoning of another major thoroughfare; recommended standard size for a neighborhood shopping center (seven acres, based on one acre for every thousand people); the possibility that the proposed four-acre shopping center will be too small for future development.

Mr. Fey indicated on a map the proposed location of new schools and a church in this area.

Paul Birmingham, civil engineer representing the applicant, said that the P-D zoning presently existing on the property was requested for a trailer park, but the requirements for the planned development were such that the project was no longer economical; that during this time the County had allowed a great number of trailer parks within the County with no improvements required at all; that for this reason R-2 and C-1 rezoning was requested. He said that there was no C-1 zoning within a one-mile radius of this property. He pointed out the advantages to the City of having a shopping center constructed to city standards, when it can be constructed in the unincorporated area with no controls at all.

Councilman Smith said he approved of advance planning and conformity with the General Plan; that the Council now had an opportunity to begin in the right direction with what may eventually become another major street - proper orientation of plans, the ultimate width of Oakdale Road; proper access and egress to the proposed center; a shopping center of the proper size; frontage roads.

Councilman Shastid suggested that a reasonable solution would be for the present planned development zone to be allowed to expire, the property reverting to R-1, and the applicant then submit an application for planned development for C-1 uses.

Mr. Birmingham stated that there were too many aspects and people involved in connection with shopping centers to permit an applicant to present a precise planned development to the Council for approval - financing, lease contracts, etc. He expressed the opinion that it was never intended that planned development zoning take the place of C-1 and C-2 zoning.

The City Attorney stated that it was not legally possible to place restrictions on a C-1 zone.

Upon questioning, Mr. Fey stated that it would be possible for the City to lay out specific requirements for highway and frontage development, and permit the balance of the development of the parcel to uses permitted in a C-1 zone, with a time limit for the development.

Mr. Birmingham stated that the curbs and gutters had already been laid on this parcel for a 90-foot street in front of the property. He said that he had tried to develop frontage roads on McHenry Avenue several years ago which were not approved by the planning staff.

Mr. Fey was questioned further on the staff's recommendation that the rezoning be denied.

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

The proposed rezoning was discussed by the Council.

Mr. Birmingham stated that land was dedicated for the street right of way by the owner represented by Mr. Birmingham; that dedication for the second parcel involved in the request for rezoning had not yet been obtained, but he was sure that there would be no difficulty in obtaining the dedication.

An ordinance upholding the Planning Commission's recommendation approving the rezoning and amending Section 15-3-9 of the zoning map, moved by Councilman Hughes and seconded by Councilman Patton, failed to carry, Councilmen Shastid and Smith dissenting.

Councilman Shastid asked that the record show that Mr. Lee H. Davies, appointed to the Council effective December 12, 1966 was present during this hearing.

Councilman Smith moved that the application be referred back to the Planning Commission with the recommendation that it work with the developer towards applying for a seven-acre C-1 type of zoning which would be more adequate for a neighborhood shopping area; that it work for the dedication of additional frontage property required; that consideration be given to the type of frontage this type of zoning should have, and that this be incorporated in the plan. He said that he was not sure at this point whether a frontage road was necessary or desired, but felt that this point might need to be studied; that if the planning staff and the Planning Commission believed there should be a frontage road, some type of planned development might be required to make this mandatory. Upon questioning by Councilman Shastid as to whether he was suggesting that the Planning Commission and the planning staff hold hearings to determine what was feasibly required in this area - whether a broad P-D, C-1, frontage road - Councilman Smith stated that this was what he intended although not expressed in quite that manner.

Mr. Birmingham stated that developer could take care of the increased acreage suggested by the Council for the proposed shopping center.

RESOLUTION NO. 66-721

A RESOLUTION REFERRING THE PROPOSED AMENDMENT TO SECTION MAP 15-3-9 OF THE ZONING MAP BACK TO THE PLANNING COMMISSION FOR FURTHER STUDY AND REQUESTING A FURTHER REPORT FROM THE COMMISSION IN ACCORDANCE WITH SECTION 10-2.2114 OF THE MODESTO MUNICIPAL CODE. (ELLIS)

Introduced by Smith Seconded by Shastid
Ayes: Patton, Shastid, Smith, Acting Mayor VanderWall
Noes: Hughes Absent: Mitchell, Mayor Johansen

HEARING ON COST OF INSTALLATION OF SIDEWALK IN BLOCK 6077

Acting Mayor VanderWall announced that the hour of 4:40 P.M. had arrived, the time set for consideration of the report of cost of installation of sidewalk in Block 6077, West Orangeburg Avenue (Lot 2 of the Wilen Tract No. 2 as per map filed February 27, 1946 in Volume 14 of Maps, Page 43, Stanislaus County Records), and opened the hearing.

The City Clerk reported that notice of the hearing was mailed to the owner, Mr. Velton D. Rogers, on December 1, 1966.

A notice indicating a total cost of $65.20 for the construction of the sidewalk was filed with the record of the minutes.

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

RESOLUTION NO. 66-722

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF SIDEWALK ALONG CERTAIN STREETS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF THE AMOUNT OF SAID LIEN (W. ORANGEBURG AVENUE)

Introduced by Shastid Seconded by Hughes
Ayes: Hughes, Patton, Shastid, Smith, Acting Mayor VanderWall
Noes: None Absent: Mitchell, Mayor Johansen

MATTERS FOR THE GOOD OF THE COMMUNITY 9-20

Introduction of Mr. Lee H. Davies

Vice Mayor VanderWall introduced Mr. Lee H. Davies, appointed councilman to replace Vice Mayor VanderWall effective December 12, 1966.

Crime Stop Committee - Tabs to be placed on parking meters

The City Manager reported that the Crime Stop Committee wished to place tabs on all city parking meters, "Prevent car thefts, lock your car, take your key," if the plan met with the approval of the Council. No objections were expressed by the Council.

Dedication of Dryden Park Golf Course Clubhouse

City Manager Keefe reported that dedication of Dryden Park Clubhouse, sponsored by the Modesto Golf Club, would be held Friday, December 9th, and all councilmen invited to attend.

Request of Salvation Army to Pick Oranges in City Parks

MOTION

That the request of Salvation Army to pick oranges in city parks be approved

Moved by Patton Seconded by Smith Unanimously carried

Chamber of Commerce Meeting - Report by Councilman Shastid

Councilman Shastid reported that he attended the Chamber of Commerce luncheon this noon as a representative of the City Council; that the outgoing president, Ray Whitgrove, asked that Mr. Shastid express to the Council the Chamber's appreciation for its help and cooperation, and a wish for continuation of the fine relationship between the City and the Chamber.

FOOD CONCESSION AGREEMENT AT DRYDEN PARK CLUBHOUSE

At the request of the City Manager, and with the unanimous consent of the Council, this item was removed from the agenda.

AMENDMENT TO AGREEMENT BETWEEN THE CITY OF MODESTO AND UNITED AIR LINES, INC., FOR LEASE OF THE TERMINAL AND AIRPORT USE AT THE MODESTO CITY-COUNTY AIRPORT

A memorandum from the Director of Public Works dated December 1, 1966, subject, "Airport - United Airlines Lease," outlining proposed amendments to the original agreement between the City and United Airlines dated January 1, 1946, which expired December 31, 1965, was entered into the record of the minutes.

The City Attorney stated that the proposed new lease agreement with United Air Lines was retroactive to January 1, 1966, and in effect continued the old lease entered into January 1, 1946, but provided for the transfer of the ownership of the building to the City and leasing back the building to United Air Lines for $475 per month. Term of the new lease is five years from January 1, 1966.

The proposed agreement was discussed by the Council.

RESOLUTION NO. 66-710

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND UNITED AIR LINES, INC., FOR LEASE OF THE TERMINAL AND AIRPORT USE AT THE MODESTO CITY-COUNTY AIRPORT (FIVE-YEAR TERM BEGINNING JANUARY 1, 1966 AT A RENTAL OF $475 PER MONTH)

Introduced by Hughes Seconded by Smith
Ayes: Hughes, Patton, Shastid, Smith, Acting Mayor VanderWall
Noes: None Absent: Mitchell, Mayor Johansen

CONSIDER REQUEST OF A & L ENTERPRISES FOR SEWER SERVICE AT SOUTHWEST CORNER OF SYLVAN AND OLD OAKDALE ROAD

The following documents were entered into the record of the minutes: Memorandum from Planning Director dated November 30, 1966, subject, "Request of A & L Enterprises for Sewer Service," recommending conditions to be attached to the sewer service agreement in the event of council approval; memorandum from Director of Public Works Campbell dated December 1, 1966, same subject, indicating that the trunk sewer expansion program now underway proposes the construction of a trunk sewer (Project Unit No. 7, North Trunk Sewer), which will serve this parcel of land, and be completed by June, 1969. Mr. Campbell also indicated in his memorandum that the staff had reviewed the preliminary proposal developed by Mr. Birmingham and was of the opinion that it was a reasonable interim solution for providing sewer service to the proposed 40-acre subdivision.

MOTION

That the staff be directed to prepare an agreement between A & L Enterprises for sewer service requested, incorporating the conditions suggested by the Planning staff in memorandum dated November 30, 1966 and such additional conditions the Public Works staff finds necessary

Moved by Hughes Seconded by Patton Unanimously carried

ORDINANCE AMENDING SECTIONS OF THE MUNICIPAL CODE RELATING TO OFF-STREET PARKING

The City Attorney stated that the proposed ordinance will permit establishment of parking lots by resolution, thereby eliminating the necessity of amending the Municipal Code each time a new lot is established.

ORDINANCE NO. 818-C.S. entitled
AN ORDINANCE AMENDING SECTIONS 3-2.1601 AND 3-2.1605 OF ARTICLE 16 OF CHAPTER 2 OF TITLE III OF THE MODESTO MUNICIPAL CODE, AND ADDING SECTION 3-2.1606 THERETO, RELATING TO OFF-STREET PARKING.

was introduced and ordered published as required by the Charter.

Moved by Shastid Seconded by Smith
Ayes: Hughes, Patton, Shastid, Smith, Acting Mayor VanderWall
Noes: None Absent: Mitchell, Mayor VanderWall

AUTHORITY TO REGULATE MONTHLY PARKING ON CITY LOTS

A memorandum from the Director of Parking and Traffic dated December 1, 1966, subject, "Monthly Parking Spaces on the Old City Hall (No. 20) and Brack-Griffin (No. 23) Lots," was entered into the record of the minutes. Recommendation was made that a monthly rate of $5, payable in advance, be charged for parking in these two lots.

Mr. Keefe stated that the proposed monthly parking was on a first-come, first-served basis, with no spaces reserved for ticket holders.

MOTION

That the City Attorney be directed to prepare a resolution authorizing a monthly rate of $5 for the use of the old city hall and Brack-Griffin parking lots

Moved by Hughes Seconded by Shastid Unanimously carried

MOTION

That the meeting now in session be adjourned

Moved by Patton Seconded by Hughes Unanimously carried

The meeting adjourned at 6:00 P.M.

ATTEST: _____
REX E. GAILFUS, City Clerk

Modesto City Council
December 12, 1966

The Council of the City of Modesto met in regular session this date at 7:30 P.M. in the Council Chamber, City Hall, 801 11th Street, Modesto, California, Mayor Johansen presiding.

Present: Councilmen: Davies, Mitchell, Patton, Shastid, Smith, Mayor Johansen
Councilman Hughes arrived at 7:34 P.M.

Absent: Councilmen: None

Oath of Office - Councilman Davies

Councilman Davies was administered the oath of office by City Clerk Rex Gailfus.

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

Reverend R. Segerhammer gave the invocation.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

The minutes of the regular meeting of November 28, 1966 were approved.

LETTER FROM E. W. ROSE, PRESIDENT, STANISLAUS COUNTY FARM BUREAU, REGARDING THE FOUR YEAR TELEPHONE RATE CASE

A letter from E. W. Rose, President, Stanislaus County Farm Bureau, dated December 2, 1966 advising that combined efforts have been successful in the telephone rate case involving $40 million in rate reductions; that the Commission has allowed the temporary order of 1964 to stand, thus nullifying requests by the cities of San Francisco and Los Angeles for rate reduction at the expense of increases in rural areas, was entered into the record of the minutes.

The letter was ordered filed.

LETTER FROM WEST STANISLAUS IRRIGATION DISTRICT REGARDING PROPOSED PONDING AREA ADJACENT TO THE SAN JOAQUIN RIVER

LETTER FROM A. M. BRONZAN, MANAGER, EL SOLYO WATER DISTRICT, REGARDING PLANS FOR PONDING AREA ADJACENT TO THE SAN JOAQUIN RIVER

Identical letters from the West Stanislaus Irrigation District and A. M. Bronzan, Manager, El Solyo Water District, dated December 2, 1966, expressing concern over the proposed purchase of land by the City of Modesto adjacent to the San Joaquin River for a ponding area for sewage waste, were entered into the record of the minutes.

By order of the Chair, the letters were referred to the staff for answer.

LETTER FROM LOUISE J. MUDIE, 1535 CARLTON AVENUE, MODESTO, REGARDING THE WEST SIDE MODESTO NEIGHBORHOOD CENTER 1-48

A letter from Louise J. Mudie, 1535 Carlton Avenue, dated December 7, 1966 requesting an opportunity to speak to the Council regarding the West Side Modesto Neighborhood Center, was entered into the record of the minutes.

Mrs. Mudie asked that the Council appropriate $1,000 to keep the center in operation for at least a two-month period. Upon questioning, Mrs. Mudie said that she submitted the request as a taxpayer, and had no direct involvement with the project.

Mayor Johansen stated that two churches have been financing operation of the center up until the present time.

Councilman Davies, Chairman, Human Rights Commission, who has worked closely with this organization, said he agreed with the Mayor that request for the funds should be submitted to the Council by officials of the West Side Center; that he believed the staff would be happy to work with them on their financial problems.

Mrs. Mudie mentioned the importance of keeping the group functioning until such time as federal funds are available, stating that during the short time the operation has been functioning 56 people received full time employment, 32 people were referred to the Welfare Department for medical attention, and four families were removed from the welfare roll.

Mayor Johansen read into the record a memorandum from the City Manager outlining steps taken by the City in connection with its application for a federal grant for construction of the West Side Center. It was indicated that the City's application was in good order, but when HUD would make its determination concerning this project was "unfortunately not clear." Mayor Johansen said he estimated it would be within the next 30 to 90 days before definite word is received on the grant.

The Council discussed the following: The City's guarantee that it would maintain a program for the center in the event federal funds for operation of the building are not forthcoming after construction of the building; Congressman McFall's efforts in behalf of the project.

By order of the Chair, the matter was referred to the staff to work with officials of the West Side Center and to make a statistical report to the Council, to be placed on next week's agenda.

LETTER OF RESIGNATION, JOHN D. HYNES, FROM THE LIBRARY AND CULTURE COMMISSION

A letter from John D. Hynes submitting his resignation from the Library and Culture Commission was entered into the record of the minutes.

RESOLUTION NO. 66-723

A RESOLUTION COMMENDING JOHN D. HYNES FOR SERVICE RENDERED THE CITY OF MODESTO AS A MEMBER OF THE LIBRARY AND CULTURE COMMISSION

Introduced by Smith Seconded by Shastid

Ayes: Davies, Hughes, Mitchell, Patton, Shastid, Smith, Mayor Johansen
Noes: None Absent: None

HEARING ON PROPOSED INTENTION TO CLOSE A PORTION OF ALMA AVENUE

Mayor Johansen announced that the hour of 7:45 P.M. had arrived, the time set for consideration of the proposed closing of a portion of Alma Avenue between Orangeburg and Marian Avenues, and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Bee on November 23, 1966 and notices posted in the area on November 21, 1966. No written protests were filed with the City Clerk.

Planning Commission Resolution No. 66-108 recommending to the Council the closing to vehicular traffic of Alma Avenue between Orangeburg and Marian Avenues, was entered into the record of the minutes.

The location of the proposed barrier was indicated on a map by Planning Director Fey. He said the proposed barrier would close this portion of Alma Avenue to direct vehicular traffic, but would not close the street or abandon the street; that the barrier was proposed immediately to the south of the alley so that there would be east-west traffic across Alma

Avenue and would generally confine the commercial area to the north and the residential area to the south, in effect, a loop street would be created which would provide for a more protective residential area.

Mr. Fey read a portion of a memorandum from the Police Department indicating that from an emergency standpoint where minutes are important, the closure would cause confusion and delay, an estimated delay of about three minutes for a fire truck and two minutes for a police unit in answering a call from the east of Alma Avenue. The memorandum from Lt. Sturm concluded that from a police standpoint, the closure was not recommended. Mr. Fey said that the memorandum from the Fire Chief indicated that the Fire Department did not object to the closing as shown on the plot plan.

The following spoke in favor of the closing: Dr. Gordon Pyles, 210 Audrey Avenue, on the basis that about 50 per cent of the traffic going through on Audrey Avenue and north on Alma was extraneous traffic coming from outside the neighborhood which created a hazard and nuisance problem in the entire neighborhood, including overflow from nightclubs and a car wash on McHenry Avenue; Mrs. Robert Burns, 1331 Alma Avenue.

The City Attorney stated that the Council held a hearing on the abandonment of Alma Avenue near Mensinger Avenue on August 8, 1966; that at the conclusion of the hearing, the Council indicated its intention to abandon Alma Avenue at the location, but withheld final decision for six months to permit the solving of problems involved with the title of the land, and giving the two adjacent property owners requesting abandonment six months within which to clear title. He said he did not know the present status of the matter.

The following spoke in opposition to the closure: Elton Phillips, owner of Phillips Electric Company located on the corner of Orangeburg and Alma Avenues, for the following reasons: Curtailment of access to his business premises to the Fire and Police Departments in the event of emergency; the difficulty in getting on to Orangeburg Avenue from Alma Avenue because of the traffic backup on Orangeburg from McHenry Avenue; Leslie Andrew, owner of a paint business, 112 West Orangeburg Avenue, who said that his objections coincided with those of Mr. Phillips; Hayden Andrew, owner of property at 112 West Orangeburg Avenue (the paint store operated by Leslie Andrew and doughnut shop) because of traffic problems and fire and police hazards; also, from the standpoint that businesses were located in the area before the residences were constructed; Mrs. Hayden Andrew.

Mrs. Carl Ryerson, 201 Audrey Avenue, spoke briefly relative to the commercial alley donated by Alma Avenue residents. She said she believed this was the route the businessmen were intended to use. She also objected to the all-day parking on Alma Avenue by employees of businesses in the area.

Dr. Roger Vogelzang, 211 Lois Avenue, spoke in support of the closing.

George Ground, representing Harold France who is designing duplexes proposed for construction in the area, said that Mr. France was in favor of the proposed closing.

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

Upon questioning by the Council, Director of Parking and Traffic Carmody said that part of the traffic problems on Orangeburg Avenue would be minimized when Orangeburg Avenue is widened to the east. He said that parking that exists could be prohibited on Orangeburg, and a left turn lane established to facilitate the flow of traffic at the McHenry-Orangeburg intersection; that widening of East Orangeburg was scheduled for next summer. Mr. Carmody was questioned by the Council on general aspects of the proposed closing.

Director of Planning Fey was questioned on city policy connected with

street closings; the possibility of improving the alley to the west of Alma between Orangeburg and Marian as a possible exit for Phillips Electric and Andrew Paint Store, Mr. Fey stating that the alley could be improved by means of formation of a District or through the cooperative efforts of abutting owners, but that it would be a mistake to encourage commercial traffic in a residential alley.

The proposed barrier and landscaping as shown on the plan, plus city liability through physical blocking of the sidewalk area were discussed.

MOTION

That the matter be referred back to the Planning Commission and the staff directed to negotiate an agreement with the property owners and to prepare a resolution declaring the Council's intent to close Alma Avenue.

Moved by Smith Seconded by Shastid Unanimously carried

Mayor Johansen said that he personally had reservations about the closure; that he wished to tell all present he could not say that he would approve the final recommendation presented by the staff, but was willing to pursue the matter further.

Councilman Mitchell said it was his understanding that the above motion would give the staff an opportunity to come up with a design which would meet the needs of the neighborhood and certainly increase the safety of pedestrian and motor vehicle traffic.

Councilman Smith said that when he introduced the above motion he was not voting on the particular plan submitted, but assumed that the staff would work out a suitable plan which will protect all interests.

MOTION

That the Council approves in principle the closure of the street, leaving the final details to be worked out by the staff to be submitted to the Council for final approval

Moved by Smith Seconded by Shastid

The motion carried, Mayor Johansen dissenting.

HEARING ON PROPOSED REQUIREMENT OF SIDEWALK CONSTRUCTION (BLOCK 6043, Lot 2) 8-32

Mayor Johansen announced that the hour of 7:50 P.M. had arrived, the time set for consideration of the requirement of sidewalk construction in Block 6043, Lot 2, West Orangeburg Avenue, and opened the hearing.

The City Clerk reported that notice of the hearing was mailed to Mrs. Alphonso Piccarreto, owner, on November 28, 1966. Notice of the proposed requirement was posted on the property November 28, 1966. No written protests were filed with the City Clerk.

Lee Condit, 904 Yale, said that Mrs. Piccarreto was his client; that he had not received word as yet as to whether or not he should proceed with the sidewalk construction.

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

Director of Public Works Campbell stated that approval of a resolution ordering the sidewalk construction would give the owner 60 days within which to do the work herself if she so desired.

RESOLUTION NO. 66-724

A RESOLUTION ORDERING THE WORK OF CONSTRUCTION OF SIDEWALK ALONG CERTAIN STREETS IN THE CITY OF MODESTO (South side of Orangeburg Avenue at Block 6043, Lot 2)

Introduced by Smith Seconded by Shastid Unanimously carried

HEARING ON PROPOSED AMENDMENT TO THE ZONING MAP, SECTION 17-3-9 (TISMENAKIS)8-62

Mayor Johansen announced that the hour of 8:00 P.M. had arrived, the time set for consideration of the proposed rezoning of property located south of the centerline of Modesto Irrigation District Lateral No. 3 between Sherwood Avenue and the Tidewater Southern Tracks, from R-1 to Planned Development Zone, P-D, and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Bee on November 25, 1966 and notices posted and distributed in the area on December 1, 1966. No written protests were filed with the City Clerk.

Planning Commission Resolution No. 66-115 adopted November 15, 1966 recommending to the Council an amendment to Section 17-3-9 of the zoning map (Tismenakis, Damas, Damas and Ball) P-D (28) was entered into the record of the minutes.

Director of Planning Fey indicated on a land use map the location of the four-acre site proposed for rezoning, stating that the property was adjacent to a parcel proposed for planned development, Our Lady of Fatima and the Jewish Synagogue on Gayle Avenue. He said that the construction proposed was a four-story structure containing 105 living units of housing for the elderly, 95 parking spaces, plus open landscaped space (about one-fourth of the site); that twelve conditions were imposed by the Planning Commission, as listed in Planning Commission Resolution 66-115, with development to be accomplished in one phase, with construction to begin on or before eighteen months following council approval of the planned development and construction to be completed within thirty-six months after council approval.

Upon questioning by the Council, Mr. Fey said that there would be no access to Northern Boulevard; that the only access would be on Gayle Avenue.

Paul Birmingham, Civil Engineer, representing the applicants, said the proposed development, sponsored by the Young Men's Institute, Stockton, would be non-sectarian; that occupants of the proposed building would be limited to those at least 63 years old and in good health; that it would be financed by FHA; that the site was chosen primarily because the occupants (averaging 73 years of age) would be interested in being close to churches, of which almost all denominations are located within a 3/4 mile radius; the site is close to medical offices, shopping centers, financial institutions, and a movie theater presently under construction.

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

Planning Director Fey was questioned by the Council on the disposition of the question of traffic generation discussed by the Planning Commission in connection with the proposed rezoning. Mr. Fey said that on the basis of best information the planning staff was able to obtain, it was concluded that the development as proposed would not present traffic problems in the area.

Director of Parking and Traffic Carmody said that the matter of traffic generation was relative - three acres would hold about fifteen single-family dwellings as opposed to the proposed 105 units; that he felt the matter hinged on continuation of the project as a home for the elderly; that the 95 parking spaces proposed would not be adequate if the FHA permitted rentals to bachelors, for example, in the event the housing cannot be filled with the elderly.

The City Attorney stated that an ordinance had been drafted to provide

for rezoning for a four-story housing facility for the elderly, containing 105 living units, and a resolution approving the development plan providing that the development be limited to housing for the elderly as defined by applicable FHA standards. He said this would be the limitation on the use; that any change in the use would require an amendment to the P-D zone, requiring a hearing before both the Planning Commission and the Council.

John Markey, Stockton, upon questioning by the Council, said it was proposed to rent the units on a month-to-month basis only, with the fee ownership remaining with the owner, a non-profit corporation; that normally non-profit corporations conducting similar operations were tax exempt. He stated later in the meeting that taxes on property for a similar establishment in Stockton were $400 for the bare land; that when taxes were due last year, the land taxes were paid, then application made to the county assessor asking to be relieved of the taxes; that the group was told by the assessor that during the building stage the project would come under the exemption of the state legislature; that at this point he did not know whether the Stockton project would or would not be tax exempt.

Mr. Harry Sexton, President, Stockton Council No. 5, Young Men's Institute, said that this organization was incorporated; that approximately four or five years ago another group formed a corporation called Stockton Council No. 5 Elderly Housing, Inc., which was the group interested in the proposed rezoning.

Harry Zollinger, Department of Housing and Urban Redevelopment, present in the audience because of interest in another matter, expressed his views on tax exemption for this type of project. Upon questioning, he said that the proposed project would fall under federal project No. 202 or 231. He was questioned by the Council.

Upon questioning, the City Attorney said that the matter of whether a given facility or use was subject to taxation was determined by the County Assessor and the Tax Collector under provisions of state law.

Councilman Mitchell stated he did not believe the City Council had the power or should have the power to either enlarge or limit on the constitutional exemption from taxation; that whether the project was exempt or not would depend upon the state constitution and the enabling acts pursuant to that authority which have been granted by the state legislature.

MOTION

That the City Clerk be directed to place this item on the agenda of the meeting of December 27, 1966; that the staff be directed to check with our state and federal government representatives and the City of Stockton for information pertaining to tax exemption for this type of project

Moved by Smith Seconded by Shastid Unanimously carried

CONSIDER AWARD OF BID FOR CONSTRUCTION OF 12" STORM SEWER ON EAST ORANGEBURG AVENUE BETWEEN McHENRY AVE. AND EAST CITY LIMITS

RESOLUTION NO. 66-725

A RESOLUTION ACCEPTING THE BID OF A. P. RASMUSSEN FOR CONSTRUCTION OF 12" STORM SEWER ON EAST ORANGEBURG AVENUE BETWEEN McHENRY AVENUE AND EAST CITY LIMITS

Introduced by Shastid Seconded by Smith
Ayes: Davies, Hughes, Mitchell, Patton, Shastid, Smith, Mayor Johansen
Noes: None Absent: None

AWARD BID FOR TRAFFIC SIGNALS AND STREET LIGHTING AT BRIGGSMORE AND TULLY AND AT COLLEGE AND ROSEBURG

RESOLUTION NO. 66-726

A RESOLUTION ACCEPTING THE BID OF INDUSTRIAL ELECTRIC, INC., OF MODESTO, FOR THE CONSTRUCTION OF TRAFFIC SIGNALS AND STREET LIGHTING AT TULLY AND BRIGGSMORE AND AT COLLEGE AND ROSEBURG

Introduced by Shastid Seconded by Smith

Ayes: Davies, Hughes, Mitchell, Patton, Shastid, Smith, Mayor Johansen
Noes: None Absent: None

CONSIDER LETTER AGREEMENT BETWEEN MESSRS. JOHN ENGLE AND MICHAEL MASELLIS AND THE CITY OF MODESTO FOR CONSTRUCTION OF A WATER LINE ON McHENRY AVENUE

RESOLUTION NO. 66-727

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND MESSRS. JOHN ENGLE AND MICHAEL MASELLIS FOR CONSTRUCTION OF A WATER LINE ON McHENRY AVENUE

Introduced by Shastid Seconded by Smith

Ayes: Davies, Hughes, Mitchell, Patton, Shastid, Smith, Mayor Johansen
Noes: None Absent: None

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR INSTALLATION OF WATER LINES IN McHENRY AVENUE FROM ROBIN HOOD DRIVE TO 376 FEET SOUTH

RESOLUTION NO. 66-728

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR INSTALLATION OF WATER LINES IN McHENRY AVENUE FROM ROBIN HOOD DRIVE TO 376 FEET SOUTH

Introduced by Shastid Seconded by Smith

Ayes: Davies, Hughes, Mitchell, Patton, Shastid, Smith, Mayor Johansen
Noes: None Absent: None

December 27, 1966 at 10:00 A.M. in the City Clerk's office was set as the time and place for opening of bids.

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

RESOLUTION NO. 66-729

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

Introduced by Shastid Seconded by Smith

Ayes: Davies, Hughes, Mitchell, Patton, Shastid, Smith, Mayor Johansen
Noes: None Absent: None

APPROVE SUBDIVISION AGREEMENT AND FINAL MAP OF DRY CREEK ESTATES NO. 1

RESOLUTION NO. 66-730

A RESOLUTION APPROVING THE FINAL MAP OF THE DRY CREEK ESTATES NO. 1 SUB-DIVISION OF THE CITY OF MODESTO

Introduced by Shastid Seconded by Smith

Ayes: Davies, Hughes, Mitchell, Patton, Shastid, Smith, Mayor Johansen
Noes: None Absent: None

A RESOLUTION ESTABLISHING MUNICIPAL OFF-STREET PARKING LOTS IN THE CITY OF MODESTO AND PROVIDING FOR CONTROL THEREON

RESOLUTION NO. 66-731

A RESOLUTION ESTABLISHING MUNICIPAL OFF-STREET PARKING LOTS IN THE CITY OF MODESTO, PROVIDING FOR CONTROL THEREON, AND RESCINDING RESOLUTIONS NOS. 65-659 and 66-355

Introduced by Shastid Seconded by Smith

Ayes: Davies, Hughes, Mitchell, Patton, Shastid, Smith, Mayor Johansen
Noes: None Absent: None

CONSIDER APPROPRIATION TRANSFER FROM GENERAL RESERVE TO ACCOUNT 418-65-101, MISCELLANEOUS UNCLASSIFIED, AIRLINE NEGOTIATION ($2,500)

RESOLUTION NO. 66-732

A RESOLUTION APPROVING APPROPRIATION TRANSFER TO COVER ATTORNEY'S FEES AND EXPENSES IN CONNECTION WITH UNITED AIR LINES - PACIFIC AIR LINES TRANSFER CASE (for calendar year commencing January 1, 1967)

Introduced by Shastid Seconded by Smith

Ayes: Davies, Hughes, Mitchell, Patton, Shastid, Smith, Mayor Johansen
Noes: None Absent: None

REPORT ON MODESTO BASKETBALL ASSOCIATION REQUEST

MOTION

That the request of the Modesto Basketball Association that City co-sponsor basketball program at an estimated cost of $925 be approved

Moved by Shastid Seconded by Patton Unanimously carried

PRESENTATION OF FINANCIAL STATEMENT FOR NOVEMBER 30, 1966

MOTION

That the financial statement for November 30, 1966 be accepted

Moved by Shastid Seconded by Patton Unanimously carried

ADOPTION OF ORDINANCE NO. 816-C.S. RECLASSIFYING PROPERTY IN SECTION 31-3-9 OF THE ZONING MAP (PARADISE PLAZA SHOPPING CENTER)

ORDINANCE NO. 816-C.S. entitled

"AN ORDINANCE AMENDING SECTION MAP 31-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (PARADISE PLAZA SHOPPING CENTER)"

introduced November 28, 1966 and having been published as required was moved and adopted

Moved by Patton Seconded by Shastid

Ayes: Davies, Hughes, Mitchell, Patton, Shastid, Smith, Mayor Johansen
Noes: None Absent: None

ADOPTION OF ORDINANCE NO. 818-C.S. AMENDING PARKING REGULATIONS

ORDINANCE NO. 818-C.S. entitled

"AN ORDINANCE AMENDING SECTIONS 3-2.1601 AND 3-2.1605 OF ARTICLE 16 OF CHAPTER 2 OF TITLE III OF THE MODESTO MUNICIPAL CODE, AND ADDING SECTION 3-2.1606 THERETO, RELATING TO OFF-STREET PARKING"

introduced December 5, 1966 and having been published as required, was moved and adopted.

Moved by Patton Seconded by Shastid

Ayes: Davies, Hughes, Mitchell, Patton, Shastid, Smith, Mayor Johansen
Noes: None Absent: None

MATTERS FOR THE GOOD OF THE COMMUNITY 14-12

Request for Clarification of Council Vote - John Martin

Mayor Johansen explained to John Martin, Secretary, Stanislaus County Taxpayers' Association, that action on ordinary motions were taken by voice vote; that motions introducing or adopting ordinances were by roll call vote; and resolutions, by roll call vote.

Referring to Item 9 on the agenda, "Hearing on proposed intention to close a portion of Alma Avenue," Mr. Martin said he believed the public should be informed as to the reasons why the Police and Fire Departments might have objected to the proposed closing.

The City Manager stated that a copy of the Planning Commission minutes covering this hearing would be furnished Mr. Martin.

Appointments to Council Committees

The following appointments were announced by Mayor Johansen: Urban Transportation Planning Committee, Councilmen Davies and Patton; Modesto-Ceres Area Planning Advisory Committee, Councilmen Davies appointed to replace Councilman VanderWall; Chairman, Commercial Industrial Development Committee, Councilman Smith.

Report on National League of Cities Meeting - Las Vegas, Nevada

Councilman Mitchell reported that the National League of Cities Convention held in Las Vegas was attended by Mayor Johansen and himself; that full minutes of the speeches would be made available to the Council when received.

Mayor Johansen said the conference held the interest of all attending; that he was sure that results of the convention would be felt in the future.

REPORT ON REQUEST FOR CONTRIBUTION TO STANISLAUS COUNTY HUMANE SOCIETY

The following documents were entered into the record of the minutes: A memorandum from the City Manager dated December 8, 1966, subject, "Contribution requested by Frank Andrews," recommending denial of the request of Frank Andrews for a contribution of $100 for the Humane Society; memorandum from the Assistant City Attorney dated November 30, 1966, subject, "Contribution to the Stanislaus County Humane Society," indicating that the contribution in question could readily be considered as a gift of public funds and probably illegal.

MOTION

That the request of Frank Andrews for a contribution of $100 to the Humane Society be denied

Moved by Hughes Seconded by Shastid Unanimously carried

CONSIDER FURTHER LETTER FROM STANISLAUS COUNTY HOUSING AUTHORITY CONCERNING LEASED HOUSING

This matter was considered by the Council at the December 5th meeting, and the matter held over for one week to permit the staff to furnish the Council additional information relative to the proposed leased housing. In a letter dated December 1, 1966 Walter W. Thompson, Executive Director, Housing Authority of the County of Stanislaus requested that the Council consider approving application of the provision of Section 23 of the United States Housing Act of 1937 which would permit the Housing Authority to lease houses within the City and also enable it to make a feasibility study.

Mr. Thompson stated that a majority vote of the Board of Supervisors was needed to make the program effective, plus a majority vote of the cities within the County; that the program would not be effective in the cities not approving the program; that if approved, there was no financial commitment on the part of the City.

Mr. Thompson and Mr. Harry Zollinger, representing the Department of Housing and Urban Redevelopment, were questioned by the Council on various aspects of the proposed program.

Councilman Hughes expressed his philosophy which opposed the submitted program, stating that he did not believe that people would be helped by placing them in housing they could not afford, with the government paying part of the rent; that the program might be a tool connected with segregation; that spending of this type should not be encouraged at this time when the government is facing deficit spending.

Councilman Mitchell expressed the opinion that this law, for the first time, would enable private industry and private landowners to be assured of rental payments if homes were rented to low income people; that in the event of misfortune through unemployment, a family would be assured of decent housing during this period.

The proposed leased housing was discussed by the Council.

Mrs. Jean Vincent, Chairman, Welfare Committee, 1966 Stanislaus County Grand Jury, read into the record a letter dated September 26, 1966 addressed to the Housing Authority of the County of Stanislaus requesting consideration under Section 23 for leasing and sub-leasing of 200 homes for low-income families in Stanislaus County, and listing reasons for the recommended approval.

Mrs. Vincent spoke briefly in support of the project.

Councilman Mitchell introduced two resolutions, a resolution of consent and resolution approving the application, both of which died for the lack of a second.

MOTION

That the request for city participation in leased housing as requested by the Housing Authority of the County of Stanislaus in letter dated December 1, 1966 be denied

Moved by Hughes Seconded by Smith

The motion carried, Councilman Mitchell dissenting.

APPROVE FOOD CONCESSION AGREEMENT FOR DRYDEN PARK CLUBHOUSE

RESOLUTION NO. 66-733

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND MR. DOUG LANE FOR OPERATION OF FOOD CONCESSION AT DRYDEN PARK CLUBHOUSE

Introduced by Hughes Seconded by Shastid

Ayes: Davies, Hughes, Mitchell, Patton, Shastid, Smith, Mayor Johansen
Noes: None Absent: None

CONSIDER OBTAINING SERVICES OF SECURITY TITLE INSURANCE COMPANY TO PREPARE TITLE REPORTS FOR SEWERAGE EXPANSION PROGRAM

RESOLUTION NO. 66-734

A RESOLUTION AUTHORIZING PREPARATION OF PURCHASE ORDER SECURING SERVICES OF SECURITY TITLE INSURANCE COMPANY FOR PREPARATION OF TITLE REPORTS FOR THE SEWERAGE EXPANSION PROGRAM

Introduced by Shastid Seconded by Smith

Ayes: Davies, Hughes, Mitchell, Patton, Shastid, Smith, Mayor Johansen
Noes: None Absent: None

PROGRESS REPORT ON NEIGHBORHOOD YOUTH CORPS PROGRAM

A memorandum from the Personnel Assistant dated December 8, 1966, subject, "Neighborhood Youth Corps Program," was entered into the record of the minutes. The memorandum indicated that ten out of the 25 positions authorized were filled. The report was ordered filed.

REQUEST BY CITY MANAGER TO TAKE VACATION FROM DECEMBER 19 THROUGH DECEMBER 30, 1966

MOTION

That vacation for the City Manager from December 19 through December 30, 1966 be approved

Moved by Hughes Seconded by Shastid Unanimously carried

EXECUTIVE SESSION TO DISCUSS APPLICATIONS FOR POSITION OF CITY CLERK

MOTION

That the meeting be adjourned to executive session to discuss applications for position of City Clerk

Moved by Hughes Seconded by Shastid

The meeting adjourned at 11:16 P.M.

ATTEST: Rex E. Gailfus
REX E. GAILFUS, City Clerk

The Council of the City of Modesto met in regular session this date at 4:00 P.M. in the Council Chambers, City Hall, 801 11th Street, Modesto, California, Mayor Johansen presiding.

Present: Councilmen: Davies, Mitchell, Patton, Shastid, Smith, Mayor Johansen
(Councilman Hughes arrived at 4:04 P.M.)

Absent: Councilmen: None

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

Reverend Robert Colville gave the invocation.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

The minutes of the regular meeting of December 5, 1966 were approved.

LETTER FROM ROY MUNN, PARKING CHAIRMAN, MODESTO BOWLING ASSOCIATION, REGARDING FREE DOWNTOWN PARKING DURING STATE TOURNAMENT

The following documents were entered into the record of the minutes:

A letter from Roy Munn dated December 12, 1966, representing the Modesto Bowling Association, asking that the Council consider extending free downtown parking to out-of-town bowlers during the state tournament beginning the last week of April through the middle of August 1967; memorandum from Police Chief Meester dated December 16, 1966 subject, "Parking Permits: California State Bowling Tournament," indicating that the police department did not foresee any enforcement problems and felt the proposal agreeable. Request was also made that the City use its printing facilities for the permits at a cost of about $22 for 10,000 permits.

MOTION

That the request of the Modesto Bowling Association for free downtown parking for out-of-town bowlers during the state tournament to be held April through August 1967 be approved and the matter referred to the staff for handling

Moved by Mitchell Seconded by Shastid Unanimously carried

LETTER FROM MRS. D. L. SCANLON, CHAIRMAN, U. N. DAY ACTIVITIES, LEAGUE OF WOMEN VOTERS, REGARDING UNITED NATION DAY ACTIVITIES

A letter from Mrs. D. L. Scanlon dated December 1, 1966 requesting that the Council consider budgeting funds for observance of United Nations Day was entered into the record of the minutes.

By order of the Chair, the letter was referred to the staff to be considered by the Council at the appropriate budget hearing, with more specific details as to the amount requested, etc.

The City Clerk was directed to so inform Mrs. Scanlon.

PETITION SIGNED BY 21 RESIDENTS OPPOSING DEVELOPMENT PLANNED FOR SOUTHEAST CORNER OF SYLVAN AND OLD OAKDALE ROAD 1-37

A petition entitled "Development Planned for Southwest Corner of Sylvan & Old Oakdale Road," dated December 13, 1966 bearing 21 signatures was filed with the City Clerk and entered into the record of the minutes.

Mayor Johansen said he had written the Chairman of the Board of Supervisors a letter indicating that before the Council took definite action on the request of A & L Enterprises for sewer service to this area, the Council would be interested in a recommendation from the Board of Supervisors on this matter.

Robert Louis, 1905 Fairington Lane, a resident in Sylvan Village, a residential area adjacent to the proposed development, representing residents in the area, filed additional petitions with the City Clerk bearing a total of 399 signatures opposing sewer service to the proposed project. Mr. Louis requested that a copy of the petitions be furnished him.

Deputy Manager Ray explained that the matter before the City was the request for sewer service to the tract which is outside the city limits; that zoning and development of the property was a County matter. He said the proposed development could proceed without sewer service by means of septic tanks, which have created problems in this area for some time; that the staff was directed by the Council to work out an agreement with the developers for temporary sewer service to this development; that this has not yet been done.

Mr. Paul Birmingham, Civil Engineer, representing A & L Enterprises, said that he had not as yet been authorized by the developers to do the necessary work required to complete negotiations. He stated that there was a lot of misinformation connected with the proposed project, with no attempts made by the objectors to learn the details; that the proposed construction amounted to about $600,000 which should not be lightly turned down.

Mayor Johansen said that in connection with the Modesto Area Sewerage District, the City was pledged to the State Water Pollution Board and federal government to solve area sewage problems.

Timing of a hearing on the matter was discussed by the Council. Upon questioning, Mr. Birmingham said that two weeks' notice of the hearing was satisfactory, but noted that continued delays by the opponents could kill the project because of the deadline within which the buildings will have to be moved from their present location.

Mayor Johansen pointed out that delay in the preparation of an agreement for sewer service between A & L Enterprises and the City at this time was occasioned by the fact that no steps had as yet been taken by A & L Enterprises to negotiate a satisfactory agreement with the City. Mr. Birmingham agreed.

John Greenstreet, 1809 Fairington, said the first knowledge that residents in the area had of the proposed project was reading in the paper that the project would result in overloading schools in the area; that the homes would be moved in within four months. He questioned whether the homes could be moved in and improved within that length of time. Mayor Johansen stated again that this aspect of the project was not within the City's jurisdiction.

MOTION

That all parties involved be given two weeks' notice prior to Council consideration of a proposed agreement providing sewer service to A & L Enterprises

Moved by Shastid Seconded by Smith Unanimously carried

CONSIDER AWARD OF BID FOR INSTALLATION OF WATER MAIN IN BLOCK 3-8-A AT ROSELAWN AVENUE

RESOLUTION NO. 66-735

A RESOLUTION ACCEPTING THE BID OF JOHN G. COWGER FOR INSTALLATION OF WATER LINES IN BLOCK 308-A AT ROSELAWN AVENUE

Introduced by Shastid Seconded by Patton

Ayes: Davies, Hughes, Mitchell, Patton, Shastid, Smith, Mayor Johansen

Noes: None Absent: None

CONSIDER AWARD OF BID FOR INSTALLATION OF WATER MAIN ON CALIFORNIA AVENUE BETWEEN WASHINGTON AND FRANKLIN STREETS

RESOLUTION NO. 66-736

A RESOLUTION ACCEPTING THE BID OF JOHN G. COWGER FOR INSTALLATION OF WATER LINES ON CALIFORNIA AVENUE BETWEEN WASHINGTON STREET AND FRANKLIN STREET

Introduced by Shastid Seconded by Patton

Ayes: Davies, Hughes, Mitchell, Patton, Shastid, Smith, Mayor Johansen

Noes: None Absent: None

CONSIDER AWARD OF BID FOR FURNISHING OF ONE HORIZONTAL TYPE DESANDING UNIT FOR PUMP STATION NO. 11

RESOLUTION NO. 66-737

A RESOLUTION ACCEPTING THE BID OF KREBS ENGINEERS, INC., OF PALO ALTO, CALIFORNIA, FOR THE FURNISHING OF ONE HORIZONTAL TYPE DESANDING UNIT FOR PUMP STATION NO. 11

Introduced by Shastid Seconded by Patton

Ayes: Davies, Hughes, Mitchell, Patton, Shastid, Smith, Mayor Johansen

Noes: None Absent: None

APPROVE SPECIFICATIONS AND CALL FOR BIDS FOR FURNISHING LIGHTING FIXTURES AND APPURTENANCES FOR CONVERSION OF BAREBULB STREET LIGHTING SYSTEM TO MERCURY VAPOR LIGHTING

RESOLUTION NO. 66-738

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR FURNISHING LIGHTING FIXTURES AND APPURTENANCES FOR CONVERSION OF BAREBULB STREET LIGHTING SYSTEM TO MERCURY VAPOR LIGHTING

Introduced by Shastid Seconded by Patton

Ayes: Davies, Hughes, Mitchell, Patton, Shastid, Smith, Mayor Johansen

Noes: None Absent: None

January 3, 1967 at 10:00 A.M. in the City Clerk's office was set as the time and place for opening of bids.

RECOMMENDED CHANGE IN PART-TIME PAYROLL PAYMENTS

RESOLUTION NO. 66-739

A RESOLUTION ESTABLISHING A MONTHLY PAYROLL FOR EMPLOYEES OF THE CITY OF MODESTO WITH PROVISIONS FOR A PARTIAL PAYMENT FOR THE PERIOD COMMENCING ON THE FIRST OF EACH MONTH TO AND INCLUDING THE FIFTEENTH DAY THEREOF, AND RESCINDING RESOLUTION NO. 59-100

Introduced by Shastid Seconded by Patton

Ayes: Davies, Hughes, Mitchell, Patton, Shastid, Smith, Mayor Johansen

Noes: None Absent: None

CONSIDER APPROVAL OF A FREEWAY MAINTENANCE AGREEMENT COVERING THAT PORTION OF STATE HIGHWAY 99 WITHIN THE CITY LIMITS OF MODESTO

RESOLUTION NO. 66-740

A RESOLUTION OF THE CITY OF MODESTO APPROVING MAINTENANCE AGREEMENT REGARDING A FREEWAY ON ROAD 10-STA-99 (Old X-Sta-4, Cer, A,B, Mod.) BETWEEN CERES AND 2.4 MILES NORTH OF MODESTO

Introduced by Shastid Seconded by Patton

Ayes: Davies, Hughes, Mitchell, Patton, Shastid, Smith, Mayor Johansen

Noes: None Absent: None

LETTER OF APPEAL BY ROBERT C. BIENVENU FROM DECISION OF THE BOARD OF ZONING ADJUSTMENT GRANTING A VARIANCE TO EXTEND COMMERCIAL ZONING 20 FEET TO THE EAST AND SOUTH OF THE CORNER OF WEST ROSEBURG AVENUE AND TULLY ROAD

RESOLUTION NO. 66-741

A RESOLUTION SETTING TIME AND PLACE FOR HEARING ON THE APPEAL TO THE DECISION OF THE BOARD OF ZONING ADJUSTMENT FILED BY ROBERT C. BIENVENU ON THE GRANTING OF A VARIANCE TO EXTEND COMMERCIAL ZONING 20 FEET TO THE EAST AND SOUTH OF THE CORNER OF WEST ROSEBURG AVENUE AND TULLY ROAD

Introduced by Shastid Seconded by Patton

Ayes: Davies, Hughes, Mitchell, Patton, Shastid, Smith, Mayor Johansen

Noes: None Absent: None

January 16, 1967 at 4:30 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing

CONSIDER ONE YEAR LEASE OF PEACH CROP AT FOURTH HIGH SCHOOL PARK SITE TO A. O. WHITEHEAD

RESOLUTION NO. 66-742

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND A. O. WHITEHEAD FOR LEASE OF PEACH ORCHARD, FOURTH HIGH SCHOOL PARK SITE (October 1, 1966 through September 30, 1967)

Introduced by Shastid Seconded by Patton

Ayes: Davies, Hughes, Mitchell, Patton, Shastid, Smith, Mayor Johansen

Noes: None Absent: None

REVISION TO THE CONTRACT BETWEEN ANDY SILVA, GOLF PROFESSIONAL, AND CITY OF MODESTO, FOR OPERATION OF 9-HOLE MUNICIPAL AND DRYDEN PARK MUNICIPAL GOLF COURSES

RESOLUTION NO. 66-743

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND ANDREW J. SILVA, GOLF PROFESSIONAL, FOR THE OPERATION OF THE 9-HOLE MUNICIPAL GOLF COURSE AND DRYDEN PARK MUNICIPAL GOLF COURSE

Introduced by Shasdit Seconded by Patton

Ayes: Davies, Hughes, Mitchell, Patton, Shastid, Smith, Mayor Johansen

Noes: None Absent: None

ADOPT RESOLUTION ACKNOWLEDGING RECEIPT OF COPY OF NOTICE OF INTENTION TO ANNEX TERRITORY KNOWN AS THE SUNRISE ADDITION TO THE CITY OF MODESTO AND APPROVING INTENTION OF PROPONENTS TO CIRCULATE PETITION

RESOLUTION NO. 66-744

A RESOLUTION ACKNOWLEDGING RECEIPT OF A COPY OF NOTICE OF INTENTION TO CIRCULATE A PETITION FOR THE ANNEXATION OF INHABITED TERRITORY TO THE CITY OF MODESTO (SUNRISE ADDITION), WITH ACCOMPANYING STATEMENT, AND AN AFFIDAVIT OF PUBLICATION THEREOF AND APPROVING THE CIRCULATION OF A PETITION

Introduced by Shastid Seconded by Patton

Ayes: Davies, Hughes, Mitchell, Patton, Shastid, Smith, Mayor Johansen

Noes: None Absent: None

RESOLUTION REFERRING THE PETITION FOR ANNEXATION OF THE EL VISTA ADDITION (INHABITED) TO THE PLANNING COMMISSION

RESOLUTION NO. 66-745

A RESOLUTION REFERRING TO THE MODESTO CITY PLANNING COMMISSION A REQUEST FOR CONSENT TO COMMENCE PROCEEDINGS TO ANNEX CERTAIN INHABITED TERRITORY TO THE CITY OF MODESTO DESIGNATED AS THE EL VISTA ADDITION

Introduced by Shastid Seconded by Patton

Ayes: Davies, Hughes, Mitchell, Patton, Shastid, Smith, Mayor Johansen

Noes: None Absent: None

CONSIDER APPROVAL OF SPECIFICATIONS AND AUTHORIZE CALL FOR BIDS FOR AUTOMOTIVE EQUIPMENT

A memorandum from Purchasing Officer Dunham dated December 15, 1966 subject, "Automotive Specifications for 1966/67 was entered into the record of the minutes. The Memorandum indicated that specifications for the cars were substantially the same as used in the past with the exception of added power steering as a requirement on police patrol cars, and power steering and automatic transmissions added as a requirement on general purpose sedans and on a station wagon.

The Council discussed the following: Necessity of power steering and automatic transmission for general purpose cars; differences of opinion expressed by councilmen as to whether cars with automatic transmissions were more economical overall than cars with standard transmissions.

The staff was directed to amend the proposed specifications to provide for alternate bids, with and without power steering and automatic transmissions for 4-door sedans and station wagon; that the staff furnish a report showing the cost differential between cars with and without automatic shifts.

RESOLUTION NO. 66-746

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR AUTOMOTIVE EQUIPMENT (POLICE CARS, SEDANS, STATION WAGON, PICKUPS AND TRUCKS) (as amended above)

Introduced by Shastid Seconded by Smith Unanimously carried

January 4, 1967 at 2:00 P.M. in the City Clerk's office was set as the time and place for opening of bids.

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR INSTALLATION OF CHAIN LINK FENCE AT DEL WEBB FIELD 4-05

A memorandum from Director of Public Works Campbell dated December 15, 1966 subject, "Fence at Del Webb Field," indicating an increase in the estimated cost of chain link fence with rustake and plywood panels from $8,175 to $9,200 (Alt. No. 1A), which fencing was approved by the Council at its November 21st meeting for construction at Del Webb Field, was entered into the record of the minutes.

Increase in the amount of the estimate was discussed by the Council. Mr. Campbell stated that the difference was due to an error on the part of a salesman on the cost of the supporting posts for the fence.

RESOLUTION NO. 66-747

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR INSTALLATION OF A CHAIN LINK FENCE AT DEL WEBB FIELD

Introduced by Hughes Seconded by Patton

Ayes: Davies, Hughes, Mitchell, Patton, Shastid, Smith, Mayor Johansen

Noes: None Absent: None

January 3, 1967 at 2:00 P.M. in the City Clerk's office was set as the time and place for opening of bids.

REPORT FROM PLANNING COMMISSION ON COUNCIL REFERRAL OF DON PEDRO REZONING APPEAL

Mayor Johansen announced that the hour of 4:10 P.M. had arrived, the time set for consideration of a report from the Planning Commission regarding the Council's referral to the Planning Commission of Don Pedro Realty Co.'s appeal to rezone from R-1 to P-D, property located on the northeast corner of Tully and Briggsmore, and opened the hearing.

The following document was entered into the record of the minutes:

A memorandum from Phil Humphreys, Chairman, City Planning Commission dated December 15, 1966 indicating that the Planning Commission heard additional testimony from the public, both for and against the application, and concluded by voting 3 to 3 on a motion to deny the application; letter from Leonard Lustig, Owner, Coralaire Garden Apartments, dated December 3, 1966 withdrawing his opposition to the proposed rezoning, and going on record in favor of the project.

Director of Planning Fey said that a petition signed by 84 residents in the area favoring the rezoning, with map attached showing the location of the residences of the individuals signing the petition, were available for inspection.

Mayor Johansen announced that phone calls were received from Mr. Russell Walker, 1130 Hawthorne, and H. L. Neyman, 1628 Tully Road, favoring the rezoning.

Although the hearing was closed at the November 28th meeting, proponents and opponents in the audience were given an opportunity to be heard.

The following spoke in favor of the rezoning: Mary Walkley, 1817 Winning Way, on the basis that the proposed development was better than a vacant lot;

Mr. Don Hammond, 1235 Princeton Avenue, said he opposed the rezoning because his home was adjacent to Tully Road; he was concerned over Tully Road becoming another McHenry strip; but mostly concerned over Council action in creating spot zoning and special privileges.

Mr. Joe Mineni, 1030 Yale Avenue, said he could see no reason for ex-Mayor Hammond belittling McHenry Avenue in view of taxes derived from the area. He asked that the Council approve the rezoning.

The "spottiness" of the Planning Commission's transcript on its reconsideration of this matter after referral back by the Council was questioned by Councilman Mitchell. Upon questioning, Planning Director Fey said that this was due to not speaking directly into the microphone at the required distance, and trouble with the recording equipment at that particular meeting. Mr. Fey was also questioned as to whether the Planning Commission was aware of the reasons why this matter was referred back to them and of steps taken to assure the Planning Commission that this material would be available to it in the future. Councilman Mitchell said that almost all of the councilmen expressed their view regarding the proposed rezoning in accordance with their convictions, but he could not detect in the report from the staff to the Planning Commission where those views were expressed to the Planning Commission. Councilman Mitchell expressed the hope that furnishing the Planning Commission with a transcript of the council meeting would eliminate this problem in the future.

Upon questioning, the City Attorney explained that both the Council and Planning Commission, in the conduct of their meetings, provide that both affirmative or negative action can be taken only by a majority vote; that under normal circumstances, in the event of a tie vote, the matter is usually continued over, the absent member reviews the record, and a new vote taken. In this instance, Mr. Johnson said there were only six members on the Planning Commission due to the resignation of Mr. Freeborn, which position has not yet been filled, resulting in a report to the Council for whatever use the Council wished to make of its recommendation; that he did not believe that the three to three vote meant that the original vote of the Commission denying the rezoning (a 4 -0) vote) should be considered its present stand.

Planning Director Fey was questioned on the types of uses he considered feasible for property located at major street intersections. He suggested that a professional offices zone might be feasible at these locations.

Mr. Fey was also questioned as to whether any of the corners at the intersection would lend themselves to a development similar to Gregory Gardens.

The Council discussed the following: Whether or not the uses proposed were suitable for the particular area; the importance of establishing a policy on the location of neighborhood centers in order to eliminate spot zoning on major streets, since any deviation might tend to set a precedent; means by which the City could be assured that entire planned development would be accomplished in the event of council approval, either by completion as a unit or a bond required for the office buildings; the City's recourse in the event the planned development phases are not carried out.

Mr. Paul Birmingham, Civil Engineer, representing the applicant for the rezoning, said the timing for the construction of the offices in the proposed planned development was tied in with the expiration of the applicant's existing lease; that he did not believe that a problem would be created if the Council desired the two phases of the planned development to be constructed simultaneously.

Councilman Davies entered into the record the fact that he had listened to the tape of the November 28th initial council hearing; that he sat in the audience at the time the Planning Commission reconsidered the matter after it was referred back by the Council; that he had read a transcript of the initial hearing held by the Planning Commission; that he had made additional study of the matter and felt he had enough background to vote.

RESOLUTION NO. 66-748

A RESOLUTION AFFIRMING THE DECISION OF THE PLANNING COMMISSION DENYING THE REQUEST OF DON PEDRO REALTY TO AMEND SECTION 17-3-9 OF THE ZONING MAP AS DESCRIBED IN PLANNING COMMISSION RESOLUTION NO. 66-104 ON THE BASIS OF THE FINDINGS SET FORTH IN SAID RESOLUTION

Introduced by Shastid Seconded by Smith

Ayes: Davies, Mitchell, Shastid, Smith

Noes: Hughes, Patton, Mayor Johansen

Absent: None

MATTERS FOR THE GOOD OF THE COMMUNITY

Request of Ed Belling, Executive Secretary, Downtown Improvement District, to display a Mustang on sidewalk area, 1111 J Street

Liability of the City in connection with approval of the request was discussed by the Council.

MOTION

That the request of the Downtown Improvement District to display a Mustang car in the sidewalk area at 1111 J Street be approved, subject to staff investigation and approval before display.

Moved by Shastid Seconded by Hughes Unanimously carried

HEARING ON PERMIT FOR PAVING VARIANCE (CLELAND C. NORET)

Mayor Johansen announced that the hour of 4:30 P.M. had arrived, the time set for consideration of the request of Cleland C. Noret for a variance to code requirements to permit the placement of a blacktop area between the front property line and present paved street at property located at 120 East Granger Avenue, and opened the hearing.

A memorandum from the Director of Public Works dated December 15, 1966 subject, "Request for a Variance to Permit Placement of Asphaltic Concrete in the Public Right of Way at 120 East Granger Avenue," recommending that the request for a variance be approved subject to certain conditions, was entered into the record of the minutes.

The City Clerk reported that notice of hearing was mailed to the applicant.

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

RESOLUTION NO. 66-749

A RESOLUTION APPROVING REQUEST OF CLELAND C. NORET FOR A VARIANCE TO PERMIT PLACEMENT OF ASPHALTIC CONCRETE IN PUBLIC RIGHT OF WAY AT 120 EAST GRANGER AVENUE (Subject to conditions in memorandum dated 12/15/66 from Director of Public Works)

Introduced by Hughes Seconded by Shastid

Ayes: Davies, Hughes, Mitchell, Patton, Shastid, Smith, Mayor Johansen

Noes: None Absent: None

ADOPTION OF ORDINANCE NO. 817-C.S. AMENDING SECTION 5-4-9 OF THE ZONING MAP (PESTANA

ORDINANCE NO. 817-C.S. entitled
"AN ORDINANCE AMENDING SECTION MAP 5-4-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (PESTANA)

introduced December 5, 1966 and having been published as required, was moved and adopted.

Moved by Smith Seconded by Mitchell

Ayes: Davies, Hughes, Mitchell, Patton, Shastid, Smith, Mayor Johansen

Noes: None Absent: None

APPROPRIATION TRANSFERS - None

RESOLUTION ELECTING A VICE MAYOR

RESOLUTION NO. 66-750
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO ELECTING JON B. SHASTID VICE MAYOR OF THE CITY OF MODESTO

Introduced by Patton Seconded by Hughes

Ayes: Davies, Hughes, Mitchell, Patton, Shastid, Smith, Mayor Johansen

Noes: None Absent: None

ADJOURNMENT TO
EXECUTIVE SESSION TO CONSIDER APPOINTMENTS TO BOARDS AND COMMISSIONS

MOTION

That the meeting now in session be adjourned to executive session for Council consideration of Board and Commission members

Moved by Smith Seconded by Hughes Unanimously carried

The meeting adjourned at 6:50 P.M.

ATTEST: Pauline P. Stanley
PAULINE P. STANLEY
Acting City Clerk

Modesto City Council
December 27, 1966

The Council of the City of Modesto met in regular session this date at 7:30 P.M. in the Council Chambers, City Hall, 801 11th Street, Modesto, California, Mayor Johansen presiding.

Present: Councilmen: Davies, Hughes, Patton, Smith, Mayor Johansen

Absent: Councilmen: Mitchell, Shastid.

The pledge of allegiance to the Flag was given by all present.
Reverend J. Paul Miller gave the invocation.

LETTER FROM VECCO SUPPLY - P. J. SIGNS, REGARDING TWO NON-CONFORMING SIGNS LOCATED ON THE 20TH CENTURY APARTMENT SITE, PARADISE

A letter from Charles C. Coon, General Partner, Vecco Supply, P. J. Signs, dated December 16, 1966 relative to two non-conforming signs located on the 20th Century Apartment site, Paradise Road, was entered into the record of the minutes.

Mr. Coon asked that the Council grant him a non-conforming use permit for the time being, or that no action be taken on requiring conformance until such time as sign regulations are reviewed and amendments submitted to the council for approval. He said that zoning regulations, of which he was not aware at the time the signs were installed, were violated: Two signs were erected to identify the apartments, where only one is permitted in the Code; both signs are located within a fifteen foot setback area; both signs exceed the maximum size of an identification sign permitted in an R-3 zone. He pointed out that the 20th Century Apartments site covers seven acres, with 184 apartments in the unit; that the previous sign identifying the apartments was much larger than the replacements; that the erected signs did not endanger the safety and health of the public.

Mr. Coon's requests were discussed by the Council.

Mayor Johansen stated that he had received phone calls from Councilmen Mitchell and Shastid, absent from the meeting, requesting that council action on this item be held over until the January 3rd meeting.

Councilman Patton suggested that the applicant be given a certain amount of time before code requirements were enforced to permit Mr. Coon an opportunity to present proposed code changes.

MOTION

That the applicant be given until January 31, 1967 to conform the signs to code regulations unless evidence is available that the code regulations will be changed prior to that time to cause the signs to become conforming.

Moved by Smith Seconded by Patton

MOTION

That voting on the above matter be tabled for one week.

Moved by Davies Seconded by Mayor Johansen

The motion carried, Councilmen Hughes and Patton dissenting.

Upon questioning, Mr. Coon said that the sign people wished to change regulations pertaining to the permissible square footage for signs in R-3 zones, stating that a four(4) square foot sign was not adequate for a seven-acre development.

Mr. Coon was asked to submit proposed changes in the sign regulations to the Council or City Manager; that this would probably result in a committee being appointed to review the proposed changes.

The City Attorney stated that the particular sections which would have to be amended to allow the present signs to remain were in the zoning code; that before they could be amended, the matter would have to be referred to the Planning Commission for public hearing, and referred back to the Council for public hearing; that amendments to the sign ordinance itself could be approved by the Council without Planning Commission action.

COMMUNICATION FROM THE CITY OF MADERA AND RESOLUTION URGING SUPPORT OF FRANK BERGON AS DIRECTOR OF AGRICULTURE OF THE STATE OF CALIFORNIA

A letter from Mrs. Willa Sawyer, City Clerk, City of Madera, dated December 5, 1966 with certified copy of Resolution No. 2036 adopted by the Madera City Council urging support of the appointment of Frank Bergon, a resident of Madera County, as Director of Agriculture of the State of California, was entered into the record of the minutes. No action was taken by the Council. The correspondence was ordered filed.

COMMUNICATION FROM THE CITY OF MADERA AND RESOLUTION REQUESTING REPEAL OF "MATCHING FUNDS" SECTIONS, COLLIER-UNRUH LOCAL TRANSPORTATION DEVELOPMENT ACT

A letter from Mrs. Willa Sawyer, City Clerk, City of Madera, dated December 6, 1966 with copy of Resolution 2035 adopted by the Madera City Council requesting amendment or repeal of the "matching funds" sections of the Collier-Unruh Local Transportation Development Act, was entered into the record of the minutes. No action was taken by the Council. The correspondence was ordered filed.

REQUEST FOR CITY COUNCIL TO HEAR AN APPEAL FROM ORDER OF BOARD OF APPEALS - UNSAFE STRUCTURE CODE

A letter from Mr. Herman Goldwyn, 1060 S. Crenshaw Boulevard, Los Angeles, California dated December 14, 1966, subject, "Appeal from Order No. 66-10 of Board of Appeals, Unsafe Structure Code; Property: 921-23 Tenth Street, Owner: Herman Goldwyn," was entered into the record of the minutes. Request was made for an appeal and public hearing from Order 66-10 of the Board of Appeals, Unsafe Structure Code, City of Modesto.

The following documents were also entered into the record of the minutes: Memorandum from the City Attorney dated December 21, 1966 subject, "Request for the City Council to Hear an Appeal from Order of the Board of Appeals, Unsafe Structure Code;" Board of Appeals, Unsafe Structure Code Decision and Order No. 66-10, entitled "A Decision and Order Requiring the Repair of the Brick Masonry Structure located at 921-927 Tenth Street on Lot 10, Southerly 15' of Lot 9, Northerly 21' of Lot 11 and Southerly 4' of Easterly 70' of Lot 11, Block 56, in the City of Modesto."

The request was discussed by the Council.

MOTION

That the request of Herman Goldwyn for the City Council to hear an appeal from Order No. 66-10 of the Board of Appeals, Unsafe Structure Code, be denied on the basis that decisions and orders of the Board of Appeals issued after an appeal and hearing are final and no provision made in the Code for further right of appeal to the City Council; that the Mayor so indicate in a letter to Mr. Goldwyn.

Introduced by Smith Seconded by Patton
Ayes: Davies, Hughes, Patton, Smith, Mayor Johansen
Noes: None Absent: Mitchell, Shastid

ACCEPT AS COMPLETE BROUWER BROTHERS CONTRACT FOR THE CONSTRUCTION OF A PUMP HOUSE AT PUMP STATION NO. 33

RESOLUTION NO. 66-752

A RESOLUTION ACCEPTING THE CONSTRUCTION OF PUMP HOUSE AT PUMP STATION NO. 33
Introduced by Smith Seconded by Patton
Ayes: Davies, Hughes, Patton, Smith, Mayor Johansen
Noes: None Absent: Mitchell, Shastid

CONSIDER AMENDMENT TO AGREEMENT WITH COUNTY OF STANISLAUS FOR WIDENING OF COFFEE ROAD AT FLOYD AVENUE

RESOLUTION NO. 66-753

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND COUNTY OF STANISLAUS FOR WIDENING OF COFFEE ROAD AT FLOYD AVENUE

Introduced by Smith Seconded by Patton
Ayes: Davies, Hughes, Patton, Smith, Mayor Johansen
Noes: None Absent: Mitchell, Shastid

ADOPTION OF RESOLUTION APPOINTING PAULINE P. STANLEY AS ACTING CITY CLERK AND AUDITOR FOR THE CITY OF MODESTO

RESOLUTION NO. 66-754

A RESOLUTION APPOINTING PAULINE P. STANLEY AS ACTING CITY CLERK AND AUDITOR OF THE CITY OF MODESTO (From 1/1/67 until such time as new City Clerk is appointed)

Introduced by Smith Seconded by Patton
Ayes: Davies, Hughes, Patton, Smith, Mayor Johansen
Noes: None Absent: Mitchell, Shastid

FURTHER CONSIDERATION OF AMENDMENT OF SECTION 17-3-9 OF THE ZONING MAP (TISMENAKIS PROPERTY ON M.I.D. LATERAL NO. 3 BETWEEN SHERWOOD AVENUE AND TIDEWATER SOUTHERN TRACKS

A public hearing was held on this matter at the December 12th council meeting, with a motion adopted directing the City Clerk to place this item on the agenda of the December 27th meeting, and the staff directed to check with our state and federal government representatives and the City of Stockton for information pertaining to tax exemption for this type of facility.

The hearing was reopened by Mayor Johansen.

A memorandum from the City Attorney dated December 22, 1966 subject, "Tax Exemption for Elderly Housing Development," was entered into the record of the minutes.

The City Attorney stated that he had also received a copy of an agreement between the City of Palo Alto and the developer of a similar project in which the developer agreed to pay in lieu taxes in an amount equivalent to the city taxes the development would normally pay the City based on its assessment.

Mr. John Markey, representing the applicant for rezoning, questioned the City Attorney on the terms of the Palo Alto agreement. Mr. Johnson stated that in the City of Oakland the in lieu payments were arrived at by the charge of $1.00 per rental unit per month, with no reference to annual assessments or tax rate, and effective two years after the start of the project.

Mr. Markey stated that he believed that agreement could be reached with the City, provided that the terms would be acceptable to the Housing and Urban Development people.

Paul Birmingham, Civil Engineer, representing the applicant, pointed out that two similar planned development projects within the City were completely tax exempt.

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

Mayor Johansen stated that the increasing number of tax exempt facilities was becoming a matter of concern to many communities and was being solved by in lieu payments to cover police, fire, sewage, street, garden refuse service, etc.

Terms of a proposed agreement with the applicant providing annual in lieu payment to the City were discussed.

The City Attorney stated that the agreement should have a termination date; also a clause that within the specified time limit, should the state constitution or law be changed to no longer entitle the corporation to be exempt from normal property taxes, the agreement at that time would automatically end and normal taxes would be paid.

MOTION

That the staff be directed to meet with the applicant and come back to the council with an agreement containing a requirement for annual in lieu payments.

Moved by Hughes Seconded by Smith Unanimously carried

No definite decision was made in regard to the above motion as to whether the in lieu payments should be per unit or by assessment basis.

MATTERS FOR THE GOOD OF THE COMMUNITY

Introduction of Farm-City Committee Representative

Mayor Johansen introduced Everett Jolliff, member of the Farm-City Committee.

Proposed A & L Enterprises Development, Old Oakdale Road

Mayor Johansen announced that word had been received that the proposed A & L Enterprises development on the corner of Old Oakdale and Sylvan Roads had been officially dropped by the Board of Supervisors; that pending council action on the matter was also officially dropped.

Extension of bid opening time - furnishing lighting fixtures and appurtenances for conversion of bare bulb street lighting system to mercury vapor lighting

RESOLUTION NO. 66-755

A RESOLUTION EXTENDING BID OPENING DATE FOR FURNISHING LIGHTING FIXTURES AND APPURTENANCES FOR CONVERSION OF BARE BULB STREET LIGHTING SYSTEM TO MERCURY VAPOR LIGHTING, AMENDING RESOLUTION NO. 66-738

Introduced by Hughes Seconded by Smith
Ayes: Davies, Hughes, Patton, Smith, Mayor Johansen
Noes: None Absent: Mitchell, Shastid

New bid opening date was set at 10:00 A.M., January 10, 1967 in the City Clerk's office.

Extension of bid opening date, installation of fence at Del Webb Field

RESOLUTION NO. 66-756

A RESOLUTION EXTENDING BID OPENING DATE FOR INSTALLATION OF CHAIN LINK FENCE AT DEL WEBB FIELD, AMENDING RESOLUTION NO. 66-747

Introduced by Hughes Seconded by Smith
Ayes: Davies, Hughes, Patton, Smith, Mayor Johansen
Noes: None Absent: Mitchell, Shastid

New bid opening date: January 10, 1967 at 10:00 A.M.

Extension of bid opening date, automotive equipment

RESOLUTION NO. 66-757

A RESOLUTION EXTENDING BID OPENING DATE FOR AUTOMOTIVE EQUIPMENT (POLICE CARS, SEDANS, STATION WAGON, PICKUPS AND TRUCKS), AMENDING RESOLUTION NO. 66-746

Introduced by Hughes Seconded by Smith
Ayes: Davies, Hughes, Patton, Smith, Mayor Johansen
Noes: None Absent: Mitchell, Shastid

New bid opening date was set at 2:00 P.M. January 11, 1967 in the City Clerk's office.

Amendment to Grant Agreement - Modesto Sewerage Project - approved by EDA

Acting Manager Ray stated that word had been received from the Economic Development Administration that an amendment to the grant agreement had been approved, permitting the City to acquire properties and easements for units of the project as it progresses.

CONSIDER APPROVAL OF WORK BY CARTWRIGHT AERIAL SURVEYS, INC., TO PROVIDE AERIAL PHOTOGRAPHS AND PHOTOGRAPHIC MAPPING OF THE OUTFALL LINE AND REMOTE PONDING SITE

A memorandum from the Director of Public Works dated December 22, 1966, subject, "Sewerage Works Improvements - Survey Information for Project Units No. 2 and 3," was entered into the record of the minutes.

MOTION

That the proposal submitted by Cartwright Aerial Surveys for necessary aerial photography and mapping for the outfall line and ponding projects for the Sewerage Works Improvements be approved

Moved by Hughes Seconded by Smith Unanimously carried

CONSIDER LIGHTING OF PROPOSED CROSSING OF LEVELAND LANE ACROSS T.W.S.R.R. IN NORTH MODESTO

A memorandum from Director of Public Works Campbell dated December 21, 1966, subject, "Leveland Crossing of the Tidewater Southern Railroad Tracks," was entered into the record of the minutes. Request was made that the Council authorize the staff to include as a part of the improvement of Leveland Lane across the Tidewater Southern railroad tracks the installation of two 21,000 lumen mercury vapor luminaires at an estimated cost of $1,000.

RESOLUTION NO. 66-758

A RESOLUTION AUTHORIZING THE INCLUSION OF INSTALLATION OF MERCURY VAPOR LIGHT IN THE CONSTRUCTION OF LEVELAND LANE CROSSING

Introduced by Smith Seconded by Hughes
Ayes: Davies, Hughes, Patton, Smith, Mayor Johansen
Noes: None Absent: Mitchell, Shastid

APPROPRIATION TRANSFERS - None

REPORT ON WESTSIDE NEIGHBORHOOD CENTER

A memorandum from the Director of Parks and Recreation dated December 22, 1966, subject, "Report - Westside Neighborhood Center," containing information regarding the operation of a program in temporary facilities by the Westside Neighborhood Center, Inc., was entered into the record of the minutes.

Miss Grogan indicated in her memorandum that she believed the Center could continue to operate with $400 per month and continue to offer existing programs.

The Council discussed the following: Method of accounting for expenditure of the funds requested; the City's obligation in connection with the operation of the Center in the event federal operational funds are not available; seeming duplication of services of other governmental agencies by the Center.

A motion introduced by Councilman Hughes, seconded by Councilman Patton, that the matter be tabled for one week, failed to carry.

MOTION

That $400 per month for a period of 90 days be appropriated towards operation of the Westside Neighborhood Center; that the funds be accounted for in accordance with directions set up by the city staff.

Moved by Smith Seconded by Davies

The motion carried, Councilman Hughes dissenting.

LAST MEETING FOR RETIRING CITY CLERK REX E. GAILFUS

Mayor Johansen announced that the Council would host a luncheon for City Clerk Gailfus, who has submitted his resignation effective December 31, 1966.

EXECUTIVE SESSION TO CONSIDER APPOINTMENTS TO BOARDS AND COMMISSIONS

MOTION

That the Council meet in executive session to discuss appointments to Boards and Commissions

Moved by Smith Seconded by Patton Unanimously carried

Council went into executive session at 9:45 P.M., reconvening at 10:02 P.M.

APPOINTMENTS TO BOARDS AND COMMISSIONS

RESOLUTION NO. 66-759

A RESOLUTION REAPPOINTING MEMBER OF THE PERSONNEL COMMISSION OF THE CITY OF MODESTO (John Tatoyan) (For a term ending January 1, 1971)

Introduced by Hughes Seconded by Patton
Ayes: Davies, Hughes, Patton, Smith, Mayor Johansen
Noes: None Absent: Mitchell, Shastid

RESOLUTION NO. 66-760

A RESOLUTION APPOINTING MEMBER OF THE PERSONNEL COMMISSION OF THE CITY OF MODESTO (Joe Welch) (For a term ending January 1, 1971)

Introduced by Patton Seconded by Smith
Ayes: Davies, Hughes, Patton, Smith, Mayor Johansen
Noes: None Absent: Mitchell, Shastid

RESOLUTION NO. 66-761

A RESOLUTION REAPPOINTING MEMBER OF THE LIBRARY AND CULTURE COMMISSION OF THE CITY OF MODESTO (Anne R. Woolley) (For a term ending January 1, 1971)

Introduced by Smith Seconded by Patton
Ayes: Davies, Hughes, Patton, Smith, Mayor Johansen
Noes: None Absent: Mitchell, Shastid

RESOLUTION NO. 66-762

A RESOLUTION APPOINTING MEMBER OF THE LIBRARY AND CULTURE COMMISSION OF THE CITY OF MODESTO (Dedrick G. Denison) (For a term ending January 1, 1971

Introduced by Hughes Seconded by Patton
Ayes: Davies, Hughes, Patton, Smith, Mayor Johansen
Noes: None Absent: Mitchell, Shastid

RESOLUTION NO. 66-763

A RESOLUTION REAPPOINTING MEMBER OF THE BOARD OF ELECTRICAL EXAMINERS OF THE CITY OF MODESTO (Ronald B. Camp) (For a term ending January 1, 1971)

Introduced by Patton Seconded by Smith
Ayes: Davies, Hughes, Patton, Smith, Mayor Johansen
Noes: None Absent: Mitchell, Shastid

RESOLUTION NO. 66-764

A RESOLUTION APPOINTING MEMBER OF THE BOARD OF ELECTRICAL EXAMINER OF THE CITY OF MODESTO (J. Leroy Gill) (For a term ending January 1, 1968)

Introduced by Smith Seconded by Patton
Ayes: Davies, Hughes, Patton, Smith, Mayor Johansen
Noes: None Absent: Mitchell, Shastid

RESOLUTION NO. 66-765

A RESOLUTION REAPPOINTING MEMBER OF THE BOARD OF HEATING AND COOLING EXAMINERS OF THE CITY OF MODESTO (John Hochstatter) (For a term ending January 1, 1971)

Introduced by Patton Seconded by Hughes
Ayes: Davies, Hughes, Patton, Smith, Mayor Johansen
Noes: None Absent: Mitchell, Shastid

RESOLUTION NO. 66-766

A RESOLUTION CONFIRMING APPOINTMENT OF FRANK M. BELTRAN TO THE CRIME STUDY COMMITTEE OF THE CITY OF MODESTO

Introduced by Smith Seconded by Patton
Ayes: Davies, Hughes, Patton, Smith, Mayor Johansen
Noes: None Absent: Mitchell, Shastid

ADJOURNMENT

MOTION

That the meeting now in session be adjourned
Moved by Hughes Seconded by Patton Unanimously carried

The meeting adjourned at 10:07 P.M.

For: REX E. GAILFUS
City Clerk

ATTEST: Pauline P. Stanley
Pauline P. Stanley
Acting City Clerk